



# Livingston City Commission Minutes

April 05, 2022

5:30 PM

VIA ZOOM

<https://us02web.zoom.us/j/82823003403?pwd=NIQ1QVNoWmN4TE1LVHNudG5Bc0lZUT09>

Meeting ID: 828 2300 3403 **Passcode: 582113** Call in: (669) 900-6833

## 1. Call to Order

## 2. Roll Call

In attendance: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, Commissioner Lyons. Staff in attendance: City Manager Michael Kardoes, City Attorney Courtney Lawellin, Recording Secretary Faith Kinnick.

## 3. Public Comment (00:00:56)

- Justin Cameron gave public comment
- Tim Stevens gave public comment (00:04:58)
- Leslie Feigle gave public comment (00:08:01)

## 4. Consent Items 5:44 p.m. (00:10:51)

### A. APPROVE MINUTES FROM MARCH 15, 2022 REGULAR MEETING.

### B. RATIFY CLAIMS PAID 03/04/2022-03/15/2022.

### C. APPROVE APPLICATION FROM MALCOLM COX TO SERVE ON LIVINGSTON TBID AS REPRESENTATIVE FOR THE MURRAY HOTEL.

- Request by Kahle to approve A & C, and pull item B for a question, Motion by Schwarz, second by Friedman  
All in favor, passes 5-0
- Kahle inquired about Livingston Daycare from page 15 of claims report?
- Kardoes advised that is the parking lot the City leases and then rents out.
- No further discussion, motion by Kahle to approve item B, second by Friedman  
All in favor, passes 5-0.

## 5. Proclamations 5:47 p.m. (00:13:28)

### A. NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK PROCLAMATION.

- Nootz made comments
- Schwarz made comments

### B. PROCLAMATION OF THE LIVINGSTON CITY COMMISSION IN SUPPORT OF THE CITIZENS OF UKRAINE. 5:50 p.m. (00:16:31)

- Kahle made comments

6. Scheduled Public Comment 5:52 p.m. (00:18:29)

**A. 2021 LIVINGSTON ZONING COMMISSION ANNUAL REPORT PRESENTED BY JIM BAERG.**

- Jim Baerg gave presentation
- Nootz asked clarifying questions
- Schwarz made comments
- Lyons made comments
- Nootz made comments

\*5-minute recess\*

7. Public Hearings 6:09 p.m. (00:28:55)

Nootz reads into record: *Public hearings are intended to take testimony and evidence related to the issue notice on the agenda, while the commission is not bound by the strict rules of evidence the commission may exclude irrelevant, immaterial, incompetent, or unduly repetitious comments testimony or evidence. Proponents or opponents their agents or attorneys may submit petitions and written comments during or prior to the closing of the hearing and the same shall be entered by reference into the minutes.*

**A. PUBLIC HEARING ON ORDINANCE NO. 3027 ENTITLED: 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 ZONING PARCELS GENERALLY KNOWN AS 26 FLESHMAN CREEK ROAD AND LEGALLY DESCRIBED AS COS 543 IN SECTION 14, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), AS MEDIUM DENSITY RESIDENTIAL (R-II).**

- Kardoes made opening statements
  - Lyons noted error on pg. 34 in the staff report regarding description.
  - No public comments
  - Motion by Schwarz, second by Friedman
  - Lyons asked clarifying question
  - Kardoes made clarifying comments
  - Lyons meeting froze, dropped from meeting
  - No additional Commission discussion
- All in favor, passes 5-0

**B. PUBLIC HEARING ON ORDINANCE NO. 3028 ENTITLED 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 ZONING PARCELS GENERALLY KNOWN AS 25 LOVES LANE AND LEGALLY DESCRIBED AS Lot**

**5-A OF THE LAHREN MINOR SUBDIVISION IN SECTION 23, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), AS HIGH-DENSITY RESIDENTIAL (R-III). 6:20 p.m. (00:40:13)**

- Kardoes made opening statements
  - Patricia Grabow made comments
  - Nootz reminded Grabow to keep comments to discussion at hand
  - Kris Lahren made clarifying comments
  - Motion by Schwarz, second by Friedman
  - Lyons made comments
  - Kardoes made clarifying comments
  - Kahle made comments
  - Nootz asked Kardoes clarifying questions
- All in favor, passes 5-0

**C. PUBLIC HEARING ON ORDINANCE NO. 3029 ENTITLED 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 ZONING PARCELS WITHIN THE MONTAGUE SUBDIVISION NORTH OF BENNETT STREET EXCLUDING BLOCK 3, LOT 5-14 AND BLOCK 3 AND A PORTION OF LOTS 22-26, AND INCLUDING THE ADJACENT ISLAND IN THE YELLOWSTONE RIVER LOCATED IN THE NE1/4 OF SECTION 7 (S07), TOWNSHIP TWO SOUTH (T02S), RANGE TEN EAST (R10E) AS MIXED-USE (MU), MEDIUM DENSITY RESIDENTIAL (R-II), AND PUBLIC (P) AS SHOWN IN EXHIBIT A. 6:32 p.m. (00:53:15)**

- Kardoes made opening statements
- Nootz noted error reading the Ordinance R-III instead of R-II
- No public comments
- Motion by Lyons, with the edit amending R-III to R-II, second by Friedman
- Lyons made comments
- Kahle made comments
- Nootz made comments
- Kardoes notified Commission the Ordinance is correct, the divider page in the packet is incorrect. No need to amend.
- All in favor, passes 5-0

8. Ordinances

9. Resolutions 6:47 p.m. (01:07:31)

**A. RESOLUTION NO. 5026: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE NORTH 12TH STREET RIGHT-OF-WAY ADJACENT TO LOTS 1-16 OF BLOCK 22 AND LOTS 17-32 OF BLOCK 23 OF THE PALACE ADDITION.**

- Kardoes made opening statements

- Lyons asked clarifying questions about future easement
- Kardoes answered
- Lyons asked additional questions
- Kardoes answered
- Nootz asked clarifying questions
- Lyons asked additional questions and made comments
- Kardoes made clarifying statements
- Sarah Stands made comments
- Brooke Weimer made comments
- Motion by Schwarz, second by Friedman
- Nootz asked for google map
- Lyons made comments
- Nootz asked one additional clarifying question
- Kahle made comments
- Schwarz made comments
- Friedman made comments
- Nootz made comments
- Schwarz made comments
- Friedman inquired about additional comments from Brooke Weimer
- Kahle asked clarifying questions about process
- 5-minute recess\* 07:18 p.m. (01:38:35)
- additional 2-minute recess\*
- Reconvened (01:41:16)
- Kardoes answered question, process is this is a Resolution of Intent, so they will see it again at the next meeting.
- Kahle made additional comments
- Nootz made additional comments
- Lyons asked clarifying process question
- Nootz asked Kardoes clarifying question about parliamentary process
- Kardoes gave comments
- Lyons, yield
- Schwarz asked to direct question to City Attorney
- Nootz declined, citing not putting attorney on the spot for legal advice wanting information in a staff report.
- Schwarz asked City Manager for his recommendation
- Nootz wanted to hear from the rest of the Commission
- Kahle would like to know options
- Kardoes gave recommendation
- Nootz asked for Google Earth map again, asked Kardoes clarifying question
- Kahle inquired about process, tabling it or postponing

- Schwarz froze and dropped off during roll-call  
Motion passes 3-1, Schwarz dropped off call, Lyons opposed  
Schwarz rejoined

10. Action Items 7:46 p.m. (02:00:56)

**A. DISCUSS/APPROVE/DENY: COMMISSIONER APPOINTMENT TO SERVE ON GUIDING PRINCIPALS STRATEGIC PLAN COMMITTEE.**

- Kardoes made opening statements
- Nootz made additional comments before opening to Commission
- Kahle volunteered her time
- Schwarz declined, having already participated in the first Strategic Plan, currently serves on the Livingston URA, and Parks and Trails Committee
- Friedman declined
- Lyons declined initially, due to already busy schedule but then volunteered
- Nootz also volunteered also has busy schedule
- Motion by Kahle to appoint self, and Nootz to Guiding Principles Strategic Planning committee, second by Lyons.  
All in favor, passes 5-0

**B. DISCUSS: RECOMMENDATION FROM CITY TREE BOARD FOR PARTNERSHIP WITH MSUE EXTENSION MASTER GARDNER PROGRAM TO FACILITATE VOLUNTEER PRUNING OF SMALL TREES IN PARKS. 7:52 p.m. (02:07:27)**

- Kardoes made opening statements and recommendation to pursue this opportunity
- Nootz made comments from Tree Board seat
- Kahle in support
- Friedman in support
- Schwarz in support
- Lyons also in support

**C. DISCUSS: SCHEDULING GENERAL FUND WORK SESSION FOR CITY COMMISSIONERS. 7:56 p.m. (02:10:55)**

- Kardoes made opening statements expect 3 hours for each meeting
- Nootz requested to explain process for newer commissioners
- Kardoes answered
- Kahle reminded commission Faith already sent Doodle Poll for General Fund
- Nootz reminded new commissioners of Budget Process in the Municipal Handbook

(From addendum # 1)

**D. DISCUSS/APPROVE/DENY: CITY/COUNTY AIRPORT BOARD & COMMISSIONS GUIDANCE, INVOLVEMENT. 8:03 p.m. (02:17:44)**

- Kardoes made opening statements
- Nootz asked clarifying question
- Kahle asked question and made comments
- Kardoes answered
- Schwarz made comments
- Friedman made comments
- Lyons made comments
- Motion made by Schwarz, second by Kahle
- Passes 5-0

(From addendum # 2)

**E. DISCUSS: NOTICE FROM MMIA REGARDING DISCONTINUATION OF INSURANCE COVERAGE FOR LIVINGSTON CITY/COUNTY LIBRARY. 8:15 p.m. (02:29:40)**

- Kardoes made opening statements
- Nootz disclosed her husband is the Library Director and she will refrain from commenting on this.
- Lyons asks clarifying questions
- Kardoes answered
- Kahle made comments
- Kardoes answered
- Schwarz made comments
- Friedman made comments
- Kardoes advised the City will continue to keep Commission apprised of the situation

11. City Manager Comment 8:27 p.m. (02:42:00)

- Check out the front page of the Livingston Enterprise newspaper, Livingston Ambulance Service and enhanced capacity
- City Board & Committee Openings

12. City Commission Comments 8:28 p.m. (02:43:00)

- Lyons
- Schwarz- Yield
- Friedman
- Kahle- Yield
- Nootz

13. Adjournment 8:31 p.m. (02:46:35)

**Public in virtual attendance**

1. Brooke Weimer
2. Jim Baerg
3. Justin Cameron
4. Tim Stevens
5. Leslie Feigle
6. Patricia Grabow
7. Sarah Stands
8. Deborah Mnaghan
9. Nicole
10. Steve Koontz
11. A.K.W.
12. JrHass
13. J.N.W.
14. Kris Lahren
15. Livingston Enterprise
16. Call in user (406) 220-8181