



Livingston City Commission

Minutes

February 4, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/86051371883?pwd=cNMG558C1FhvXK5uVdA8KCkdlSUbqB.1>

Meeting ID: 860 5137 1883

Passcode: 289211

1. Call to Order

Chair Schwarz called the meeting to order at 5:31pm

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

- Bill Stevens expressed appreciation for the equality proclamation located in the City Hall lobby.
- Patricia Grabow thanked the Commission for putting her information packet in the minutes from the previous meeting. She expressed her thoughts on bettering the community and in the community she likes to show support and assist with homelessness.

4. Consent Items

- A. APPROVAL OF MINUTES FROM JANUARY 21, 2025, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 1/16/25 - 1/29/25 [PG.118](#)**
- C. JUDGES MONTHLY REPORT DECEMBER 2024 [PG.129](#)**
- D. RE-APPOINTMENT OF ALLISON VICENZI TO THE LIVINGSTON URBAN RENEWAL AGENCY BOARD [PG. 131](#)**
- E. RATIFICATION OF PURCHASE ORDER 20154 FOR A GARBAGE TRUCK [PG.134](#)**

Commissioner Kahle motioned to approve consent items seconded by Vice Chair Nootz. Unanimously approved.

5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING FEBRUARY 4, 2025 AS ROSA PARKS DAY IN LIVINGSTON MONTANA [PG.149](#)**

Chair Schwarz read the proclamation.

The City Manager recognized Rosa Parks and what she stood for also wished her a happy birthday.

Commissioner Kahle thanked the City Manager for including this in the packet during black history month.

6. Scheduled Public Comment

- A. UPDATE REGARDING UPPER YELLOWSTONE CHANNEL MIGRATION ZONE MAPPING PROJECT [PG.152](#)**



This City Manager stated this report is from Jeanette Blank who will share findings from a recent study that followed the 2022 flood events.

Jeanette presented study highlights from her slides.

Commissioner Willich expressed appreciation for this study and presentation and stated it was easy to follow and understand.

Commissioner Lyons expressed appreciation for the study and presentation stating he learned a lot.

Commissioner Kahle thanked Jeanette for the presentation.

Jeanette stated her other presentation dates are:

February 18, 2025 at the County Commission Meeting

February 20, 2025 at the Park County Planning Board Meeting

February 24, 2025 at the Consolidated Land Use Board Meeting

Vice Chair Nootz asked about the special management area and asked for pros and cons on development vs. existing infrastructure in the city. Further she clarified her question as what should the Commission be thinking about on development pressures increase around the river in the special management area.

Jeanette stated that expanding beyond normal protocols is important such a requirements for flood modeling or analysis for bank armoring and how will it affect the opposite side of the river. She stressed that looking beyond the immediate project zone and assessing the affects downriver and in other locations.

Vice Chair Nootz asked how often they see neighboring property owner's work together when they are along the river. She stated it seems like what one person does impacts everyone around them.

Jeanette stated she really hasn't had to deal with that situation in our area because development has been a bit slower.

Chair Schwarz asked if this will become regulatory in the future.

Jeanette stated that it has not happened in Montana.

Public Comment was offered by:

- Michael Dechellis expressed gratitude and support for this kind of planning.
- Patricia Grabow expressed thanks to Jeanette for her support and knowledge.

7. Action Items



A. RESOLUTION 5154: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN ITEMS AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE DONATED, SOLD OR DISPOSED OF. [PG.311](#)

This City Manager stated this item is declaring three cardiac monitors from Livingston Fire & Rescue as surplus for trade with an outfit in South Dakota. We will be trading three Phillips monitors for three Zoll monitors.

Commissioner Lyons wondered why this type of decision comes to the Commission and not to the City Manager to decide on.

The City Manager stated this is legally required by Montana Code Annotated and is considered a public asset protection.

Commissioner Lyons motioned to approve this resolution seconded by Commissioner Willich.

Vice Chair Nootz expressed that this is fantastic use of staff time in saving taxpayer money and improving partnership across state lines, and as a result getting the city something they need at no cost.

Resolution unanimously approved.

B. RESOLUTION 5155: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE 2024 WESTERN MONTANA HAZARD MITIGATION PLAN [PG.315](#)

The City Manager stated this document is a technical piece of business and with the approval of this document it will enable potential grant funding for the city. This document was created in the aftermath of the 2022 floods. City staff working with county staff to identify the hazards affecting the city and county, and also appropriate mitigation projects for those hazards.

Vice Chair Nootz asked for insight into which staff work on this and overview from the administrative side.

The City Manager stated the departments involved were Public Works, Fire, Police, Recreation, Finance and him. He stated this was a really comprehensive review and referenced one slide that lists known hazards showing flooding as high for the city.

Vice Chair asked for next steps for the city moving forward.

This City Manager stated that FEMA does make Hazard Mitigation Grants available on an annual basis and the city would be able to apply for those.

Commissioner Willich motioned to approve this resolution seconded by Vice Chair Nootz

Public Comment was offered by:

- Jeanette Blank added that Livingston does qualify for certain Environmental Justice funding for Hazard Mitigation due to Livingston's economic standard.



- Patricia Grabow expressed concern about the fire that happened out in the area of Printing For Less.

Commissioner Willich believes this is something they should definitely consider.

Commissioner Kahle feels that any of the plans they can get in place to look at the hazards will be a good process moving forward.

Vice Chair Nootz thanked staff for working on this.

This resolution was unanimously approved.

C. RESOLUTION 5156: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING UTILITY AND ACCESS EASEMENTS GRANTED BY LIVINGSTON WEST LLC FOR THE MOUNTAIN VIEW SUBDIVISION AND AUTHORIZING CITY MANAGER TO SIGN ASSOCIATED DOCUMENTS. [PG.319](#)

The City Manager stated this a follow up to last meeting where easements for Livingston West LLC were discovered as not granted, approved and recorded as part of subdivision back in 2012. So these easements are coming to the Commission for approval.

Commissioner Lyons asked if there are processes in places so easements are not missed to be recorded.

The City Manager stated yes, he and the Planning Department have worked to improved processes to ensure these are filed and recorded timely.

Commissioner Kahle motioned to approved this resolution seconded by Commissioner Willich

Vice Chair Nootz thanked the City Manager for his attention to detail

This resolution was unanimously approved

6:47pm Commission Kahle motioned for a 10 minute break seconded by Vice Chair Nootz. Unanimously approved

D. DISCUSSION REGARDING DEVELOPMENT OF A CONFLICT OF INTEREST POLICY [PG.331](#)

The City Manager stated this request came at the January 7th meeting and two Commissioners expressed interest in discussing a conflict of interest policy. In the packet he provided the Commission with reference material on this matter including sections from Montana Code Annotated and other conflict of interest policy examples from around Montana. If it is decided to create a conflict of interest policy there are four main areas to consider including scope of coverage, disclosure process, applicability of the policy, and codification.

Chair Schwarz would like to start with scope of coverage.



Commissioner Willich expressed that ethics is something he takes very seriously and understand sometimes people's ethics don't always align with others views of ethics, and feels as elected officials they should be held to a high standard. He would like to see a firm stance on disclosures and referenced the form they fill out and provide to the City Manager, and if the City Manager sees a topic on the agenda of potential conflict, he feels it should be addressed between the City Manager, City Attorney and the Commissioner.

Vice Chair Nootz expressed that ethics and trust in government is important. She felts that some of the examples provided were very helpful. Timing of disclosure is also an important part the potential policy and applicability could be expanded on more with more specifics.

Commissioner Kahle understands that Montana Code Annotated has laid this process out and stay within its guidelines. She appreciates the disclosure form that the City Manager created. She expressed that a policy to strict could discourage community participation. She would like to see something included in the policy that directs Commissioners to speak with the City Manager and the City Attorney about potential conflicts to receive guidance on how that Commission should proceed into discussion and voting for an item. She stated for applicability it should be taken into consideration they City Commission, City Staff and Advisory Boards are all held to different standards in different ways.

Chair Schwarz expressed that as part of this he wants to avoid having to make decisions that should be made by the City Attorney. He stated he likes Bozeman's example best. He is only looking at this policy for the City Commission and feels the City Manager to be in charge of employee regulations and guidelines.

Commissioner Lyons expressed thoughts that other cities conflict of interest polices vary, and he believes they were written reactively to an incident that city had, rather than proactively before something happens. He would like to see a well-structured and replicable policy written that is also easy to understand. He would like to see this put into the Livingston Municipal Code so it is more available to everyone not just Commissioners.

Commissioner Willich expressed simply that a conflict of interest is not something that should be seen as negative and should deter folks from being Commissioners, it just is a conflict where a little overlap exists between personal life and Commissioner duties.

Vice Chair Nootz expressed that she feels the state doesn't show enough between legal conflict of interest vs. the appearance of impropriety, and would like to see the policy they develop be a little more clear, but not overly restrictive. She believes this policy should apply to the City Commission and Advisory Boards because we do have two boards that don't require the City Commission to vote on the final outcome, and they should be held to the same standard. Her thoughts are that the staff handbook be developed by the City Manager and she discussed a few examples of things she would like to see in there for staff. She agreed with Commissioner Lyons about this policy appearing in Livingston Municipal Code. She did express that Commissioners should not be discussing potential conflict of interest with the City Manager and City Attorney as it can be seen unfavorably for everyone involved.



Chair Schwarz agreed with not meeting with the City Manager and City Attorney in a one-on-one it would be more appropriate to do that in a public setting when discussing conflict of interest.

Commissioner Kahle agreed with putting the policy into Livingston Municipal Code. She would be interested in hearing the City Attorney and City Managers thoughts on this policy.

The City Manager reviewed a portion of Missoula's policy regarding subsequent employment of Commissioners.

Vice Chair Nootz expressed that if this applied to Commissioners, it should be considered from staff in some way so consistency remains on multiple levels.

Commissioner Lyons expressed the example polices are a good place to start.

Commissioner Kahle agreed with Commissioner Lyons and also stated she thinks disclosure is really important and something they all should do, but would like to see good balance within the policy.

Public Comment was offered by:

- Patricia Grabow expressed being against codifying these types of things.
- Ken Cochrane feels that navigating conflicts of interest is critical for individuals who serve in dual roles involving Commissioners.

The City Manager will bring this back at the first meeting in March.

Vice Chair Nootz motioned to move into closed session seconded by Commissioner Kahle. Unanimously approved.

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

8. City Manager Comment

The City Manager thanked the City Commissioner for their work at this meeting.

9. City Commission Comments

Commissioner Willich commented on winter.

Commissioner Lyons stated that this past January is colder than previous January months.

Commissioner Kahle recognized Bill Stevens for his comments at the beginning of the meeting and is proud of Livingston's diverse community.



Vice Chair Nootz thanked the City Manager for the agenda and conversations tonight.

Chair Schwarz expressed it was a good meeting

10. Adjournment

8:52pm Commissioner Schwarz motioned to adjourn seconded by Commissioner Willich. Unanimously approved

Calendar of Events

Supplemental Material

Notice

1. **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).
2. **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.
3. **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.