



# Livingston City Commission Minutes

**February 18, 2025 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/89792692672?pwd=p0BpyO8FVKdFQGGxDqc6cIRI15GabZ.1>

**Meeting ID: 897 9269 2672**

**Passcode: 821323**

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## 1. Call to Order

Chair Schwarz called the meeting to order at 5:34pm

## 2. Roll Call

### Commissioners Present

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

### City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- City Attorney Jon Hesse
- 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)*

Chair Schwarz invited public comments on non-agenda or consent items and reminded speakers of the time limit and relevant rules



#### 4. Consent Items

- A. APPROVAL OF MINUTES FROM FEBRUARY 04, 2025, REGULAR MEETING PG.4**
- B. APPROVAL OF CLAIMS PAID 1/30/25 - 2/12/25 PG.13**
- C. PLEDGED SECURITIES PG.24**
- D. HPC BOARD APPOINTMENT/RENEWAL PG.28**
- E. APPROVAL OF AGREEMENT 20156 PG.31**

Chair Schwarz opened Consent Items to public comment.

Public Comment was offered by:

- Jessie Kula expressed disagreement with agreement 20156 regarding dollar amounts
- Josh Congelton also expressed disagreement with agreement 20156 regarding dollar amounts
- Pam Van Giessen expressed concern about agreement 20156 regarding indefinitely term and what would happens after employment ends.
- Ellen Collins expressed agreement with previous commenters.
- Nancy Adkins stated streets being plowed would be something good to spend money on.

Commissioner Willich pulled Consent Item E for discussion. He expressed appreciation to the public that reached out to him. He brought up dollar amount statistics for the Livingston area and wanted the scale of dollars to be put into perspective. He expressed support to the City Manager and dollar amount listed in this agreement.

Commissioner Lyons expressed understand of local economy and appreciates public feedback, but ultimately support the City Manager and what he brings to the City of Livingston and feels the dollar amount listed in the agreement is appropriate.

Commissioner Kahle stated there was a compensation analysis done of communities in our region to help guide their decision on a raise. She reminded that the City Manager has worked really hard to raise salaries and wages for City employees. She feels that the City Manager works really hard inside and outside is office working with City employees and community members.

Vice Chair Nootz expressed disappointment with a lot of misinformation that is going around online without fact checking. She reminded that Commissioners make evidence based decisions and do so publicly. She feels like with all of the negative comments that it is being forgotten that the City Manager is still and person, and



a person that lives within our community. She asked the City Manager to clarify that city employees have all received a raise before the Commission had discussed a raise for him

The City Manager stated that there have been at least two raises for City employees.

Vice Chair Nootz read her list of things the current City Manager has done during his time employed as City Manager in the City of Livingston. The list includes: lowered City taxes, healthy budget, transparent budget, growth policy implementation, improvement in City culture and City employee morale, save the City \$16 million to \$20 million dollars for taxpayers in lawsuits without getting the City into any new lawsuits, developers and private interests are paying their own way now, good feedback from the community about the current City Manager, built relationships with other City Managers across the state, improved processes to bring transparency to government, has helped people and neighborhoods in crisis, brings equity to all Commissioners with shared information and information in a timely manner, and lastly, he has full experience in local government ranging over all departments.

Chair Schwarz reminded that the numbers were not pulled out of nothing, they did hire a consulting agency to help with this. He is very happy to have hired the current City Manager, and his only regret is not paying him more to begin with. He expressed that the City Manager has done really well at a job that is very difficult, and for that he should be fairly compensated. He stated that he is disappointed in the comments he has seen on social media, and reminded that they things they are saying is about a person and he does have a family.

Commissioner Kahle motioned to approve consent items seconded by Commissioner Willich. Unanimously approved.

5. Proclamations

6. Scheduled Public Comment

6:20 PM Commissioner Kahle motioned to take a 10 minute break seconded by Vice Chair Nootz. Unanimously approved.

7. Action Items

#### **A. PRESENTATION OF ENERGY ACTION PLAN PG.46**

This City Manager stated this item is a presentation of a draft energy action plan. He stated this plan started over a year ago when the City Commission appropriated funds in the FY 24 budget and comes as an item from the Growth Policy. He introduced Nicole Holt from Sera Architects.

Nicole gave a presentation to the City Commission about the Energy Action Plan.

Commissioner Lyons asked this plan would be an appendix added to the Growth Policy.

The City Manager stated that it could be. He reminded that we do have a Growth Policy update coming in 2026 and stated if the Commission would like, they could add this to the Growth Policy.



Public Comment was offered by:

- Linda Mahr asked what happens in 2030 does this plan stop. She expressed that everything is still going to be growing and what will happen then.
- Patricia Grabow expressed disappointment in the Energy Action Plan presentation
- Sarah Stands is excited to the results of this Energy Action Plan

Chair Schwarz asked what the role the consultant after this.

The City Manager stated this report concludes the current consulting team's engagement.

Vice Chair Nootz expressed that cross referencing seems like a good idea and important to do. She stated she has heard from multiple people in the community that they would like to see an idling ordinance. She would like to see the Wellness Center brought up in this plan. She also asked about green waste burning. She asked Nicole if it had been considered that green waste is burned because it does seem problematic.

Nicole stated the fact that it is currently burned was not taken into consideration in the plan, but in a future phases where they look at waste with greater detail.

The City Manager agreed that this is something that will be looked at in greater detail.

Commissioner Willich asked about greenhouse gas emissions. He asked what is our energy production made up. How much coal does Northwestern Energy burn vs. natural gas, hydro, wind and solar.

The City Manager stated that Northwestern Energy is primarily coal generating.

Commissioner Lyons stated the energy is predominantly renewable and coal constitutes less in terms of what we are getting from Northwestern Energy.

Commissioner Willich asked about LED performance in cold weather and wondered about type of light output and wondered will it be in line with our light ordinance.

Nicole stated this document is not the place to discuss the function of LEDs in different temperatures.

Commissioner Lyons asked if they are focusing on operations of the City or are they thinking about what the City can do as it relates to energy consumption among citizens.

The City Manager stated the goal of this plan was to provide the City, as a large fleet and infrastructure owner and operator, some actionable methods that we can pursue to lower our energy intensity.

Commissioner Lyons expressed that he likes the effort for this plan and feels passion toward this subject. He would like to see the plan fit more with Livingston, though. He would like to see a pilot program for low and no emission vehicles. He explained that VF 2.1 doesn't make a lot of sense and felt it should be removed. He would also like to include public access to the zero emission infrastructure.



Commissioner Kahle is excited to see this move forward. She asked what phase two will look like.

The City Manager stated the next phase is a collaborative effort between staff and the team from Sera, but there will be some technical components of the next phase as far as energy audits.

Chair Schwarz thanked Nicole for the presentation.

Commissioner Willich asked about the baseline year being 2020 as it was a very out of character year for us at that time.

The City Manager stated it was produced in 2020, but data goes back to 2018.

Vice Chair Nootz motioned to receive and file the energy action with the following amendments and direct the City Manager to pursue its implementation seconded by Commissioner Lyons. Unanimously approved.

- Address LED Lights
- Add strategy for low emission or no emission vehicles and pilot program for staff
- Omit on page 66 VF 2.1
- Include public access to zero emission infrastructure

8:10 PM Vice Chair Nootz motioned to take a 10 minute break seconded by Commissioner Kahle. Unanimously approved

## **B. APPROVAL OF A CITY-COUNTY COMPACT CHAPTER (IT/GIS) PG.104**

This City Manager stated this item is a proposed third chapter in the City-County Compact and this agreement is a current practice between City and County for IT and GIS services.

Commissioner Kahle thanked the City Manager for this chapter and moving the City-County Compact agreement forward.

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

## **C. SUBDIVISION REGULATION REVIEW #3 PG.110**

This City Manager stated this item is the third phase of the review of the City of Livingston Subdivision Regulations. This phase of proposed changes focuses on community experience. He introduced Planning Director Severson to present on this item.



Planning Director Severson presented Subdivision Regulation slides.

Commissioner Lyons asked about page 135 where it talks about soils in a subdivision. He wondered if there was a bill in the last legislative session that excluded this in primary criteria.

Planning Director Severson stated she will look into this.

Commissioner Kahle asked where the Public Works standards are, and if they would be reviewed in subdivision application process.

Planning Director Severson stated there are two and can be found on our website [www.livingstonmontana.org](http://www.livingstonmontana.org) and she stated yes, they will be looked at during the process.

Vice Chair Nootz expressed concern about when HOA requirements are in conflict with City ordinances, and would really like to see something to correct that in this policy. She doesn't want developers and HOA's to have a backdoor route to undermine public policy.

Planning Director Severson expressed she would like some time to look into this, and explained that in certain cases it would be a civil matter.

The City Manager stated they will evaluate allowances with MCA to help with this type of situation.

Commissioner Lyons expressed that he likes having a traffic study done at a certain threshold in this policy and feels like it is a great idea.

Commissioner Kahle thanked Planning Director Severson for adding the section about bear proof cans.

Vice Chair Nootz asked what it would look like if a developer wants to appeal something. It used to be that folks would go to the board of appeals, and with this process moving to administrative what does that look like.

Planning Director Severson stated it would still come to the Commission.

Commissioner Kahle asked for clarification on if the developer can appeal and that would also mean that any other private entity could also appeal.

The City Manager stated yes, that is correct. He reminded of noticing provisions that are included for major and minor subdivisions.

#### 8. City Manager Comment

The City Manager expressed appreciation to the Commission for their work on the Energy Action Plan and Subdivision Regulations. He also thanked them for their continued confidence in him to do his job as City Manager.

#### 9. City Commission Comments



Commissioner Willich thanked the members of the public for reach out about items on the agenda. He expressed appreciation for the work the City Manager does.

Commissioner Lyons shared some snow data that he keeps from his back yard and the snowiest days on record. Third place is October 2020 at 24 inches, second place is March 2023 at 27.5 inches, and first is February 2025 with 34.5 inches only 18 days into the month.

Commissioner Kahle expressed concern around federal layoffs and feels as a gateway community to Yellowstone Park we are affected by this, and would like to find a way to support those folks. She motioned for it to be on the next agenda to write a letter to the Federal Government asking them to be more cautious about firing people, and look how it will affect our community.

Chair Schwarz seconded and supported bringing this to the next agenda.

Vice Chair Nootz addressed the negative talk around the City Managers agreement and would like these folks speaking negatively to remember that the City Manager is a person within the community with a family in the community. She ask that they support our community and support those who give their life for public service and give their careers to public service. She asked poster on social media to think about their actions and to make sure they are posting accurate content because it does impact people's lives.

Chair Schwarz expressed understanding of the community and what they go through, but shared support for the City Manager and reminded of all the good qualities he brings to his job. He clarified that our budget does balance and by law it has to.

Vice Chair Nootz clarified a comment noted in the Enterprise where it showed that she said the City is operating in the red, or deficit, and she strongly clarified that the City not in a deficit.

Chair Schwarz thanked the community members that reached out respectfully out the City Manager raise. He expressed appreciation to City staff that are clearing snow.

Commissioner Lyons explained our snow removal plan in comparison to Bozeman explaining our locations are different, and that we really do have the right amount of equipment and staff for a typical year of snow, but for years that we have above average snow fall in our area it does appear like the City is not working to remove the snow. He really clarified that we are well prepared the amount of snow we almost always get every year.

## 10. Adjournment

9:22 PM Commissioner Lyons motioned to adjourn seconded by Commissioner Kahle. Unanimously approved

## Supplemental Material



## Calendar of Events

### 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.



Sent: Tuesday, February 18, 2025 11:02 AM  
To: City Commission <[citycommission@livingstonmontana.org](mailto:citycommission@livingstonmontana.org)>  
Subject: City streets

To whom it may concern,

The City of Livingston must review and re-establish the primary snow route as it does not prioritize residences on the northside of the city exposed to higher snowfall and wind drift, especially considering those whom live on a uphill grade. It is blatantly obvious that the city does have not utilize adequate snow removal equipment and/or staffing. Emergency response or evacuation is a serious concern and extreme liability.

Additionally, it is asinine for the city to impose misdemeanor charges to city residents who slip and crash when the taxpayer-funded streets/street conditions are unkempt and dangerous. Fire hydrants are being not kept clear, and streets are riddled with potholes and poor drainage. Private vehicles are suffering mechanical damage to suspension and other issues.

Finally, we are opposed to the city manager receiving any raise before funds are properly allotted to meet the basic needs of the city.

Scot Ward  
1215 Sweetgrass Lane  
Livingston, MT 59047

**To:** City Commission <[citycommission@livingstonmontana.org](mailto:citycommission@livingstonmontana.org)>  
**Subject:** Please support Energy Action Plan

Dear Commissioners,

Thank you for all your work so far to create the city's Energy Action Plan. I have reviewed the draft and am writing to voice my support and encourage your approval with Action Item 7A.

I own a local energy auditing business to help people improve the energy efficiency of their homes, so I have direct experience with how relatively easy upgrades can pay off in the long term with cost and energy savings. I think the plan does a good job of laying out sensible investments that will improve city services while conserving our tax dollars and reducing our carbon emissions that contribute to global warming.

As a former chair of the tree board, I am also very supportive of the plan's proposal to increase urban tree cover, including by engaging students and volunteers. There is robust science documenting how trees are the best and most affordable "air conditioners" for cities facing hotter summers. Trees are a common-sense climate change adaptation strategy, and also make our town more beautiful for residents, more attractive to tourists and more walkable, especially for the young and elderly. I've helped with the Livingston Loves Trees planting campaigns and am volunteering to help engage students with tree planting. Planting trees can be a very meaningful way for people to improve their neighborhoods and schools, learn about the natural world, meet other people and take pride in their community. Please keep trees in the energy action plan!

I am also very supportive of transitioning the city's vehicle fleet to EVs. I've used a Chevy EV for several years in Livingston. People often ask me about it, and I think there's a misconception that EVs don't work in our cold climate or that they're not affordable. Although cold temps decrease the driving range somewhat, EVs actually have a lot of advantages in cold and snowy weather. They generally require much less maintenance than traditional vehicles, which helps offset any increased purchase cost and can result in long-term cost savings, combined with operational cost savings from electricity being cheaper than gas.

With energy- and climate-related efforts facing headwinds at the national level, it's more important than ever that local communities move forward with actions that fit our goals. I believe this plan does that. If anything, I think we should be considering more proactive targets than 2050. I think we could get this done in the next 10 years if we wanted to, with the option to use renewable energy credits to plug any final gap for hitting carbon neutral.

Thanks for your ongoing support on this.

Marshall Swearingen

409 1/2 S 13th St in Livingston

**To:** City Commission <[citycommission@livingstonmontana.org](mailto:citycommission@livingstonmontana.org)>

**Subject:** energy action plan

Hi,

I am fully in support of the energy action plan and hope the city will move forward with it. And hope the council takes the position of the many Livingston residents also in support.

--

**Tony Noble**  
**111 Buffalo Trail Rd, Livingston, MT 59047**



# Review of Subdivision Regulations

City Commission Meeting  
February 18, 2025

# PRESENTATION OVERVIEW

- Statutory Authority
- Scope of Review
- Initial Recommendations

# PURPOSE OF LOCAL SUBDIVISION REGULATIONS

## MCA 76-3-501

**(1) The governing body of every...city...shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for:**

- (a) the **orderly development** of their jurisdiction;
- (b) the **coordination of roads** within subdivided land with other roads (existing and planned);
- (c) the **dedication of land for roadways and public utility easements;**
- (d) the **improvement of roads;**
- (e) the provision of **adequate open spaces for travel, light, air, and recreation;**

# CRITERIA FOR LOCAL GOVERNMENT REVIEW

## MCA 76-3-608

- (3) A subdivision proposal must undergo review for the following primary criteria:**
- (a) except when the governing body has established an exemption...as provided...76-3-609(2) or (4), or 76-3-616 (N/A), the specific, documentable, and clearly defined impact on:**
- agriculture
  - agricultural water user facilities
  - local services,
  - the natural environment,
  - wildlife,
  - wildlife habitat, and
  - public health and safety, excluding any consideration of...resulting loss of agricultural soils;

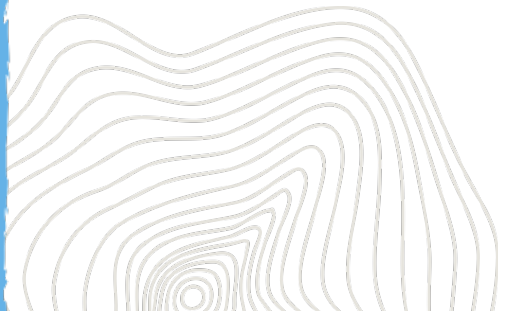
# PRESENTATION OVERVIEW

- Statutory Authority
- Scope of Review
- Initial Recommendations

# SCOPE OF REVIEW OF SUBDIVISION REGULATIONS

Three Types of Changes:

- Technical and Conforming
- Growth Policy Recommendations
- **Community Experience**





# PRESENTATION OVERVIEW

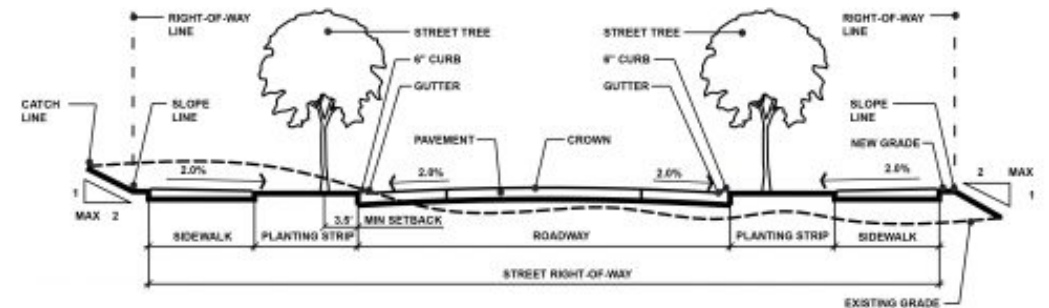
- Statutory Authority
- Scope of Review
- Initial Recommendations

# COMMUNITY EXPERIENCE RECOMMENDED CHANGES

- **Require Boulevard tree plantings** – at least 1 tree planting for each lot frontage; plan must be approved by City Arborist (Sec 28.7.9.3.6)
- **Require Sidewalks** in new subdivisions – will be included in Tbl 1 Typical Section
- **Viewshed/ Ridgeline protection** – Scenic Resource Preservation added to Sec 28.7.3
- Add **Detailed Factors to evaluate Subdivision impacts** – Sec 28.4.7.2.4 includes additional considerations for impact evaluation

# COMMUNITY EXPERIENCE RECOMMENDATIONS TO BE ADDRESSED OUTSIDE CH. 28 MAIN DOCUMENT

- **Transportation Impacts of Greenfield Development** – TIS will be required for 200+ trips; will be included in Subdivision Application Form (Ch. 28 Appendix)
- **Update/ Modernize street sections in Table 1**- Tbl 1 will be moved to Appendix and a Typical Cross-Section will be added based on Public Works Design Standards (see example at right)



- **Require Watercourse/ Wetland setbacks** – Riparian Setbacks will be addressed in Zoning Code Update

GROWTH POLICY- RECOMMENDED UPDATES TO SUBDIVISION REGULATIONS		
Recommendation	Included in Updates?	Notes
Carefully evaluate transportation impacts of greenfield development as part of the development review process.	Y	Assessed through Traffic Impact Study; TIS requirement for 200+ trips to be added to Subdivision Application Form (Appendix #TBD).
Require sidewalks, and trail connections where possible, with new subdivisions.	N	Allowed under current sub regs 28.7.17.4; required in Tbl 1 (to be moved to Appendix)
Create Public Works Infrastructure Design Standards to incorporate into the Subdivision Regulations.	N	Completed in August 2022
Explore requiring boulevard tree plantings with all subdivisions.	Y	To Be Included in <b>Community Experience</b> updates - Sec 28.7
Explore watercourse and wetland setbacks.	N	Riparian Setbacks will be included in Zoning Code Update
Require a flood study if proposed development is to be located within a 100-year floodplain.	N	Floodplain Development Permit restricts impacts to regulatory floodplain; development in mapped floodway is prohibited
Investigate updating subdivision regulations to consider lifetime cost to the taxpayer, <b>tax revenue projections</b> , greenhouse gas emissions, water use reduction, solid waste reduction, reuse of current resources, and <b>coordination of project work to reduce disruption and waste.</b>	N	Tax revenue projections already evaluated under current subdivision regs. Reduce disruption/ waste during project is under purview of DEQ.
<del>Update regulations to add language from the Subdivision and Platting Act.</del>	<del>Y</del>	<del>Revisions included MCA changes</del>
<del>Include definitions within document</del>	<del>Y</del>	<del>Revisions included MCA changes</del>
<del>All definitions should be updated to meet the intent of the zoning code, subdivision regulations, recommendations of the Growth Policy and compliance with state, county, and local laws.</del>	<del>Y</del>	<del>Updated with MCA changes. Will be updated again for consistency with new zoning code.</del>
<del>Ensure references to MCA and MSPA are up to date.</del>	<del>Y</del>	<del>Revisions included MCA changes</del>
<del>Procedure should be reviewed by staff and legal counsel to ensure proper administration of regulations.</del>	<del>Y</del>	<del>Revisions included in MCA changes</del>
Consider removing professional land surveyor and have all plans certified by a professional engineer.	N	Certain design aspects required to be certified by engineers but state law allows survey of subdivision plats by licensed surveyor
<del>Prohibit cul-de-sacs in subdivision development.</del>	<del>Y</del>	<del>Cul-de-sacs will only be allowed by variance - see 28.7.9.1.3</del>
<del>Require gridded street networks that promote active transportation.</del>	<del>Y</del>	<del>Added 28.7.8.4</del>
Consider requiring a tree preservation ordinance to regulate the preservation of desirable trees.	Y	<b>Community Experience</b> - Regs (28.7.9.3.6) updated to require planting of boulevard trees using recommended tree species.

GROWTH POLICY- RECOMMENDED UPDATES TO SUBDIVISION REGULATIONS		
Recommendation	Included in Updates?	Notes
Street light electric bill should be the responsibility of the homeowner's association.	N	These are managed through the City's light maintenance districts.
An engineer should review Table 1 to consider reducing the impact streets have on water runoff and other environmental and fiscal considerations.	N	Design must be consistent with Pub Works Design Standards; impacts to stormwater will be evaluated when MS4 requirements are established
Table 1 should be updated to meet more modern street sections and give sections for different types of street sections and give sections for different types of street (arterial, collector, local).	Y	<b>Community Experience updates:</b> Table 1 moved to Appendix B-typical section(s) will be added based on Pub Works Design Standards
Explore working with Public Works Department to create city-wide transportation standards for all development.	N	Transportation standards and design are regulated Pub Works Design Standards.
The City should strengthen the drainage facilities requirements. This is often a source of water pollution both during and after construction of the development.	N	This is evaluated during subdivision review by Public Works and MT DEQ.
Evaluate utilizing underground stormwater drainage systems rather than allowing surface gutters along curbs and through intersections for new developments.	N	This is evaluated during subdivision review by Public Works and MT DEQ.
Often developers choose to pay the City for park land dedication. The City often loses green space and other scenic views. Consider requiring park land dedication first and payment in-lieu-of park land as a second option approved by City Commission.	N	This is inconsistent with PUD ordinance Sec 30.47.D.4. (created after Growth Policy adopted)
Consider adopting a ridgeline or viewshed ordinance.	Y	<b>Community Experience updates-</b> scenic resource preservation added to 28.7.3
Communities often shy away from mobile homes. Review to make sure this is acceptable to the City Commission.	N	This is addressed in current zoning ordinance.
Ensure all fees are included and cover staff and City resource costs to process each application.	Y	Review fees updated October 2024.
The City should strengthen the variance section.	Y	Variance language will be more robust - See Sec. 28.10.2
Add language on evaluation of subdivisions.	Y	<b>Community Experience updates.</b> Sec 28.4.7.2.4 will include specific factors will be used to evaluate development impacts with respect to seven subdivision review criteria under MCA. Language TBD

QUESTIONS?



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