



# LIVINGSTON CITY COMMISSION MINUTES

**April 15, 2024 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/88469582322?pwd=x5zasKzXk74PEfxZ1GADb7wVAQGU7X.1>

**Meeting ID: 884 6958 2322**

**Passcode: 465497**

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## 1. Call to Order

Chair Schwarz called the meeting to order at 5:35pm

## 2. Roll Call

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

### City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- Chief of Police Wayne Hard
- City Attorney Jon Hesse

## 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:

- Leslie Feigel reminded everyone of the job fair this weekend. She expressed concern about the Veteran memorial at Sacagawea Park being removed and shared some historical data



- Christina Nelson expressed concern after hearing in the community that the Veteran Memorial is being taken down at Sacagawea Park.

Chair Schwarz addressed the room stating he is not sure where this information has come from about removing the Veteran Memorial, but there is no plan to do so. He knows the City is working on the Parks Master Plan, but clearly stated he is unaware of where this rumor came from.

The City Manager stated he is also unaware of where this rumor started and stated there is no active plan to remove the memorial that exists in the triangle at Sacagawea Park.

Commissioner Kahle asked for clarification on the other hexagon shaped memorial as well.

The City Manager stated that knowing the Parks Master Plan is in the works there is no active plan to remove these memorials.

- Eric Bradley is the commander of the Veterans of Foreign Wars post 2154 here in Livingston stated he knows Melody Mount had a meeting with the City Manager and that meeting lead her to believe that the Desert Storm Memorial in the triangle at Sacagawea Park is going to be removed.

The City Manager stated he recalls having several conversations with Melody and he has advised her that there is a Parks Master Plan moving forward.

- Patricia Grabow expressed being an advocate of the triangle and a flagpole going back up there.
- Cheryl Countsman is the president of the American Legion, and she stated she spoke with a woman named Eileen Barum who started the memorial at the triangle in the park and that was over 38 years ago. She stated that the flagpole was at that location before the memorial was placed there. They would like to see the flagpole returned to that location. She stated there was money allocated by the previous City Manager to put that flagpole back up, and she stated she would like to see that happen.
- Peggy O'Neil expressed wanting to see that flagpole go back up. She also expressed concern about a rumor she heard about the posts around the park that hold the flags for will be removed and that we wouldn't be able to have flags for Memorial Day.

Chair Schwarz clarified that this was just a rumor.

- Carol Dyer wondered about different stakeholders working with the consultant for the Parks Master Plan to help stop some of these rumors, and an opportunity to give input before it's in place.
- Linda Maher stated she would like to get a microphone for meetings, and expressed that respect needs to happen on both sides of the podium during meetings.



- Heather Greener representing HRDC reminded that the Community Assessment is open and live until the end of the month and this year they are working with other areas and will be able to provide data on other counties within Montana.
- Paul Bradley expressed that he does not want the memorial moved, but if the City decides to move it he requested a location that stands out that is as good as the triangle.
- Melody Mount talked about her conversation with the City Manager and her understanding from that conversation was the triangle is dangerous and needs to be fixed or moved, and she listed a couple locations she thought were stated in her meeting with the City Manager.

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

- Richard Dyer expressed that the flagpole and memorial is very important to him.

The City Manager talked about the Parks Master Plan stating that earlier that day they received a rough draft of recommendations from the consultants and those findings are based on public feedback that has been taken all the way back to July and August. He said to look for this document in and upcoming City newsletter.

Vice Chair Nootz reminded that they accept comments from anyone and not just City residents.

Commissioner Kahle reminded about the plan and process of giving feedback for the Parks Master Plan and that it has taken all this time for a proposal to be formed based on feedback given in July and August.

#### 4. Consent Items

- A. APPROVAL OF MINUTES FROM APRIL 01, 2025, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 3/27/25 - 4/9/25 [PG.59](#)**
- C. JUDGES MONTHLY REPORT FEBRUARY 2025 [PG.67](#)**
- D. AGREEMENT 20168 WITH VIEW VISTA COMMUNITY [PG.69](#)**
- E. AGREEMENT 20169 WITH BNSF RAILWAY FOR PIPELINE [PG.80](#)**
- F. PURCHASE ORDER 20170 WITH SUNSET CHEVROLET INC. [PG.103](#)**

Commissioner Lyons pulled Consent Item D.

Commissioner Kahle motioned to approve Consent Items A - C & E - F seconded by Vice Chair Nootz. Unanimously approved

Commissioner Lyons asked the City Manager for a description on what agreement 20168 is.



The City Manager stated this is an agreement with the View Vista Community regarding an application for a minor subdivision that was put in by the community. They are seeking to subdivide their parcel from one into two. One parcel would house the current mobile home community and the other would house the apartment buildings. The water and sewer are very interconnected and pull off the City system at View Vista Dr. for water and Geysers for sewer. As the City works through the minor subdivision process, they understand they are doing so with a larger water and sewer project in mind, and they have been working on this together for several years now. He reminded that they recently received a Community Development Block Grant to help with construction. He stated this agreement states once the property is subdivided, if it is sold, the purchaser would need to work with the community and the City to effectuate the design and construction of the new water and sewer improvements.

Commissioner Lyons motioned to approve Consent item D seconded by Commissioner Kahle. Unanimously approved.

## 5. Proclamations

### **A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING APRIL 13 - 19 2025 AS ANIMAL CONTROL OFFICER APPRECIATION WEEK IN LIVINGSTON MONTANA PG. 108**

Chair Schwarz read the proclamation

The City Manager expressed thanks to Darci who primarily handles Animal Control and encouraged the public to reach out to her if an animal is in need.

Vice Chair Nootz expressed how great it is to have Darci move from the City Finance Office to the Animal Control position and further expressed how friendly she is.

Commission Kahle expressed appreciation to Darci and recognized that Animal Control wrangles more than just cats and dogs.

### **B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING APRIL 27 - MAY 4, 2025 AS LIGHT THE NIGHT FOR FALLEN FIREFIGHTERS IN LIVINGSTON MONTANA PG. 110**

Chair Schwarz read the proclamation

The City Manager thanked Livingston Fire & Rescue for their hard work and recognizes they have a very difficult job that included two structure fires in the City last week.

## 6. Scheduled Public Comment



## **A. PROSPERA**

Paul Reichert gave a brief presentation about Prospera and what they do. He stated that the Montana Economic Developers Association is meeting in Livingston April 22nd - 24th at the Shane Center. A business women's round table is happening May 7th.

## **B. PARK COUNTY HOUSING COALITION PG. 112**

Katherine Daly is the PCHC Program Manager with HRDC and she gave a brief presentation.

Vice Chair Nootz asked if parts of data can show just Livingston, and not all of Park County.

Katherine stated no it captures Park County.

Vice Chair Nootz asked if it's the steering committee that makes decisions about the future of the coalition.

Katherine stated a deciding factor is if money is still available to make it work, and to date they've been running on grant funding.

Vice Chair Nootz asked about the slide referencing appropriate and viable revenue sources.

Katherine reviewed the slide and explained these items.

Vice Chair Nootz asked about the administration of a potential Park County housing fund.

Katherine referenced the slide that references this and stated it does really depend on funding such as revolving loans and or grant funding.

Vice Chair Nootz asked for detail on origins of the fund and subcommittees

Katherine turned it over to Commissioner Kahle to explain.

Commissioner Kahle recalled the work done to identify what would be needed and models could be used.

Vice Chair Nootz thanked Katherine for her presentation.

Commissioner Kahle also thanked Katherine for her presentation.

7:15 PM Vice Chair Nootz motioned to take a 10-minute break seconded by Commissioner Kahle. Unanimously approved.

## 7. Action Items

### **A. (WITHDRAWAL OF) RESOLUTION 5157: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING THE PARCEL AT 38 LOVES LANE. PG. 134**



The City Manager stated this is a continued hearing the April 1<sup>st</sup> meeting, which was continued from March 18<sup>th</sup>. He stated this original application has been withdrawn by the applicants as a result of conversations at the last meeting. No action is required for this item.

**B. RESOLUTION 5159: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING THE PARCEL AT 38 LOVES LANE PG. 137**

The City Manager stated this item is for an application submitted for annexation at 38 Loves Ln. The application is submitted by the owner of record, and the application itself is compliant with the City's annexation policy.

The City Manager gave a brief presentation on the annexation by petition for 38 Loves LN.

Commissioner Kahle asked if there is a provision in State Code that talks about County properties hooking to water and sewer in certain situations.

The City Manager stated that yes, in MCA there is that provision. He recalled having this situation in Green Acres.

Public comment was offered by:

- Jamie Adams stated she had reviewed the Growth Policy and maps within it and expressed concern about the annexation of this property as it was not listed as a growth area or a place of annexation interest. She overall expressed being against this annexation.
- Dave Carter expressed access and traffic concerns around this area.
- Patsy Carter read a letter that was submitted to the Commission expressing being against this annexation.
- Patricia Grabow expressed disagreement with this annexation stating that feels it goes against the Growth Policy.
- Randy Carpenter representing Friends of Park County and he expressed disagreement with this annexation.
- David Lewis stated that this US Department of Agriculture building will have a negative impact on the people that live in an agricultural area, and agreed with other commenters in their thoughts not to do this annexation.

Commissioner Willich expressed his thoughts that this doesn't fit with the Growth Policy, and what he feels he is hearing from the public is not necessarily that they don't want the annexation, but they don't want that building there. He also stated understanding that property owners have rights to what they want to do with their property.

Commissioner Kahle expressed concern that this application does not include a site plan and is worried if they annex this property with the application as is, it does not guarantee that the building from the withdrawn application will be on this property.



The City Manager stated that this part of the process does not require, or under state code even contemplate any discussion of the use of the land and development process. He stated the current applicant has not really said what they will do with the property.

Commissioner Lyons stated that several members of the public suggested holding off on this annexation until the new Annexation Policy is complete, and he wondered if holding off until the new Annexation Policy is completed would produce a different result, or would process change.

The City Manager stated he is not sure, but does envision a very large process when talking about reviewing and updating the Annexation Policy.

Commissioner Lyons asked what the County's process is for development like this.

The City Manager stated there would need to be a request for a septic permit, but outside of that there is little to no involvement on what can be developed in the County.

Vice Chair Nootz reviewed an example of a project done in the County where many trees were removed and plant life will no longer grow, and she asked the City Manager if the City allows that to happen.

The City Manager stated that no, we would not and don't allow that.

Vice Chair Nootz clarified that the projects in the County don't have a detailed process and can really develop however they want, but projects done within City limits have a pretty strict and very public process to follow for development.

Commissioner Lyons asked what the benefit is of annexation to the applicant.

The City Manager stated one of the main benefits for annexation is the ability to have an adequate fire suppression system and is a benefit for commercial property owners.

Commissioner Lyons asked how much it would cost to produce a drawing like they saw in the withdrawn application.

The City Manager stated that a significant amount of engineering and architectural work has been performed on the project and work on the drawings.

The engineer for this project stated the City Manager is correct that substantial funds have already been spent on plans and drawings for this project.

Vice Chair Nootz asked about employment at this new building.

The City Manager stated that they have been advised that about 60 employees would work at this facility and/or based out of the facility.



Commissioners reviewed in detail the pros and cons of annexation while the City Manager documented comments in an excel spreadsheet.

Commissioners unanimously expressed that they would not seek to annex this property, but they do have to process through the property owners request to be annexed into City limits.

Commissioner Willich motioned to approve this item seconded by Chair Schwarz. Unanimously approved.

City Commission did not enter closed session.

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

**D. CLOSED SESSION TO DISCUSS PERSONAL PRIVACY PURSUANT TO MCA 2-3-203(3)**

8. City Manager Comment

The City Manager thanked the Commission for the meeting tonight.

9. City Commission Comments

Commissioner Willich recognized the long meeting and advised of colder weather coming.

Commissioner Lyons thanked his fellow Commissioners for the meeting tonight and expressed understanding that they unanimously voted one way on the last item, but all don't feel that great about the vote.

Commissioner Kahle addressed the public comments from Linda and reminded here that they did hear her questions and will be addressing those. She also agreed that this was a tough meeting, and she appreciates being able to put in rules and regulations for what is being built at that property.

Vice Chair Nootz also addressed Linda and stated this item will be address and reminded that it was voted on by two Commissioners to appear on a following agenda. She expressed that she likes hearing from folks in the County and would like to them to be able and feel comfortable talking with the County Commission about some of their concerns as well. She thanked the City Manager and City employees for their work on the annexation and recognized some of them were unfairly targeted over a request from a land owner.

Chair Schwarz recognized fellow Commissioners for a great deliberation through the process, and also recognized it was not an easy decision. He also addressed Linda and stated her comments about billing will be addressed.

10. Adjournment

9:30 PM Commissioner Lyons motioned for adjournment seconded by Commissioner Kahle. Unanimously approved.



## 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.