



Livingston City Commission Minutes

August 19, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89942675199?pwd=BbjaUYLKfzEkhtKNOZb9p1pavknwwP.1>

Meeting ID:899 4267 5199

Passcode: 116473

1. Call to Order

Chair Schwarz called the meeting to order at 5:37pm

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
- Planning Director Severson
- Finance Director Paige Fetterhoff

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:

- Barbara Britt expressed concern about the Parks Master Plan parking on McGee Drive stating it will use up a lot of green space. She expressed liking the flag pole where it is facing the mountains.



- Leslie Feigel stated there is a large amount of spam calls regarding Century Link and wanted everyone to be aware. She shared about the childcare meeting happening on 8/26.

Chair Schwarz stated the Parks Master Plan is just a plan and has not been adopted by the City Commission yet, and they do expect there will be more comment on it.

The City Manager stated he will check the survey so they are able to provide more detail feedback.

Vice Chair Nootz asked for clarity on when staff look at projects.

The City Manager stated that Department Heads have been involved in this project throughout the whole project this far. He stated the closure of Miles Park Rd. is proposed after the entrances to the high school property.

Commissioner Kahle asked if it is possible for folks to email someone about their comments for the Parks Master Plan.

The City Manager stated yes, they can email him at CityManager@LivingstonMontana.org or also use the Contact Us section on the City website.

Public comment was offered by:

- Dave and Tracy Raich stated they are doing a façade restoration and wondered who to talk with about a negotiating the daily fee for lift being parked on City street.
- Linda Maher asked about how the street maintenance assessment fees worked.

The City Manager stated he is the best person to reach out to for fees on the parking permits.

4. Consent Items

- A. APPROVAL OF MINUTES FROM JULY 15, 2025, REGULAR MEETING [PG.5](#)**
- B. APPROVAL OF CLAIMS PAID 7/31/25 - 8/13/25 [PG.27](#)**
- C. JUDGE'S MONTHLY REPORT FOR MAY 2025 [PG.51](#)**
- D. JUDGE'S MONTHLY REPORT FOR JUNE 2025 [PG.53](#)**
- E. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR MONTANA FRESHWATER PARTNERS RIVER CLEAN UP EVENT ON SEPTEMBER 13, 2025 [PG.55](#)**
- F. AGREEMENTS 20212 AND 20213 WITH PARK COUNTY FOR MOBILE CRISIS RESPONSE [PG.61](#)**
- G. APPROVAL OF A SPECIAL PARKING SPACE APPLICATION FOR 116 E. CLARK STREET [PG.74](#)**
- H. AGREEMENT 20214 WITH LIVINGSTON HEALTHCARE FOR INTER-FACILITY TRANSFERS [PG.80](#)**
- I. APPROVAL OF AGREEMENT 20216 WITH PARK COUNTY RURAL FIRE DISTRICT [PG.87](#)**



J. AGREEMENT 20215 WITH STATE OF MONTANA PG.92

Commissioner Willich motioned to approve consent items A-J, seconded by Commissioner Kahle. Unanimously approved.

5. Proclamations

6. Scheduled Public Comment

7. Action Items

A. RESOLUTION 5167: RESOLUTION ESTABLISHING THE METHOD OF LEVYING VOTED MILLS PER HB231 AND SB542 PASSED IN THE 2025 MONTANA LEGISLATURE PG.110

The City Manager stated this item is before the Commission because of a change in the 2025 session of the Montana legislature wherein fixed mills establish for certain purposes by the voters are no longer allowable. The City of Livingston is required to transition from a fixed mill to a floating mill system. This year is the conversion point, and we do so by using the amount of revenue that was generated in the prior year. Then applying the same methodology as is applied to property taxes as outlined in MCA.

Commissioner Lyons asked what a mill is.

The City Manager stated a mill is the value of taxation, or rate of taxation, per \$1000 of assessed value or market value of a property.

Commissioner Lyons as what the difference is between a fixed mill and a floating mill.

The City Manager stated a fixed mill is established and the governing body has the ability to receive all of the value of that mill. A floating mill system is the revenue from property taxes is established by the state, and the assessed value of properties in the district is also established by the state every 2 years through the assessment process. The mill rate fluctuates per \$1000 accordingly to balance the equation.

Commission Lyons stated this will take us from fixed mills to floating mills. He wondered how this would influence revenue for the City in a stable economy, growing economy and declining economy.

The City Manager stated this change has no effect on the level of property tax revenue received by the governing entity. However, there was a second part of the that bill that is another component of property tax which is new properties and new constructions, so the tradeoff at the legislature for allowing more cities to observe higher rate of inflation, the amount of value that is recognized from new construction was reduced. Cities no long receive or are able to recognize 100% of the value of new construction in the associated tax revenue because it has been reduced for certain classes of property. In an environment where a city is growing and the value of assessments is growing



through new construction, many cities around the state of Montana will receive less property tax revenue than they otherwise would have. For cities on the other end of the spectrum that are shrinking or not growing, they will have no change in taxable revenue.

Finance Director Fetterhoff stated the mill that we have that is a set number of mills answers Commissioner Lyons question really well. She said last year the value of a mill in the city was approximately \$28 million, so we levied 2 mills, and that gets us \$56,000 a year.

Vice Chair Nootz expressed concern with this change it seems that existing homeowners will in a way be paying the way for new developments.

The City Manager stated the bill is very complex, but the formula for assessing taxes on residential properties also changed. Properties with a value of less than \$400,000 are taxed a certain rate. Properties between \$400,000 and \$1.5 million is taxed at a certain rate, and properties over that are taxed at a certain rate. Separately, residential properties that are either second homes or short-term rentals are taxed at a higher rate. There was a legislative attempt to minimize that tax shift the Vice Chair Nootz is talking about. It shifted the tax burden a little bit to the higher value homes.

Vice Chair Nootz asked that as information comes in that the City Manager continue to share it with the public.

Commissioner Willich talked about the weblink and that it is a simple web page, but there is a lot to look at.

Commissioner Lyons motioned to approve the resolution, seconded by Commissioner Willich. Unanimously approved.

B. RESOLUTION 5168: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2025-2026. [PG.114](#)

The City Manager stated this levy is being fixed in response to the budget that was approved by the City Commission earlier this summer.

Public comment was offered by:

- Linda Maher asked for an explanation on this item like the last one.

Commissioner Lyons asked for an explanation on this item.

The City Manager stated the amount of revenue from property tax is equal to the mill rate times the total value of assessed property in the district. The total revenue is established by the state formula in MCA. The total value of assess property in the district is also establish by the Montana Department of Revenue. The mill rate is the number which makes that equation balance. For this year the total number of mills in the City of Livingston to be levied is 195.



Commissioner Lyons asked if this was in response to new valuation of property value that we didn't have when we were working on the budget before.

The City Manager stated yes, and that it has changed from the 2024-2025 FY.

Commissioner Willich reminded about the rebate.

The City Manger state this year you have to file for the rebate. The filing period opened on Friday. This information can be found on the Department of Revenue website.

Commissioner Kahle asked if by filling out the rebate you are locking in for a lower rate.

The City Manager state yes, you are qualifying yourself for the new lower rate moving forward.

Commissioner Kahle noticed the rate seems lower from last year to this year, and wondered if that was correct.

The City Manager stated yes, that is correct.

Vice Chair Nootz thanked staff for listening to the public and the Commission when it comes to concerns for costs for residents. She recognizes that certain entities are raising taxes and we are not. She wondered if under the current administration that they have lowered taxes each year.

Finance Director Fetterhoff stated that what is happening is the value of \$100,00 home, the property tax value is different this year than it was last year. It gives the appearance of being lower, but it's just shifting that cost to the those more expensive homes. She expressed that saying we lowered taxes leaves us on shaky ground because we do still recognize that half of rate of inflation.

Vice Chair Nootz thanked Finance Director Fetterhoff for help her and the public understand this and bring clarity to this subject.

Commissioner Kahle motioned to approve this item, seconded by Vice Chair Nootz. Unanimously approved.

C. RESOLUTION 5169: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SPECIFY THE ASSESSMENT OPTION FOR STREET MAINTENANCE AND IMPROVMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2025-2026 IN AN ESTIMATED AMOUNT OF \$1,390,903, LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT.

PG.120

The City Manager stated this item is the establishment of the assessment for street maintenance for FY 25-26. This is an exercise that the city undertakes each year. He stated the \$1,390,903 is a level 0% increase from the previous year.

Commissioner Willich asked how they did it with no increase.



The City Manager stated the City of Livingston is fortunate enough that we are still the beneficiaries of revenue from the State's House Bill 355 from the 2023 legislative session. It provided the state local infrastructure partnership act and provided funding to the City. We are using around \$270,00 to fund some improvement such as chip sealing, and paving on Summit Street.

Finance Director Fetterhoff stated this is one area where we could say we are reducing taxes because when we leave at zero, we have all new properties that were during the year, that now we're going to share in this cost that makes people that paid last year their portion will go down.

Commissioner Willich motioned to approve this item, seconded by Commissioner Lyons. Unanimously approved.

- D. RESOLUTION 5170: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$61,993 FOR FISCAL YEAR 2025-2026 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. [PG.125](#)**

The City Manager stated the amount in this assessment is unchanged in FY25-26 from the prior year. Which will result in a lower assessment on existing properties.

Commissioner Kahle motioned to approve this item, seconded by Vice Chair Nootz. Unanimously approved.

- E. RESOLUTION 5171: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$61,993 FOR FISCAL YEAR 2025-2026 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. [PG.130](#)**

The City Manager stated the amount in this assessment is unchanged in FY25-26 from the prior year.

Commissioner Willich asked where district 20 is.

The City Manager stated it is City wide.

Public comment was offered by:

- Linda Maher asked for clarification on the title of this item.

Commissioners said the title is incorrect, but the resolution title is correct.

Vice Chair Nootz thanked City staff for these items.



Commissioner Willich motioned to approve this item, seconded by Commissioner Kahle. Unanimously approved.

F. RESOLUTION 5172: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ASSIGNING THE GATEWAY OVERLAY ZONING DISTRICT DESIGNATION TO THE PROPERTY ADDRESSED AS 38 LOVES LANE WHICH IS ZONED MIXED USE (MU). [PG.135](#)

The City Manager stated the recommended amendment is to apply the gateway overlay zoning district designation to the parcel at 38 Loves LN. He stated this is different from processes they have followed in the past where amendments for the official zoning map have been processed through an ordinance. In the 2025 legislative session the legislature changed the process and dictated that amendments to the zoning map are now conducted by resolution.

Commissioner Lyons asked if there was input from Consolidated Land Use Board.

The City Manager stated no, and this parcel is continuous to other parcels that are within the gateway overlay zoning district and fits the rubric that was established by CLUB. LMC specifies that land use ordinances shall go before the CLUB, and this item is not an ordinance.

Planning Director Severson stated that the state took the decision making out of the hands of the CLUB, and internally they worked to make sure map amendments come straight to the Commission.

Commissioner Lyons clarified that changes to zoning code will still be through ordinance, but zoning map amendments will come as resolutions that come straight to the City Commission.

Public comment was offered by:

- Linda Maher wondered why this wasn't done with this parcel was designated MU and the difference between ordinance and resolution.

Vice Chair asked for clarification on ordinance vs. resolution.

The City Manager stated the difference between an ordinance and resolution goes back to how a bill becomes a law. An ordinance is a bill that becomes a law in the City of Livingston and laws are codified in the LMC. Resolutions are used to accomplish certain actions of the City Commission. An ordinance requires 2 readings and 30 days after the 2nd reading to become effective. Land use ordinances require 15 days between readings, in which case could be about a 60-day process in total for land use decisions using ordinances. A resolution is effective upon passing. A resolution helps with the applicant process and speeds it up.

Commissioner Kahle expressed that it makes perfect sense to be doing this.



Vice Chair Nootz expressed liking the process for this, and it will address a lot of issues and questions brought to them about this specific parcel.

Commissioner Kahle motioned to approve this item, seconded by Vice Chair Nootz. Unanimously approved.

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

G. ORDINANCE 3062: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING PROPERTY LEGALLY DESCRIBED AS BROOKSTONE MAJOR SUBDIVISION 610, S07, T02 S, R10 E, LOTS 8-10, IN PARK COUNTY, MONTANA AND TO REZONE THE PARCEL FROM HIGH DENSITY RESIDENTIAL (R3) TO PLANNED UNIT DEVELOPMENT (PUD). [PG.144](#)

Commissioner Kahle recused herself from this item and the next item due to spouse conflict of interest.

Commissioner Lyons recused himself from this item and the next item due to spouse conflict of interest.

The City Manager stated this is the second reading and this item was previously before the Commissioner.

Planning Director Severson gave a brief presentation.

Vice Chair Nootz asked about the additional email that was received from the Fire Chief.

Planning Director Severson stated the email came in after the packet was posted.

The City Manager stated the email provides the International Fire Code reference sections that deal with road width requirements and the Chief is pointing out that 24 ft would be preferable. However, the 20 ft width in this situation is acceptable because of the hydrant locations and Fire Department connection locations, which would provide adequate access to the building from 3 sides.

Vice Chair Nootz clarified some of the definitions in the email from the Fire Chief. She asked about the trees and whose property they are on.

Planning Director Severson stated they are on the property line.

Vice Chair Nootz wondered if there was space for trees on the boulevard.

Planning Director Severson stated trees can be placed on the East side.

The City Manager stated condition 2 references an agreement between the applicant and the Livingston Ditch Company to handle the conveyance of ditch water through the property. The



outcome of that discussion between the applicant and ditch company will have a great bearing on the survivability of the trees Vice Chair Nootz is referencing.

Vice Chair Nootz expressed concern about the trees on the property line and if they are removed, she feels it doesn't make sense to ask that more trees be placed at the property line due to conflicting responsibility to maintain the trees.

Planning Director Severson suggested that trees can be replaced in-kind elsewhere on the property.

Commissioner Willich asked if the in-kind replacement be onto the neighboring property that expressed concern about them and split the cost.

The City Manager advised against placing a condition that involves a property that is not owned by the applicant.

Commissioner Willich asked if there was a conversation with the Ditch Association about flow and what happens downstream.

The City Manager stated these conversations are still ongoing.

Public comment was offered by:

- Linda Maher asked where this property is.
- Scott, who represents the applicant team, discussed the recommendation slide that Planning Director Severson previously presented.
- Garrett Schultz from Headwaters Engineering stated they will work through the Public Works items through the Building Permit submittal and is hoping for flexibility in that part of the process.

The City Manager showed a map of this development location.

Vice Chair Nootz asked about conditions outlined as is.

The City Manager stated that condition number 4 does leave some flexibility for staff to work with the applicant to find a mutually agreeable solution that is in compliance with certain LMC and design requirements, and that would not trigger a re-review. He noted that the Fire Chief did require an additional hydrant on the south side of the building.

Vice Chair Nootz asked who has the power to condition land use applications and where the final power lies.

The City Manager stated the final power lies with the City Commission, and they have 3 options when it comes to land use applications and those are approve, reject, or approve with conditions.

Chair Schwarz said he really wants to see this moving forward and feels the conditions are good.



Commissioner Willich expressed that there is flexibility in the PUD process, and he does like the conditions listed.

Vice Chair Nootz stated she is really excited about this and feel conditions are appropriate. She likes solution 1 best. She likes all the conditions listed and is leaning to toward solution 1 with a condition that trees will be left up to City Arborist with some flexibility.

Planning Director Severson stated offered that the Commission could run these conditions pas the applicant.

The City Manager stated the condition does supply the flexibility they are looking for, and the trees would be condition 10 stating the applicant will install a minimum of 4 new trees on the property.

Vice Chair Nootz asked if it could it could include City staff since we have an Arborist.

The City Manager stated yes, it would ready prior to Certificate of Occupancy upon consultation with City staff.

Vice Chair Nootz motioned to approve this item with amendment adding the condition that the applicant shall install 4 new trees on the project site prior to the Certificate of Occupancy on consultation with City staff, seconded by Commissioner Willich. Unanimously approved.

H. AUTHORIZATION OF COMMENTS FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION [PG.180](#)

The City Manager stated this item is a proposed submission of a letter to the Montana Board of housing in response to Montana Board of Housing's August 11th letter to Chair Schwarz seeking comment from the City of Livingston on a low-income housing tax credit application that has been submitted in support of the Brookstone project, which was just approved. He has worked with Chair Schwarz to draft the letter.

Commissioner Willich questioned some parts of the letter from Jason Hanson with Department of Commerce.

The City Manager acknowledged the typographical error in the letter we received from the Board of Housing.

Public comment was offered by:

- Katherine Daly, the Park County Housing Coalition Manager with HRDC, expressed thanks to the City for its ongoing attention to and support of this project.

Chair Schwarz expressed being happy with the letter.

Commissioner Willich asked about the 9%.

The City Manager stated there are two types of tax credits in the low-income housing tax credit program. There are 9% and 4% tax credits, and this is a request for the 9% program.



Commissioner Willich expressed that he liked the letter.

Vice Chair Nootz expressed that the letter is great. She acknowledged that projects like that take a lot of partners and she thanked the partners that have done a lot of work behind the scenes to get it this far.

Vice Chair Nootz motioned to approve this item, seconded by Commissioner Willich. Unanimously approved.

Commissioner Kahle and Commissioner Lyons rejoined the table and meeting.

I. DISCUSSION OF PROCESS FOR PLACING PROCLAMATIONS ON CITY COMMISSION AGENDA

PG.186

The City Manager stated this item is before them at the request of 2 City Commissioners and this is for a process related to placing proclamations on the City Commission agenda. MCA and LMC currently place the responsibility for creating the City Commission agenda on the City Manager, and the agenda does include proclamations. He provided examples of 2 other cities processes and guidelines for proclamations being placed on the agenda. There is no action required, this item is meant as a discussion to receive direction, and he is happy to return with a formal action for the City Commission to vote on.

Vice Chair Nootz asked if he has examples of how our form of government does this.

The City Manager stated the few cities that have our same form of government that don't have a mayor, the responsibility reverts to the City Manager.

Vice Chair Nootz expressed that is interesting that the proclamations are written on behalf of the Chair of the Commission. She stated there is no process for those statements to go through the Commission before a sentiment is stated. She expressed further concern about lack of process when the public brings forward proclamations they would like to see, and also lack of process for proclamations that come across that all Commissioners don't necessarily agree with and don't have an opportunity to respond to that. She is just curious about that gray area.

Commissioner Willich wondered since it's up to the City Manager to place the items on the agenda then why isn't the City Manager reading the proclamations. Why are they written on behalf of the Chair.

Vice Chair Nootz stated that the executive branch carries out policy not making proclamations. She feels there are other ways the executive branch would honor members of the community, or make statements that are not always through a Commission meeting. It would be forcing staff to do something that is not meant to be done in our form of government.

Commissioner Kahle stated, after looking at the guidelines, that there are very specific things that can be a proclamation. She noticed the guidelines really show what proclamations can and can't be, and



that can make the ability to place proclamations on the agenda difficult if they fall outside the basic and simple set guidelines. She recognized that the guidelines are more about what they can be than who can read them.

Vice Chair Nootz would like to see an opportunity for responses with proclamations.

Commissioner Kahle expressed concern about having Commission members vote on proclamations because that process feels too slow. She likes the guidelines stating that they are inclusive and not exclusive. Having the guidelines would give the Commission the opportunity to lead the City Manager to producing proclamations they support.

Commissioner Lyons clarified that they do have the opportunity now to speak at about the proclamations at the meeting.

Vice Chair Nootz expressed that it can be awkward, especially if they don't agree, because the proclamation has been fully read before they have an opportunity to speak about it.

Commissioners shared agreement that it would be best to have some guidelines around proclamations.

The City Manager agreed that it would be helpful to have a process in the place.

Vice Chair Nootz expressed gratitude for all the staff recognition in the last, almost 3 years, and thinks it's something that should continue.

Commissioner Kahle also liked recognizing staff and kids in the community.

Commissioner Lyons liked hearing from the City Manager that guidelines will be helpful. He is in favor of less restrictive guidelines. He would like to remove political proclamations from the guidelines.

8. City Manager Comment

The City Manager stated he appreciates the work of the Commission at tonight's meeting.

9. City Commission Comments

Commissioner Willich thanked everyone for a great evening.

Commissioner Lyons stated he's learned a lot about mill levy's and after tonight's meeting it makes a lot more sense.

Commissioner Kahle expressed concern about wildfires and reminded everyone to be careful.

Vice Chair Nootz shared how she thinks agendas are so different now under this administration and she likes how the process is going with bring information to the meetings and getting them on the agenda.



Chair Schwarz expressed thanks to Mary Anne and Trent at MSU extension for the training for City Commission candidates.

10. Adjournment

8:48 PM Commissioner Lyons motioned to adjourn the meeting, seconded by Commissioner Kahle. 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.