



# Livingston City Commission Minutes

January 02, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89316783633?pwd=TkxGOFVLMHpnaLowc2hqZjVPRVQRQT09>

Meeting ID: 893 1678 3633

Passcode: 299163

## 1. Call to Order

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

## 2. Roll Call

City Commission in attendance at start of meeting: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, and Commissioner Lyons.

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Acting Police Chief Wayne Hard, Interim City Attorney Jon Hesse, 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)*

Public Comment was offered by:

- Leslie Fiegel gave an update on the 2023 year for the Livingston Chamber.

## 4. Consent Items

### **A. APPROVAL OF MINUTES FROM CITY COMMISSION REGULAR MEETING ON 12/19/2024**

**PG.4**

### **B. APPROVAL OF CLAIMS PAID 12/14/2023 TO 12/27/2023**

**PG.19**

Motion to approve all consent agenda items was made by Vice-Chair Kahle and seconded by Commissioner Lyons. The motion passed unanimously by the five members present.

## 5. Proclamations

### **A. PROCLAMATION HONORING JOHN W. FRYER**

**PG.23**

Chair Nootz read the proclamation.

The City Manager stated April 6<sup>th</sup> is a Saturday which is a great day to go enjoy downtown Livingston.

Commissioner Schwarz expressed he enjoyed knowing John and working with him over the years.

**B. PROCLAMATION HONORING CITY COMMISSIONER MELVIN G. FRIEDMAN**

**PG.25**

Chair Nootz read the proclamation.

The City Manager thanked Commissioner Friedman for his time on the Commission.

Commissioner Schwarz thanked Commissioner Friedman for his time and teaching him along the way.

Commissioner Lyons expressed that Commissioner Friedman has been a great teacher and set a great example for the Commission and Community members. He expressed how great his dedication and thoughtfulness has been in his time as Commissioner.

Vice-Chair Kahle expressed it has been an honor to sit next to Commissioner Friedman for the last two years. She thanked him for his service to the Community.

Chair Nootz expressed the last five years have been a lot and she is glad they have been able to do it together.

Commissioner Friedman thanked fellow Commissioners for giving him rides when needed. He suffered vision loss in one eye and has been unable to drive himself. He briefly recalled how far the City has come, from being in a few small offices in the City-County Complex to the City getting the City Hall building we have now. Commissioner Friedman gave a history of his life on how he got where he is now with the Livingston City Commission. He expressed gratitude to the City Manager for picking him up Monday morning for their weekly meetings at City Hall.

6. Scheduled Public Comment

7. Action Items

**A. OATH OF OFFICE FOR NEWLY-ELECTED CITY COMMISSIONER JAMES WILLICH PG.27**

Chair Nootz met James Willich at the podium to swear him in as City Commissioner.

6:06pm Chair Nootz motioned for a 10 minute break seconded by Vice Chair Kahle. Unanimously approved.

**B. ELECTION OF CITY COMMISSION OFFICERS FOR 2024**

**PG.34**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated that LMC stipulates that the Commission will elect a Chair and Vice Chair at the first meeting of the year in January.

Commissioner Lyons nominated Karrie Kahle for Chair seconded by Commissioner Schwarz.

Commissioner Lyons expressed he appreciate Kahle's ability in running the meetings when necessary. He appreciates the leadership from Chair Nootz as well. He feels the Commission has an opportunity to pass the reign and allow Kahle the opportunity to show her leadership style.

Commissioner Schwarz agrees with Commissioner Lyons.

The position for Chair was unanimously approved by the five Commissioners present.

Commissioner Schwarz moved to nominate Commissioner Nootz for Vice Chair seconded by Commissioner Lyons.

Commissioner Nootz expressed she is happy to serve the community in whatever way the Commission sees fit.

The position for Vice Chair was unanimously approved by the five Commissioners present.

**C. APPOINTMENT OF CITY COMMISSIONERS TO ADVISORY BOARDS AND COMMITTEES**

**PG.36**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item is procedural work to assign Commissioners to various boards. There are five boards that the City has representatives on.

Consolidated Land Use: Commissioner Lyons

City/County Health Board: Vice Chair Nootz

City/County Library Board: Commissioner Willich

Urban Renewal Agency: Commissioner Schwarz

Livingston Community Trust Board: Chair Kahle

Commissioner Schwarz moved to approve Action Item C and Vice Chair Nootz seconded the motion

The item was approved unanimously by the five commissioners present

**D. APPOINTMENT OF LIZ ZINK TO LIVINGSTON CITY POLICE COMMISSION**

**PG.40**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item is his recommendation to reappoint Liz Zink to the Police Commission. She has served since 2009 where interviews and trial boards are some of the Police Commissions main functions. He expressed she is a dedicated public servant and is also very knowledgeable in the field of policing.

Commissioner Schwarz moved to approve Action Item D and Commissioner Lyons seconded the motion

Commissioner Willich expressed that this is a good reappointment

Vice Chair Nootz thanked Liz for reapplying and for her service

The item was approved unanimously by the five commissioners present

**E. PURCHASE ORDER 20058 WITH ZOLL FOR HEART MONITORS**

**PG.46**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this is a purchase order for two heart monitors and associated equipment that will go into service in the two first out ambulances for the Fire Department. The existing heart monitors are nearing the end of their useful life and the team has expressed it's time to update equipment.

Commissioner Willich asked if we currently use Zoll.

The City Manager stated we are currently using Phillip heart monitors.

Commissioner Willich asked if there was training included in the purchase

The City Manager stated yes, and that staff has already demoed out some of the monitors and received training that way.

Vice Chair Nootz asked what the life expectancy is of these monitors.

The City Manager stated about 8 years.

Vice Chair Nootz moved to approve Action Item E and Commissioner Lyons seconded the motion

Commissioner Lyons expressed he liked that staff was able to test these out before purchase.

Chair Kahle feels like this looks like a good purchase.

The item was approved unanimously by the five commissioners present

**F. ORDINANCE 3046: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, SECTION 30.41, SECTION 30.43 AND SECTION 30.51 AS THEY RELATE TO ACCESSORY DWELLING UNITS, TWO (2) FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS. PG.63**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item was discussed at an advisory level in December and it comes from State Mandated changes to local Zoning Ordinances.

Planning Director Severson reiterated a majority of these updates are state mandated related to Multi- Family Dwellings, ADUs, and Duplexes. Three laws passed in 2023 legislature include SB 245 Multi-Family (5 or more) Residential allowed in all Commercial districts, SB 323 Duplexes allowed anywhere Single Family Residential is allowed, and SB 528 ADUs allowed anywhere SFR is allowed. In 30.41 and additional revision requested by the Zoning Commission is to ensue ADUs are only allowed for Single Family Residences.

Commissioner Lyons referenced pg. 70 wondering if the strike through area is new or old language.

Planning Director Severson stated it is old language. She stated already the City allows that one residential unit within a commercial building in neighborhood commercial if it is for the business owner. New code should read "structures that include a minimum of five residential units with mixed uses are also allowed in neighborhood commercial".

The City Manager stated the old language appears in the top of pg. 71 in what was footnote number two, that language has been moved to footnote number one. In footnote number one after only the following residential uses are allowed there is a colon and then there is a semi colon later, so there

are two types of residential use allowed in neighborhood commercial. The first is a single residential unit establishment in a commercial building to allow living space for the owner, the second is structures that include a minimum of five residential units. There is no written mixed use requirements for those five plexes.

Commissioner Lyons asked about the use and space required table on pg. 76, and for the ADU it says no space required, and asked Planning Director Severson how that works for her.

Planning Director Severson stated it could potentially create a headache. They will urge people and strongly recommend that they provide and off street parking space if they and ADU. Up until the State changes we did require one off street parking space per ADU, and we no longer can do that. The purpose behind the States new laws are to try and provide incentives for more housing.

Vice Chair Nootz asked for insight on how this recommendation came in from staff perspective.

The City Manager stated the one unit allowed in a neighborhood commercial building for a business owner was pre-existing, and the State mandated five or more plexes are allowed in all commercial zones. When they reviewed legislative intent the goal for neighborhood commercial appeared to have it commercial district and not a residential district, so since the State mandated that five plexes or more be allowed in that district it didn't quite match the legislative intent of the City Commission when we adopted these Zoning District definitions and regulations. He stated it is in the purview of the City Commission to expand residential to neighborhood commercial.

Vice Chair Nootz asked what the difference is between neighborhood commercial and mixed use.

The City Manager stated the main difference between those districts is single family residential and two family residential as allowed uses in mixed use.

Commissioner Lyons referenced the table under neighborhood commercial stating it says ADUs are not permitted. He thought any zone that allows residential must also allow ADUs.

The City Manager stated the specific language of the bills limits the ADU where they are more tied to single family homes.

Public Comment was offered by:

- Katherine Daly is commenting on behalf of PCEC. She talked briefly about how the value ADUs could have to the community. She stated it is a priority of PCEC to advance ADUs in the community.

Chair Kahle thanked Katherine for her comment and hopes she will bring back information from the Housing Coalition around ADUs.

Commissioner Lyons stated his is uncomfortable with the language of the single unit in neighborhood commercial, mainly it being living space for only a business owner. He feels it restricts the utility of the residential space, especially when the community is in lack of housing options. He also expressed concern about units being 1 or 5 or more, and ultimately would like to see the middle ground as an option meaning allowing 2, 3 and 4 units in neighborhood commercial.

Commissioner Willich expressed concerns about water and sewer infrastructure in some older neighborhoods that were not designed to hold a large amount of ADUs.

Commissioner Schwarz expressed he agreed with Commissioner Lyons about allowing 2, 3 and 4 units in neighborhood commercial.

Vice Chair Nootz asked to see a Zoning Map of Livingston.

The City Manager reviewed the map showing areas of neighborhood commercial.

Vice Chair Nootz asked when it went into the place that the single unit needed to be occupied by a business owner. She expressed agreement with Commissioners Willich about infrastructure in older neighborhood in regards to adding ADUs, and expressed it is still less expensive to upgrade existing infrastructure than to build new sprawling infrastructure.

The City Manager reviewed LMC and found that neighborhood commercial has existed since at least 2008.

Chair Kahle expressed she agrees with Commissioner Lyons about the single unit being for business owners only, and she stated an example of the owner having an employee who is struggling to find housing and why they shouldn't be allowed to utilize that unit.

Commissioner Lyons would like to figure out what makes the most sense for neighborhood commercial. He would like to see residential uses are allowed as part of a mixed use building that also has commercial uses, and that could include the one – five plus.

Chair Kahle clarified structures that include a minimum of five resident units has to stay because it is State law.

The City Manager referenced pg. 83 the last underline "multiple until dwelling means a building designed for five or more dwelling units in which the dwelling units share a common separation" but doesn't say anything about a commercial building. So, a five plex or six plex is allowed in a commercial area.

Commissioner Lyons discussed at length different way to try and make code more permissive than the State.

Vice Chair Nootz discussed differences between neighborhood commercial and mixed use being modular homes, churches, schools, wholesale business, commercial green houses, and sexually oriented businesses. She wondered how neighborhood density is different or similar to everything in the residential density chart, since it's never been put in there before.

The City Manager stated it was a valid point that is has not been residential previously and he stated they would likely include it in the table during the zoning code overhaul. He stated neighborhood commercial will fall more in the central business district zoning where there is no minimum lot size, and there will be restrictions on how many residential units are allowed.

Vice Chair Nootz asked where that information is located for a developer.

The City Manager stated it would be like central business district guidelines.

Commissioner Lyons stated he would like to tie one to four unites to a commercial building to distinguish neighborhood commercial from the others zones.

Vice Chair Nootz expressed she agrees with Commissioner Lyons.

Commissioners asked the City Manager if they needed a motion, or can they send it back for changes.

The City Manager stated the goals could be accomplished by modifying pg. 70 footnote number one after the colon “ Up to four or five residential units may be established within a commercial building to allow living space for the businesses”

Chair Kahle asked Commissioner Lyons about his thoughts on this.

Commissioner Lyons expressed he doesn't feel a limit on the number of residential units should be listed.

Vice Chair Nootz asked if we didn't limit it and a developer bought a large area of neighborhood commercial to put a large house on, could they do that.

The City Manager stated no, single family residential is not allowed in the neighborhood commercial. It would have to be something tied to a business or something of five or more. He updated is original correction to pg. 70 footnote after the colon “residential units may be established within a commercial building; structures that include a minimum of five residential”

Commissioner Lyons moved to approve the ordinance with changes listed in the footnote and Commissioner Schwarz seconded the motion

The item was approved unanimously by the five commissioners present

#### 8. City Manager Comment

The City Manager thanked the Commission and looks forward to working with them in 2024.

#### 9. City Commission Comments

Commissioner Willich thanked the people of Livingston to trusting him, and is excited to work with fellow Commissioners.

Commissioner Lyons stated he did some research and this has been the warmest December on record dating back to the 1800s.

Commissioner Schwarz welcomed Commissioner Willich and thanked Commissioner Lyons for his expertise on the last ordinance.

Chair Kahle welcomed Commissioner Willich and thanked Vice Chair Nootz for her work as Chair previously.

#### 10. Adjournment

8:04pm Commissioner Schwarz motioned to adjourn the meeting seconded by Vice Chair Nootz. 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.