



Livingston City Commission minutes

November 4, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/85446895515?pwd=ZArzRBR47h2gpwyZ6KJoEfBX6wehNT.1>

Meeting ID: 854 4689 5515

Passcode: 097335

1. Call to Order

5:32 PM Chair Schwarz called the meeting to order

2. Roll Call

- Chair Schwarz
- Vice Chair Nootz
- Commissioner Kahle
- Commissioner Lyons
- Commissioner Willich

City Staff Present

- City Manager Grant Gager
- Chief of Police Wayne Hard
- 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)

Public comment was offered by:

- Jackie Feigel expressed concern about sidewalks on Yellowstone St. and around town. She also expressed concern about how some community members acted during the candidate forum.



- Jay Keifer asked about an item on the claims paid report. He also asked about street closure fees, frequency of City audits and fees associated, additional liability insurance, and forensic audits.
- Adlita Shan expressed appreciation to the City Commission and City Manager for their hard work.
- Becky Bird expressed agreement with Adlita's comments, and wanted to take a stand against violence in the community. She stated she would like the town to really understand that we have Kelly Miller working as the MCRT Program Manager as it's a benefit to the community and our first responders.

The City Manager addressed some comments and stated that sidewalks are the responsibility of the homeowner inside City limits.

Chair Schwarz stated if there is a really bad sidewalk you could make a formal complaint to the City and they would address that with the homeowner.

The City Manager stated in this year's budget there is a recommendation to provide some matching funds for homeowners, and this project would be launched in the spring. He stated the item on the claims report is not just for one planter but for multiple planters. Audit fees for the contractor are about \$34,000 per year, and the City is audited every fiscal year. Auditors were just here a few weeks ago, and the audit results will come before the Commission in December. He stated forensic audits are typically done in response to a wrongdoing or investigation that comes from financial statements.

Vice Chair Nootz stated that they have requested that auditors take a double look at certain large projects and gave the example of the Wellness Center. She stated that the Commission needed to know, and the public wanted to know, a lot about this project, so it was flagged for extra review for the auditors.

The City Manager discussed the fee schedule regarding Special Events and street closures.

Vice Chair Nootz reminded that the City Manager doesn't set the fee schedule. She stated if there are questions about claims paid, they can always email the City Manager for more detail.

4. Consent Items

A. APPROVAL OF MINUTES FROM OCTOBER 21, 2025, REGULAR MEETING [PG.4](#)

B. APPROVAL OF CLAIMS PAID 10/16/25 - 10/29/25 [PG.37](#)

Commissioner Willich motioned to approved consent items A & B, seconded by Vice Chair Nootz. Unanimously approved.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING NOVEMBER 11, 2025 AS VETERANS DAY IN LIVINGSTON, MONTANA [PG.57](#)

Chair Schwarz read the proclamation.



The City Manager stated there are quite a few veterans that make up our City staff and thanked them for their service.

Commissioner Willich stated he has lots of friends that are veterans and he thanked them for their service.

6. Scheduled Public Comment

7. Action Items

A. ORDINANCE 3064: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE TEXT OF THE CITY'S OFFICIAL ZONING ORDINANCE BY REPEALING THE ENTIRETY OF THE TEXT OF CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE AND REPLACING IT WITH NEW ZONING CODE TEXT [PG.59](#)

Chair Schwarz introduced the item and asked for any disclosures.

Commissioner Kahle disclosed that she is a staff member for Park County Environmental Council (PCEC) and they made comments to the Land Use Board (LUB). Commissioner Kahle stated that she does not participate in any work PCEC does within the City. Commissioner Kahle stated that she has had a discussion with the City Manager and City Attorney and has been advised that she is free to participate in this item and vote tonight so long as PCEC does not comment before the Commission.

The City Manager noted that the comments made by PCEC were, for the most part, not included in the document before the Commission tonight.

City Attorney Hesse stated if PCEC appeared tonight and made comments then Commissioner Kahle would no longer be able to participate or vote on this item.

Commissioner Lyons stated his wife has made some comments to the LUB and he sees some in the packet.

City Attorney Hesse stated that Commissioner Lyons is not employed by that agency and there is not an economic issue, such as review of contracts, so there does not appear to be a conflict of interest.

Commissioner Willich stated his spouse is a manager of some short-term rentals and commercial properties.

City Attorney Hesse stated that this is not conflict of interest.

The City Manager stated this is the first reading of Ordinance 3064, which is a text amendment to the LMC Zoning Provisions. He stated this item is before them as a result of the growth policy. The Manager stated there have been over 1500 comments made from the community and he thanked them for their feedback.

Planning Director Severson gave a brief presentation.



Vice Chair Nootz motioned for a 10-minute break, seconded by Commissioner Willich. Unanimously approved.

Commissioner Willich asked about the riparian setback removal request and wondered if it includes the Yellowstone River.

The City Manager stated at this time all riparian setbacks have been removed from the proposed text amendment to Chapter 30. Livingston has several different types and sizes of rivers that move through the City, and a one-size fits all approach would not be effective. They want to take the time and do an analysis on each of those waterways and come up with specific recommendations for each of them.

Commissioner Willich asked if there are any properties that bisect the Yellowstone River.

The City Manager stated no.

Commissioner Willich asked if the creeks are navigable.

The City Manager stated no.

Commissioner Kahle asked for clarification on the federal floodplain.

The City Manager stated the Yellowstone River is the only one of our waterways that has been mapped, and the floodways and floodplains that have been mapped still do have federal regulations.

Commissioner Kahle asked how quickly we could do that kind of analysis and whether we have the funds.

The City Manager stated it really comes down to identifying the funding for that. They have found some grant opportunities, and some fund balance in the general fund that could be used. He stated this could be done in under a year if the Commission wishes to do that.

Commissioner Kahle asked if there was an update on the FEMA maps.

The City Manager stated that the state personnel have funding through the end of March. There is some level of work continuing, but our federal partners have mostly been called off of the project due to the federal shut-down.

Commissioner Kahle asked if there are other communities in Montana that have riparian setbacks.

The City Manager stated there are several communities in the state that have riparian setbacks.

Commissioner Lyons asked for clarification on the high-density residential classification and what other classifications are absorbing it.

Planning Director Severson stated the most direct correlation for R3 to be reflected in the new code and map would be the high-density mixed use. It's the same height allowance, but the main difference



is that the R3 doesn't allow any commercial uses, and they are proposing that the high-density mixed use allows higher density residential and also mixed uses.

Commissioner Lyons asked if residential uses are allowed in all districts except for industrial and public community.

Planning Director Severson stated that is correct.

Commissioner Lyons asked if short-term rentals would be allowed in every classification that allows residential development except for light industrial. He wondered why LI was chosen to exclude short-term rentals.

Planning Director Severson stated that 2 years ago the state passed a law that said that for commercial districts they have to allow 5 or more units of residential development. When this change came before the Commission, she reminded that they requested that we not make it just 5 or more, we make it 1, 2, 3, 4, 5, so any number of residential uses whether they were mixed uses, or not could be allowed where the state said you have to allow them. LI with the new code is the only one where that applies.

The City Manager stated there are a few reasons, and one being a user standpoint, and it may not always be clear to a short-term renter that they are renting a unit that is located in a LI part of the City. LI has greater uses that may not be compatible with residential use, so putting short-term renters there could cause conflict with other users in the LI area. The City Manager also discussed land valuations for residential uses versus commercial and a concern for residential uses overwhelming the light industrial uses.

Public comment was offered by:

- Randy Carpenter who is representing Friends of Park County and supports the new code.
- Tara Eddy expressed concern for private property rights and opposes private property being taken for public use. She stated she has a petition that that has been submitted to the City Planner with 63 signatures (see enclosure).
- Becky Bird expressed it was smart to move riparian setbacks from the code.
- Linda Mahr asked what to do about parking after the state made the change to require less parking.
- Jeanette Blank asked about the map amendment process. She appreciates the inclusion of the Ag zone.
- Katherine Daly spoke about the comments she sent in to the City in writing and expressed concern about downzoning.
- Jack Luther expressed concern about incorporating a J Street.



The City Manager stated the zoning map ordinances require 15 days between readings, so if the ordinance is approved tonight, the 2nd reading of this ordinance would occur at the 1st meeting in December.

Vice Chair Nootz asked about conversations that happen with the development community and staff and wondered what that looks like. She stated that state code requires certain things, but many developers want to do right by the community and make the developments appealing to the community they are building in.

The City Manager stated that state law and local zoning code provide the bare minimum standard for development. City staff and applicants meet beforehand to make sure the project meets the intent of the growth policy and any other guiding documents. People that build building do understand that they will need to sell or rent those buildings or spaces, so creating a building with lower parking capacity will lower the economic return.

Vice Chair Nootz reflected on past developers taking community feedback into consideration for their projects.

Vice Chair Nootz expressed concern about the ag zone and is concerned about a zone that is of single use. She wants to discuss the LMU zone, but she does see the balance for LMU with community character and the high-density development. She thinks some of these zones are real improvements to what the community needs by tweaking certain things that can be happening on certain lands. When it comes to riparian areas, she thought it might be best to get more data that is specific to Livingston to help understand what makes sense for our community and how it impacts land owners that have currently built vs. undeveloped land.

Commissioner Lyons stated there is a lot to like in these changes. He expressed that mixed use is a good, and moving R3 to mixed use is a good thing. He clarified that they are not voting on an ag section tonight.

The City Manager stated they did not fully incorporate ag into this.

Commissioner Lyons thanked the LUB for bringing up the Ag Zone. He expressed concern about regulation of short-term rentals and stated they are allowed in any zone except one, so he doesn't think they are very regulated then. He thinks this is not the best plan and they should either not have it in the code at all, or do something about it. He expressed concern about R2 and incorporating neighborhood serving retail. He views this code as flattening density throughout Livingston and pointed out there is not a lot of difference you can do between R2 and CBD. He feels the quality of zones for density makes a bad zoning code.

Commissioner Kahle expressed concern about the shrinking of the CBD. She does not want to stifle the economic ability of the downtown area. She realizes the importance of height restrictions, and she is hoping for a balance. She expressed concern about removing the environmental protection sensitive areas section. She feels they need to be looking at that



especially around the corridors around the river. She also expressed that an R1 zone is not the same as an Ag zone and maybe would like to see that revised for the next reading. She asked about manufactured homes being on a foundation. She pointed out some key points in the comment from Explore Livingston that she liked. She expressed agreement with Commissioner Lyons about short-term rentals.

The City Manager stated what is put in the zoning code is a framework to regulate short-term rentals. The framework used as a starting point the current status quo with short-term rentals. He pointed out that section 30.57 does introduce some regulation of short-term rentals such as type 1 and type 2 short-term rentals. He stated this is the first step in regulating short-term rentals and that the regulations largely mirror current practice.

Vice Chair Nootz clarified they can still have a conversation about short-term rental locations, and the fees could be addressed in the fee schedule. She wondered what the state says about short-term rentals.

The City Manager stated that the state classifies short-term rentals as a residential use, but that is for tax purposes and has nothing to do with zoning and land use.

Commissioner Kahle asked if that was something we need to codify into the zoning code.

The City Manager stated that codifying short term rentals in the zoning code is a first step in acknowledging their existence for future regulation.

Chair Schwarz understands keeping CBD the way it is, but does like the stepping down of heights. He expressed his big concerns are for the character, look of town and viewshed. For the Ag zone he thinks the 5-acre zone is too small.

Commissioner Willich stated he agrees that decreasing the size of the may be problematic. He agrees with the height restrictions. He expressed that doing nothing at all for riparian zones feels irresponsible for the City of Livingston. He recognized this was a large undertaking and thanked the City Manager and Planning Director for their hard work.

Commissioner Willich motioned for a 10-minute break, seconded by Vice Chair Nootz. Unanimously approved.

Commissioner Lyons gave input on categories for discussion and they are height, uses, and lot size.

Vice Chair Nootz expressed concern about the ag zone and changing the name so it is not just a single use zone.

Commissioner Lyons pointed out a regional example of the Bridger Canyon zoning district. He wondered in what ways equity could be considered in the ag zone they are discussing.



Commissioner Kahle expressed that Planning Director Severson is on the right path with the things she has in the ag district. She agrees that it maybe doesn't have to be an ag district, but does have larger lot sizes.

Vice Chair Nootz stated for this zone the goals are low intensity, open pastoral, not restricted to just Ag, and they want to see options with lot sizes.

Vice Chair Nootz pointed out they have a framework for regulating short-term rentals.

Commissioner Lyons asked what the negative impacts are for short-term rentals. He started by asking if they are worried that short-term rentals are taking away housing units.

Vice Chair Nootz stated some negatives are community character because people want to know their neighbors.

Commissioner Kahle stated short-term rentals can take away housing.

Commissioner Willich pointed out that some short-term rentals are because some folks are snowbirds.

Commissioner Kahle stated that some community members make their livelihood through short-term rentals.

Commissioner Lyons expressed that he was hoping they were going to make a more definitive plan for short-term rentals, but he recognizes this is a small step forward to being able to do that.

Commissioner Kahle understands that the data that could be reviewed after short-term rentals are required to register it with the City.

Commissioner Lyons asked how regulation would work.

The City Manager stated there are services that the City could contract with to look for short-term rental sites and then provide a report of listing in the area. He stated there are many ways to manage this.

Vice Chair Nootz and Commissioner Kahle are in agreement that wildlife corridors do not equal riparian zones and are two overlapping conversations.

Commissioner Kahle expressed that they are missing an opportunity by removing what was in the old policy.

The City Manager stated that language was not part of LMC, it was being contemplated as part of this process. In conversation with FWP, many of the maps and corridors have not been identified within the City.



Vice Chair Nootz would like to see fireworks stands removed from the use table since we don't allow use of fireworks inside City limits.

Commissioners agreed to this suggestion.

Commissioner Lyons brought up mobile homes.

The City Manager stated that topic is something appropriately handled through the building code.

Vice Chair Nootz brought up little to no traffic impacts.

The City Manager stated that section 30.54 deals with the home occupation. He stated there were some comments about trip generation and there are a number of points in criteria B which do target and limit trip generation.

Vice Chair Nootz brought up the CBD and asked what if they put LMU all around it.

Commissioner Lyons pointed out that could be addressed with the map when it comes before them. The issue tonight is height. He questioned if the right cap is 60 ft.

Vice Chair Nootz asked how tall the tallest building is.

The City Manager stated approximately 72 ft.

Commissioner Kahle wondered how high our fire trucks go.

The City Manager stated we have a 100ft ladder but that modern firefighting includes interior appurtenances to support the exterior work.

Vice Chair Nootz recognized that there are not that many tall buildings downtown and recalled the Murray is below 60 ft. She stated she is comfortable with 60 ft in the CBD.

Commissioner Willich and Chair Schwarz agreed they are okay with 60 ft in CBD.

Vice Chair Nootz recapped that the things coming back are open pastoral ag zone, no fireworks allowed, R2 definition fix, removing the line supporting transitional housing in the use table.

Vice Chair Nootz motioned to approve this item with edits: removing the supportive transitional housing from the residential uses in the list of use table, removing firework stands as not allowed in all zones, amending the definition of R2 to remove the clause starting with the word provided, and also to have staff bring back a proposal around ag zone addressing open pastoral lands, second by Commissioner Kahle. Unanimously approved.

Vice Chair Nootz motioned to enter closed session, seconded by Commissioner Kahle. Unanimously approved.



B. CLOSED SESSION TO DISCUSS LEGAL STRATEGY PURSUANT TO MCA 2-3-203(4)(b)

C. CLOSED SESSION TO DISCUSS MATTERS OF PERSONAL PRIVACY PURSUANT TO MCA 2-3-203(3)

8. City Manager Comment

The City Manager thanked the community for their support.

9. City Commission Comments

Commissioner Willich thanked everyone for a productive night.

Commissioner Lyons thanked the City Manager and staff for their work on the zoning code.

Commissioner Kahle expressed that she enjoyed the conversation tonight and thanked the City Manager and staff for their work on the zoning code.

Vice Chair Nootz expressed the importance of doing the hard work on this document and thanked the City Manager and staff. She addressed a letter that was submitted and the seriousness of it. She thanked LPD and City staff for their support for the City Manager and his family during this time.

Vice Chair Nootz motioned to formalize a threat response policy that can be used in the future, seconded by Commissioner Willich.

Chair Schwarz agreed with everyone about the zoning code update. He gave congratulations to Jessica Wilcox, Cindy Daniels, and Kemp O'Neill on the City Commission election.

10. Adjournment

11:20pm Commissioner Lyons motioned to adjourn; Commissioner Kahle seconded by. 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.