



# Livingston City Commission Agenda

February 20, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83773208485?pwd=Y2pjQmZ2Qlg2YzlfclJlTQXY1SlZkdz09>

Meeting ID: 837 7320 8485

Passcode: 289569

## 1. Call to Order

Chair Kahle called the meeting to order at 5:31p

## 2. Roll Call

City Commission in attendance at start of meeting: Chair Kahle, Vice-Chair Nootz, Commissioner Schwarz, Commissioner Lyons, and Commissioner Willich

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Chief of Police Wayne Hard, Public Works Street Dept. Nate McClure, Public Works Director Shannon Holmes, Public Works Administration Assistant Faith Kinnick, Planning Director Jennifer Severson

## 3. Public Comment

*Individuals are reminded that public comments should be limited to item over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)*

- Lindie Gibson would like current pool to be dug up and replaced with a new one for the community.
- Brain Monahagn thanked the Crisis Response Teams and likes the idea of this program and will be at the next meeting.
- Patricia Grabow thanked the City Manager for coming to the Downtown Building Owner Assoc. meeting. Would like to see historic preservation in the Downtown Master Plan.

## 4. Consent Items

- |  |              |
|--|--------------|
| <b>A. APPROVAL OF MINUTES FROM JANUARY 30, 2024, JOINT CITY-COUNTY COMMISSION MEETING.</b> | <b>PG.4</b>  |
| <b>B. APPROVAL OF MINUTES FROM FEBRUARY 06, 2024, REGULAR MEETING.</b>                     | <b>PG.37</b> |
| <b>C. APPROVAL OF CLAIMS PAID 2/1/24 - 2/14/24</b>   | <b>PG.49</b> |
| <b>D. APPOINTMENT OF ANGELICA AMANT TO THE TBID BOARD</b>                                  | <b>PG.63</b> |
| <b>E. TRANSMITTAL OF CITY ATTORNEY OPINION ON OPEN MEETINGS LAWS</b>                       | <b>PG.66</b> |

Motion to approve all consent agenda items was made by Commissioner Lyons and seconded by Vice-Chair Nootz. The motion passed unanimously by the five members present.

5. Proclamations

6. Scheduled Public Comment

7. Action Items

**A. RESOLUTION 5126: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO. PG.72**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item is to call an election at the June primary on whether or not to conduct a local government review. If approved voters would be asked at the November election to members of the study commission. It is statutorily and constitutionally required in the State of Montana.

Commissioner Schwarz moved to approve the resolution and Commissioner Lyons seconded the motion.

Public Comment was offered by:

- Patricia Grabow expressed that she is in favor of this study.

Commissioner Schwarz stated he hopes people take time to read this before going to vote to understand the form of government the City of Livingston does have vs. what is available.

Chair Kahle stated when something goes to ballot they cannot take a position on it, but can educate on what it is about.

The item was approved unanimously by the five Commissioners present.

**B. ORDINANCE 3051: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6. PG.99**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this is the 2<sup>nd</sup> reading of this ordinance. He reminded that the Commission requested that staff work on the Noise Ordinance this past summer after receiving several Special Exception Requests for uses that were not allowed by the underlying zoning. Working through the approval process the Commission thought the Noise Ordinance could use some updating. It lacked enforceable provisions, and there were no established decibel levels for allowable noise. He presented slides that were shown last meeting again. It showed community comparisons to Billings, Bozeman and Missoula.

Commissioner Lyons asked what the current process is if a citizen has a complaint about a noise violation.

The City Manager stated they would relay the concern to him or a member of City staff and code enforcement would go check on the complaint. He reiterated that with no established decibels levels it really depends on whether one feels that their state of rest and repose has been disrupted. This makes it difficult to enforce.

Vice-Chair Nootz asked about this noise ordinance in relationship to the railroad, rodeo, jail time, police capacity, and different events.

The City Manager stated that railroads are categorically exempt from almost every State, Federal, and Local law that exists. The rodeo is held at the Park County Fairgrounds which is outside City limits, this ordinance will have no impact on the noise generated by the rodeo. Penalty provisions were pointed to our pre-existing standard penalty provisions that already exist in LMC for certain violations. Enforcement will usually start with a conversation, then a warning if it continues, then citation if the issue further continues. Any citation written are adjudicated in the municipal court, not simply handed out by staff. There were conversations around events and they did influence some of the change proposed in this ordinance.

Chair Kahle asked about lawn mowers, leaf blowers, and snow blowers.

The City Manager stated yes, those are exempt from the ordinance in section C4.

Chair Kahle asked about summer events.

The City Manager stated yes, those will still be able to happen. He referenced section C exceptions 6, 7, 8 and 9.

Chair Kahle asked if City staff will be walking around town looking for noise violations.

The City Manager state no, code enforcement is complaint driven.

Commissioner Lyons asked about how specific zones are designated.

The City Manager stated the zones are designated by the use table.

Vice-Chair Nootz reminded they have heard a complaint about dogs barking and asked if this ordinance will address that.

The City Manager referred to section A4.

Vice-Chair Nootz moved to approve the ordinance and Commissioner Schwarz seconded the motion

Public Comment was offered by:

- Leslie Fiegel stated she missed when this was discussed last year. She expressed concerns about events that they may put on that would over the decibel levels. She expressed additional concerns about the Special Event Application fees.
- Glen Farrel is a retired Livingston Police Officer and understands the lack of enforceability in the current noise ordinance, but feels this new one has gone too far, and would like to see the hours adjusted.
- Hannah Petry understands a noise ordinance is important, but would like to see clear guidelines and clarity around this ordinance for the public. She would like to see definitions provided.

- Joshua Congelton doesn't feel that you can compare this to other cities because we are not other cities. He wondered what happens after hours when code enforcement goes home. He feels 8pm is too early.
- Jesse Kula stated we are not other areas that this ordinance has been compared to. He operates his business from 10p to 10am and feels he won't be able to operate under this ordinance.
- Caitlin Marquez feels 8pm is too early and feels that kids go out and play later and they shouldn't be asked be quiet that early. She expressed disagreement with jail time.
- Randy Gates stated that clarity and communication are important, he does not understand this ordinance. He expressed concerns about this ordinance affecting his ability to go out in the street and shoot off fireworks on the 4<sup>th</sup> of July and messing with his right to celebrate.
- Steve Boise expressed that 8pm is too early and jail time has to go.
- Steve Schmitt expressed he sees the exemptions for public parks, but wonders about family homes where kids can play safely and asked the Commission to think about if this is reasonable.
- Jenna Davison would like to see the times changed and removal of jail time.
- Mary Crable disagrees with the draft of this ordinance and is unreasonable.
- Ian Thomas feels the jail time is worrisome and the time frame doesn't work for the community. He advocated for night people that work nights and can't do normal chores outside during the day.
- Barb Agle expressed concerns if this passes for the non-law enforcement folks who would be responding to neighborhood disturbances. She feels 8pm is too early.
- Jolynn Gertie would like to see jail time taken out and would like better clarification and take time to edit.
- Shawna Gonzalez expressed concerns about her husband who talks loudly and wondered if he would be in violation of this ordinance.
- Christina Nelson has multiple rentals and a company where they do service calls after hours and wants Commission to take into account that they wouldn't be able to do that work anymore.
- Cory Davis expressed concerns about working on his car later into the evening, and also talked about folks that work different hours that regular business hours.
- Tattiana Kendra stated she works different shifts than other people so she would need to mow her lawn later in the evening and feels the hours don't work.
- Julie Eaton feels the time she be moved to 10pm and remove the jail time. She feels being able to recreate outside is important for people's mental health.
- Amanda Davis wondered about vehicles starting early in the morning and wondered if they receive a ticket.
- Jessie King is a resident and business owner and feels there is no business that wouldn't violate this ordinance
- Goff Harvey is a downtown business owner and he stated most of his business doesn't even start until 10pm and is worried how this ordinance will impact his business.

7:00pm Commissioner Schwarz motioned for a 10 minute break and seconded by Vice-Chair Nootz. Unanimously approved.

**(Starts at Video Mark 1:29:05)**

- Kris King wondered how this ordinance came up and why it changed from 10p to 8p.
- Leah Egbers feels 8p is too early and feels that limiting kids being outside is not good for them and would like Commission to talk to the schools about long term effects of keeping kids indoors for extended periods of time.
- Nancy Adkins wishes we heard more children talking and feels it's too quiet around here. She stated people who have different work hours create noise when they come home outside the time frame in this ordinance.
- Angela Devani recalled when the Shane Center was approved to open their music venue and there was lots of conversations around noise when this was done. She wondered is the Shane Center is exempt.

Chair Kahle asked about downtown and bars that have bands and people outside.

The City Manager stated there is language in the ordinance in A9 that levels will be measured at the property line. He has walked downtown and measured levels and none of his observed levels have exceeded the levels in the proposed ordinance.

Chair Kahle about ambient noise vs. problem noise.

The City Manager noise reading devices to pick up on background noise, but noises made by nature are exempt from this ordinance.

Chair Kahle asked about vehicles starting early or late.

The City Manager referred to Section A5 in the ordinance where it states any vehicle with a muffler is exempt.

Chair Kahle asked how food trucks would be handled downtown.

The City Manager stated they would be subject to the limits in the commercial district. 80 decibels during the day and 60 decibels at night.

Chair Kahle asked about fireworks in town.

The City Manager reminded fireworks are not allowed in City limits.

Chair Kahle asked about the 8pm curfew and how enforces after that time.

The City Manager stated the code enforcement division would enforce this and are first level of response. They do have enforcement in the evening and the weekend.

Chair Kahle asked about the Shane Center and if they are exempt.

The City Manager reminded the Commission approved two special exception permits this summer and both were music venues, and the Commission both venues were conditions and required to abide by the noise ordinance.

Vice-Chair Nootz asked about competing calls for police.

The City Manager stated there is natural order of things when it comes to public safety and they will prioritize those calls.

Vice-Chair Nootz asked about family members who are louder than others.

The City Manager stated noise that occurs in the house is buffered by the roof and walls of the house. And distance helps dissipate sounds.

Vice-Chair Nootz asked how we define words in code.

The City Manager stated they do use plain language definition.

Vice-Chair Nootz asked about a City code re-write.

The City Manager stated yes, it needs a re-write and it an ongoing process. He advised agendas and packets are posted the Thursday prior to a meeting.

Commissioner Schwarz asked if packets were still provided to the Library.

The City Manager stated yes.

The City Manager touched on the noise ordinance and operating hours of parks. And stated it is not the intention of the City to alter the hours of the parks and reminded earlier in the meeting he pointed to the park exception.

Commissioner Lyons wondered if hours of construction could be regulated within the City that wouldn't be related to the noise ordinance.

The City Manager stated yes, there are aspects of parking that could be used, and during the issuance of a building permit.

Vice-Chair Nootz stated she heard a lot about the times not working for people and wondered about editing the 8pm hour. She has heard valid concerns from the community about jail time and would like to discuss those two topics.

Commissioner Schwarz stated he heard the concerns about 8pm and wanting to change it to 10pm. He reminded they are not actively out looking for violations, but they need something to work with. He would be in favor of moving it to 10 pm. As far as fees and jail time he is fine to leave those in place.

Commissioner Lyons also heard that time is an issue. He feels the night life downtown is part of the identity of Livingston and he doesn't feel they've had enough clarification on the downtown area and noise. He heard a big objection to the jail time and would like to find another solution.

Commissioner Willich feels it is clear from the public that changing this to 10pm and hears where they are coming from on the jail time and having it removed.

Chair Kahle agrees with adjusting the time and knows the old ordinance was not enforceable. She reminded that downtown is not made up of just businesses and would like to see a balance for business and residential. She expressed concerns with penalty only being \$300.00 and thought it was too low in some cases. Jail time can go, but addressing the fees should be done.

Vice-Chair Nootz stated DEQ estimated industrial noise for a power plant is 65 decibels from 600 ft. away. She also stated she understands the comments made by people about their rights to barbeque on their property into the evening, but also knows people have the right to not be disturbed in their homes at night. She reminded that this all started because there are residential neighborhoods that existed before the central business district expanded, so those people who are adjacent to the special exceptions have private property rights. She stated this started with Shane

Center when they were talking about 999 people being at events. She understands both sides for the jail time and hears the public's concerns, but also hears the City Manager's reasons for having it. She does support shifting the times.

Commissioner Schwarz stated the old ordinance was very vague and unenforceable. He feels this is a good start, and feels they can always amend this down the road. He is comfortable changing the time to 10pm.

Commissioner Lyons expressed being uncomfortable with jail time in this ordinance.

Vice-Chair Nootz asked about something Commissioner Willich brought up about permits and working enforcement into the permit for construction companies. As an administrative process she wondered if this was possible.

Interim City Attorney Hesse stated the statutes these statutes govern the violation municipal codes the maximum penalty is \$500 or 6 months in jail or both. They are all misdemeanors so you could not create some type of penalty provision that would exceed that.

Commissioner Lyons reviewed his previous comments. He ultimately would like to remove the jail time from the ordinance.

Chair Kahle asked if they could increase the fine to \$500.

The City Manager stated yes, they could.

Chair Kahle suggested changing the hours to 10pm, remove jail, and increase fine to \$500.

Vice-Chair Nootz asked the City Manager for the amendments.

The City Manager stated within in A9 and Section C exceptions change the references from 8pm to 10 pm, then within Section D stipulating the maximum fee should increase to \$500 and not include imprisonment.

Vice-Chair Nootz moved to amend Section A9 to change the time from 8pm to 10pm and also Section C changing the 8pm time to 10pm, and changing Section D penalties shall not exceed \$300 and change to \$500 and omitting the clause by imprisonment for not more than 6 months and omitting the subsequent part about imprisonment of the ordinance and Commissioner Lyons seconded the motion.

The amendment was approved unanimously by the five commissioners present.

The ordinance was approved unanimously by the five commissioners present.

8:45pm Commissioner Willich motioned for a 10 minute break seconded by Commissioner Schwarz. Unanimously approved.

**(Starts at Video Mark 3:02:53)**

**C. AGREEMENT 20067 WITH 4 RANGES COMMUNITY RECREATION FOUNDATION INC. FOR LEASE OF KATIE BONNELL PARK** **PG.125**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item is a proposed lease with 4 Ranges Community Recreation Foundation for the property known as Katie Bonnell Park. 4 Ranges is fund raising for a Wellness Center and on 3/19/24 the community will have an opportunity to vote on the creation of a recreation district that would fund the operations of the Wellness Center. He reminded the creation of the district is a condition of at least one of the gifts to fund the project. The agreement is contingent upon successful passage of the referendum question. If it is successful there will be several mechanisms in place so the project can proceed. The first piece is the lease agreement with 4 Ranges for the property. This would provide the Foundation with control of the park through the design and construction of the project and additionally if new market tax credits are utilized to fund the project the contract would give the Foundation control of the park for a period of 7 years, and that is a requirement of the new market tax credit program. The reason is because we as a government entity we are not able to receive tax credits or benefit from those.

Vice-Chair Nootz asked if this is contract to give control to 4 Ranges.

The City Manager stated yes,

Vice-Chair Nootz then asked to clarify that they will lease it back to us.

The City Manager stated if they use new market tax credits they need that 7 year holding period we would enter into a lease that would cover that 7 year period.

Vice-Chair Nootz asked what that lease would cost per year.

The City Manager stated \$1 per year.

Chair Kahle ask what if the new market tax credits are not used would the property be given back to us at the end of construction.

The City Manager stated that is correct.

Commissioner Schwarz moved to approve the item and Commissioner Willich seconded the motion

Public Comments were offered by:

- Jessie King asked what kind of financial repercussions is the community in for.
- Brian Monahagn wondered who is going to be taking up that space.
- Patricia Grabow expressed support for this lease and use of Katie Bonnell Park. She asked when it's built she wondered if the pool is big enough for tournaments.
- Angela Devani wondered about the original agreement for this lead the stipulations for that land. She wondered if the playground is going to be torn down.
- Stacy Jovick supports this agreement and hopes things can move forward.

Chair Kahle asked about financial repercussions within the City.

The City Manager stated that 4 Ranges has total financial responsibility for design and construction. If the voters approve the district the City will begin to levy assessment on property not to exceed 30 mills with the intent of raising \$1.1 Million to help fund operations.



Chair Kahle asked who will be managing the space.

The City Manager stated the Recreation Dept. will be the manager of the property.

Commissioner Willich expressed to the Finance Director should be involved in this item.

Commissioner Lyons stated the building is being paid for entirely by 4 Ranges with donated money, so there is no City money going into construction.

Vice-Chair Nootz asked the City Manager to review his role within the City and reminded Commission cannot direct staff.

Commissioner Schwarz and Chair Kahle agreed that the City Manager is the one to direct staff if the Finance Director is needed.

The item was approved unanimously by the five Commissioners present.

Commissioner Schwarz moved to extend the meeting and Vice-Chair Nootz seconded the motion.

Chair Kahle motioned to enter closed session and Vice-Chair Nootz seconded the motion.

The item was approved unanimously by the five Commissioners present.

**D. CLOSED SESSION PURSUANT TO 2-3-203(4)(B) TO DISCUSS LITIGATION STRATEGY  
(Starts at Video Mark 3:35:49)**

8. City Manager Comment

The City Manager thanked the Commission and Community for coming out tonight.

9. City Commission Comments

Commissioner Willich thanked the community for coming out.

Commissioner Lyons thanked Commission for trying to balance policy decisions.

Commissioner Schwarz thought tonight was good conversation. Would like to encourage the use of sand vs. salt for the ice.

Vice-Chair Nootz thanked the Commission and thanked the City Manager and thanked the public for showing up.

Chair Kahle thanked the City Manager and fellow Commissioners. She thanked the public for their comments tonight.

## 10. Adjournment

10:06pm Commissioner Lyons motioned to adjourn the meeting seconded by Commissioners Schwarz. Unanimously approved.

## Calendar of Events

## Supplemental Material

### Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

Submitted on Monday, February 19, 2024 - 6:53pm

First Name Julia

Last Name Eaton

Question/Comment

I am commenting to OBJECT strongly with the proposal 3015- this is unnecessary, unfriendly and will encourage poor neighbor relationships. We have been a fine town with normal 10 pm noise rules- no need to become a police state

Submitted on Tuesday, February 20, 2024 - 12:19am

First Name Peter

Last Name Soper

Question/Comment

Concerns regarding proposed noise ordinance-

While I can appreciate the need for some objective bounds on the creation of noise within city limits, the ordinance as currently proposed has several significant flaws which make it unsuitable, unenforceable, and possibly un-constitutional.

Flaws in this ordinance include- but are not limited to- at least the following topics;

The proposed limits are simply too low, the ambient sound pressure resulting from wind alone will make it impossible to objectively measure sound levels below the proposed nighttime limits in all zones and the residential and commercial daytime limits.

The method of measurement needs to be defined in accordance with accepted standards with regard not only to frequency weighting (“A-weighting” being the sole qualifying parameter currently proposed) but must also have time duration and other frequency weighting figures considered and specified, including the standard of calibration for the sound measuring device(s).

The “noise comparison chart” is woefully arbitrary and essentially meaningless and should not be codified into this or any such ordinance.

And the proposed penalties of six months imprisonment is far beyond cruel and unusual for simple violation of a municipal noise control regulation.

I have over 35 years experience working in the field of Audio with specific experience in sound measurement and related standards and would be open to consulting on this matter, but I implore you NOT to pass this ordinance as it is currently written

Good morning to the Livingston committee. I truly can't believe we are having to reject this and this is getting approved. First of all why did this come on the agenda? The committee isn't looking at the bigger picture for the public and community. This is not acceptable having a time at 8pm including at summertime. 10 to 11pm is the correct time to have noise ordinance. During the hot months and when people work long hours, people wait till after 8 to mow their lawns when it is cooler. When kids are out school enjoying their summer break, they have to go inside and be quiet when it's hot when they are trying to stay cool outside especially if their house doesn't have an air conditioner and their house is hot? What about the rodeo time when it starts at 8pm? They can't be loud and have a good time? The same goes for music events. How about late games at sporting events with band members? How about the train that comes through town? They can't do their job earlier so they can go home to their families? We have adapted to the sound and slept through it. When the train derailed and the train wasn't coming through town was a concern knowingly there is no revenue for the business but also this is a part of this town for 100+ years! Even in the winter months when it's snowing alot and you're trying to keep up with the demand especially if you are having to go to work early and or when postal carriers need to deliver the mail and the newspaper or having older people that needs to use snow throwers instead of shovels and there are alot of areas that the city doesn't plow on the side streets. What about emergency vehicles that need to go through town and they need to alert all the vehicles in front of them and especially they are being inconsiderate to them by not moving over? These rules should not be enforced when it's unfair or wrongdoing to the larger community enjoys their summertime events, vacation times and throughout the whole year. The committee needs to look at the bigger picture and think of the community as a whole. This needs to be Re-evaluated or dropped since there wasn't a vote from the community to share their thoughts as well. If this changes then you are having the community interests. Thank you. Wayne Triplett

[Sent from Yahoo Mail on Android](#)

Submitted on Tuesday, February 20, 2024 - 6:44am

First Name Kelli

Last Name Jones

Question/Comment

I am shocked and outraged at the new noise ordinance you are trying to pass. This does not even make sense. Kids can't be outside after 8 PM in the summer? With all the electronics they have at their fingertips it would be amazing to see all the children out at 9 or 10 in the summer playing!! Why are you hindering people and their right to be outside? What do we sit out and whisper because we are afraid to talk and get fined?

This is America not some third world country ruled by dictatorship.

I try to not get involved in stuff like this, however I was so appalled by this I had to say something.

I am out of state right now or I would be front and center voicing my opinion!!

If you really represent the people of this city you will not vote this through.

Submitted on Tuesday, February 20, 2024 - 10:11am

First Name Patti

Last Name Bobonich

Question/Comment

The noise ordinance should not be passed. In the heat of the summer it is sometimes necessary to cut a lawn later in the evening when it is cooler. Also in the winter snow shoveling has to be done my 9 am on the sidewalks, the people who use machines to do this sometimes start earlier to get this accomplished by. Our police force does not seem have the time to enforce what is already in place, and giving them 2 more hours to enforce a noise ordinance that is not enforced now is ridiculous.Please do not pass this ordinance, leave it as it is.

Submitted on Tuesday, February 20, 2024 - 10:24am

First Name Elizabeth

Last Name Carlin

Question/Comment

This is regarding the proposed noise ordinance that will be discussed at the February 20, 2024 meeting. Please vote no on this. Just a small example, we are required to remove snow from our sidewalks, and I try and do that in a timely manner. Unfortunately, I worked late this last week when we had the most accumulation of snow, and didn't get home until 8:30 pm. At that point, there was a lot of snow. More than what I could handle with my shovel. I used my snow blower to do my driveway, my elderly neighbor's driveway and sidewalk, my other neighbor's sidewalk, and my sidewalk. I was done by 9 pm. However, under this proposal, I would not have been able to do that, as I would be violating a noise ordinance with my snow blower. By the time 7:00 AM came around the next morning, none of us would have been able to easily get around on the walkways. It's very simple things like this that make this proposal absolutely unhelpful for normal activities. If neighbors are having a problem in their area with noise, that should be a situation where they call law enforcement for a specific set of circumstances. Please don't punish the entire city because a few people are engaging in improper behavior. Thank you.

Submitted on Tuesday, February 20, 2024 - 11:30am

First Name Mary

Last Name Edwards

Question/Comment

RE: ORDINANCE 3051: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTRUBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.

I would live at 324 N 2nd St., literally one block from the R/R tracks right across from the

Depot. I don't even HEAR the train at night. You get used to it. Look up how many deaths are caused at R/R crossings, and understand this is of utmost importance for the safety of ALL you live and visit our town.

Also, please realize we have a thriving small community that relies on Summer Events like the rodeo (with noise and fireworks), weddings and other events at the Depot, downtown music events. Putting time restraints on these events seems preposterous.

It is very hard for many to survive here. Some get up very early to commute for jobs, others work night shifts. They should be allowed to mow their lawns, etc. Within respect.

Summer is a very short few months that we all like to get outside and enjoy. Whether having a backyard BBQ with music and friends around a fire, mow their lawns... or any which way folks choose to spend their freetime as long as it is legal and respectful. I have not had any noise problems in my neighborhood that I couldn't solve with a simple conversation with my neighbors.

However, if it is deemed we need "quiet hours", then I should think Midnight to 5am would be sufficient. I am not sure what "decibel levels" are deemed appropriate, but make it so people can live a quality and fun life in Livingston, Montana. WE ARE THE ESSENCE OF THE OLD WEST. Let's keep it that way.

I feel our police force could focus on real crimes and keeping us safe. Drugs and crime should always be top priority. Let's not divert them from their real purpose in keeping our community safe.

Thank you for your consideration,  
Mary Edwards  
Homeowner and Resident since 2004  
5th Generation Montanan

Submitted on Tuesday, February 20, 2024 - 11:38am

First Name Cynthia  
Last Name Kohler  
Question/Comment

Ordinance 3051 - The proposed changes to the current noise/curfew ordinance is grossly overreaching. 8pm is ridiculously early for a curfew. I can go and stay at a rv park and the curfew is 10pm but I can't enjoy my home or outdoor space past 8pm! During the summer it is still light until 10 or 11pm. A great number of people enjoy the outdoors, float the river, or work later hours in the summer. For this reason many residents extend their enjoyment(gathering with friends & neighbors, bbq, etc) hours later in the summer. There are already noise ordinances in place that will handle excessive noise. The decimal readings of 55 decibels after 8pm will not allow for any sort of enjoyment with friends and family outdoors. Most children in the summer are not even in bed by 8pm. Are you going to fine and possibly jail them or their parents for

playing outdoors. Part of living here in Montana the last 20 years is enjoying the outdoors. I also feel the fine is excessive as well as jail time. I can't believe you can even consider jail time for a noise ordinance. Just leave the noise ordinance as it is and allow police officers to use common sense and the current parameters in dealing with complaints.

Submitted on Tuesday, February 20, 2024 - 11:52am

First Name James  
Last Name Kohler  
Question/Comment

Ordinance 3051: I am a resident that has lived on South 6th Street for 20 years. There is no reason to amend the current noise ordinance as we already have rules and regulations that address noise complaints. The proposed amendment is overreaching and unnecessary. Policing residents to this extent does not create peace & enjoyment for them. 8PM curfew does not allow my enjoyment of my property. This does not mean I'm going to throw a loud crazy party but would like to be able to gather with friends past 8PM. Who are the persons or commissioners that wrote and brought forward this amendment? Can you publically name them during the meeting? This will give voters a chance to make notes for the next election.

Submitted on Tuesday, February 20, 2024 - 11:55am

First Name Cynthia  
Last Name Kohler  
Question/Comment

Ordinance 3051 - My husband and I live at 112 S 6th Street. We had both previously sent emails regarding this ordinance but did not include our address. Here it is if you need it.

Please do not vote in favor of amending 3051. It will kill our community. People will just become petty. The time and decibel restrictions as well as the jail time are nonsensical. In the winter, people won't be able to clear snow off sidewalks in the morning before they go to work. In the summer people won't be able to do so many things . Most of all, you will rob kids of summertime fun playing in their yards with friends and family after 8 is what summertime is about. Soaking up all the sunshine and laughter you can. Thanks for your time Quinten Counts"

Hello city commissioners!

My name is Isabel and I am a Livingston resident.

A close community, caring people, and lovely local events are part of what makes this peaceful town so special to me and I'm sure to you all as well.

Enjoying these local events usually means some socializing beyond the sunlight hours. A backyard bbq, birthday party, enjoying the rodeo, and many other common events will have us out enjoying each others company past 8pm.

I believe it is important for us all to have the freedom to be together - without worrying about a new cerfew ending meaningful get-togethers.

I hope you will trust that the citizens of this town will be respectful and trustworthy enough to manage our own noise in a way that doesn't harm the community and our values as a whole.

Thank you for your time!  
Enjoy the rest of your day.

Isabel M

Isabel Moughamian

Fine Artist

<https://www.imoughamian.art/>

Hello,

I am writing to you today to strongly object to the proposed changes to the noise ordinance.

I will get right to the point with my concerns.

\*Penalties too strong... 6 months in jail for a noise violation???!

\*Too restrictive- based on the number of things/events that are already being looked at for exemption and the fact that waivers can and should be applied for.

\*Government overreach

\*Creating problems where there aren't any

\*If one neighbor gets annoyed we can be ticketed??? So one person having a bad day can potentially result in another person spending 6 months in jail or forking over \$300?

\*Summer is already too short, now you want to take away 2 hours from each day?

\*There are plenty of days in the summer when it doesn't cool off enough to mow until after 8p.



I hope you are seeing all the discussions online about this. I have seen many many comments and discussions. I have not seen a single argument that is even attempting to put a positive spin on this and certainly none that are in support of this in any way.

Do we not have better things to spend our time and money on? Is there an actual concern being addressed by moving the time to 8p? Is there a better way to address that concern without stealing 2 hours each day from every single person in this community and threatening them with 6 months of jail time while you're at it?

I have been turning this issue over in my brain for days now and I just cannot figure out how this makes sense or is good for anyone, except the crotchety neighbors looking to add more complaints to their least favorite people within their sight. Make it make sense! What part of this is supposed to make our community feel good/secure/looked after?

All I feel is sadness for the loss of our summer days, anger about government overreach and anxiety that I may have a crotchety neighbor waiting for the day my evening porch/wine/podcast is audible across the property line.

Sincerely,

*Melinda McKenzie*

Hello

I have many concerns about the new noise ordinance I have read. First I think the jail time is absolutely unnecessary. You are willing to send someone to jail for 6 months for mowing their lawn if it's still day light out after 8pm or if their mower is too loud. What your dog barks like dogs do is that too loud and is it one bark and ticket or barking for 15 min? Why are you raising the fines. Is it to make money if so I think you come up with some better ways. Second I think you have to have more than one neighbor complain as if it only takes one then if they don't like you or are having a bad day you get fined. Third why 8pm it doesn't get dark till 9 to 10 so why take away daylight for people to do things after they get off work. Fourth you guys must already know this is going to be a problem if you have already thought about permits for events to happen in town. Finally I hope you get a bunch of emails and calls about this matter. I also suggest you get on the Livingston Facebook pages and read what people are saying there is very little support for the changes. If you do pass this I want to thank you for ruining Livingston summer nights and giving me more reasons to want to move out of my beloved town.

Robert McKenzie

I understand you are voting on changing the ordinance on noise levels. The changes are ENTIRELY concerning.

First, the decibel level. Do you realize that your proposal to limit noise to 65 decibel is impossible? Do you like mowing your lawn with a gas mower? Blowing snow with a gas blower? Honking your horn to avoid an accident? Listening to music while you garden, walk, etc? (On your own property I might add!) Do you like leaf blowing (with an electric blower I may add, if that is your concern...), chopping wood.... I can go in and on. Are we going to ban train operations too, or just go full totalitarian and demand citizens stop living life? Oh, a d all of those examples given are for DAYTIME HOURS based on decibel ratings.....

Second, moving up the hours of quiet hours. As a former officer for the City, I dealt with noise complaints. They are not fun, and often cause bitter neighbors. Neighbors get petty and begin doing stupid things to annoy one another. 10pm is even pushing it on weekend hours... but to make the hours start at 8pm? That is absurd!

Third, how do you plan to enforce this? Will you be allocating more money for enforcement, or expecting our already overworked, underpaid, and over stressed officers to add yet another BS, petty thing to their plate? Are you going to allocate funding for decibel meters?

Lastly, adding potential jail time and a criminal offense? Seriously???

What insanity! I am sure there are residents who love this ordinance, but I'll be damned if I won't mow my lawn, or blow my snow, DURING DAYTIME HOURS. Sometimes, even during the hours of 8pm-10pm. Clutch the pearls, I know, absolute insanity, and I should be charged with a CRIME for doing so?

This sounds like a thorough waste of time to even discuss this at a commission meeting. I would like to know who's hair brained idea this was. I deserve to know. So I can know who to mention when it's time to vote on comissioners next time.

I would appreciate, and nearly expect, a reply from each of you, in response to my concerns. I sincerely hope that none of you are taking this seriously and plan on voting this in. Listen to your community- we are fuming about this proposal!

Thank you for your time.  
Joshua Congleton

I'm writing this to PLEASE urge city commissioners to vote against the proposed 8 pm noise ordinance. My mind is absolutely baffled about this. We live in a city where suicide and mental health issues are at extreme highs. Seasonal depression is a real thing! Our winters are long and summers are short. It wasn't long ago that we finally came out of the Covid quarantine. This ordinance doesn't sound too far away from another lockdown. Our nation is still healing from the division that happened. This ordinance has the making to pit people against each other and create more hate and violence. We need this time outside please!! This ordinance would force people to be inside. That is not what Livingston is about! Please don't turn this into a Man in the High Castle town. I read that a normal dinner conversation outside with 4 people could exceed the 55 decibel restriction. City employees running around with decibel meters?!? What a waste of time and resources. If this passes, I'm submitting it to the South Park writers because this is how absurd it is!

Please vote no!  
Beth Ridgeway

I would like to voice my opposition to the Noise Ordinance being talked about and the commission considering passing. I don't feel that the city has complied by the ordinance's already on the books, Exp. "several times I have called into dispatch and Animal officer about a neighbor leaving their animal outside in the -30 temps and consistent barking ,and frozen to the ground. Those same neighbors left their animal in the house for a week while they went on a camping trip, the dog barking non stop for the first 4 days ,where he then started losing his voice and then just whimpered the next three.

If our commission has no concern about the welfare of animals or controlling that noise ,why would you try to instill and ordinance against community members for Living, because that is what you're talking about doing. I wish the commission would show more concerns for citizens who have no housing, maybe work on the Dark Skies pollution, maybe actually make a day for the city to pick up all the junk around town so we can actually have a cleaner community, don't limit what can be picked up, so it all gets cleaned. I want more answers about the Wellness center,before the vote..those questions need to be answered first!

T R

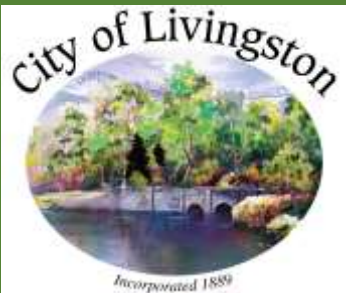
# City of Livingston

Ordinance 3051

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA,  
AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON  
MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.

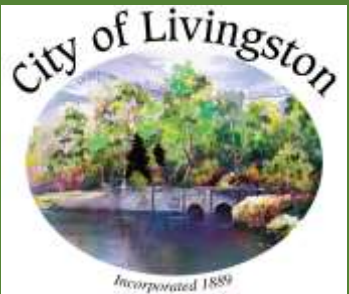
February 6, 2024

City Commission



# Reasons for Ordinance 3051

- Enhances Community Well-being: This ordinance will significantly enhance the quality of life for residents by reducing noise pollution, leading to a more peaceful and comfortable living environment.
- Provides Regulatory Clarity: Implementing this ordinance provides clear guidelines and standards for noise levels, ensuring consistency in enforcement. This clarity is beneficial for both residents and businesses, as it sets defined expectations and reduces conflicts related to noise disturbances.



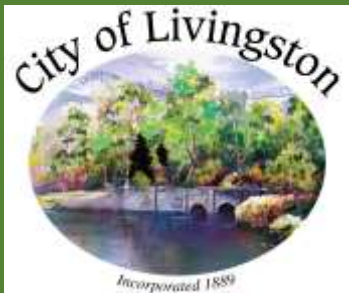
# Strategic Alignment

- The inclusion and enforcement of a noise ordinance aligns with the 2021 Growth Policy.
- The Growth Policy advocates for increased density within the city, necessitating a more robust noise regulation.
- As Livingston evolves with higher density living spaces, community events, and commercial activities, noise control becomes crucial.
- This ordinance ensures city development does not compromise residents' peace and tranquility.



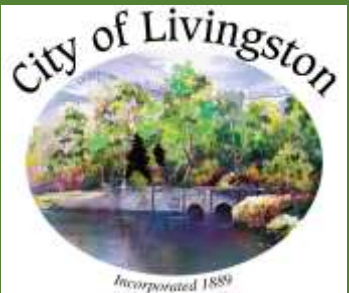
# Proposed Noise Levels

Zone	Daytime - 7:00 a.m. to 8:00 p.m.	Evening - 8:00 p.m. to 7:00 a.m.
Residential	65 dB	55 dB
Commercial	80 dB	60 dB
Industrial	90 dB	80 dB



# Exceptions

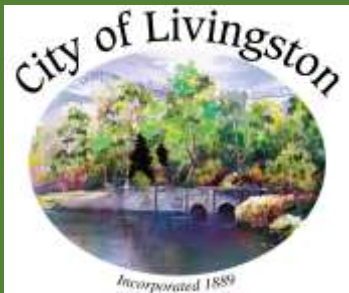
- Safety signals and warning device noise.
- Emergency vehicle noises during calls or emergencies.
- Emergency work noise.
- Motorized lawnmower noise (with mufflers) from 7 a.m. to 8 p.m.
- Home/building repair and maintenance noise from 7 a.m. to 8 p.m.
- School and public park activities noise.
- Authorized public park events noise.
- General noise in parks and schools from 7 a.m. to 8 p.m.
- Noise from city-approved special events.
- City-performed construction and maintenance noise.
- Public right-of-way construction/maintenance noise with waiver.
- Waiver-granted construction/maintenance noise.





# Community Comparisons

Zone	Billings, MT Day - Night	Bozeman, MT Day - Night	Missoula, MT Day - Night	Livingston, MT Day – Night (if adopted)
Residential	65 dB - 55 dB	60 dB - 60 dB	60 dB – 50 dB	65 dB - 55 dB
Commercial	80 dB - 60 dB	60 dB - 60 dB	65 dB – 55 dB	80 dB - 60 dB
Industrial	90 dB - 80 dB	60 dB - 60 dB	80 dB – 70 DB	90 dB - 80 dB



# Questions

