Livingston City Commission Agenda

October 06, 2026
5:30 PM
City – County Complex, Community Room

https://us02web.zoom.us/j/87257310127?pwd=U0K2FmZqmfLLB0wPXnZz4xGJE5HKtB.1&mynotes=on
Meeting ID: 872 5731 0127
Passcode: 751335

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1. Call to Order

5:33 pm Chair Nootz called the meeting to order.

2. Roll Call

- Chair Nootz
- Vice Chair Willich
- Commissioner Daniels
- Commissioner Wilcox
- Commissioner O'Neill

City Staff Present

- City Manager Grant Gager
- Chief of Police Wayne Hard
- Planning Director Jennifer Severson

3. Pledge of Allegiance

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Chair Nootz asked the room to stand for the pledge of allegiance.

4. 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 Nootz reviewed the decorum policy from the City Commission handbook.

Public comment was offered by:

- Keegan Nashan asked about law violations.
- James Mackey spoke about migration paths for birds related to Sacajawea Park.
- Art Messel gave his thoughts on filming and protesting.

- Melanie Maganias thanked the Commission for their hard work.
- Vicki Van Busker expressed support to the Commission.
- Rusty gave comment on his thoughts on the filming process.
- Michelle Hiland gave thoughts on filming process.
- Edleeta Shands spoke in support of the Commission through the film process.
- Commenter thanked the Commission for their work through the film process.

The City Manager stated that if someone has an issue with law enforcement, there is a process for that, and invited Chief Hard to speak about that.

Police Chief Hard stated that one of the conditions of the permit was that they do not violate laws or ordinances, so if a citizen believes a law or ordinance has been violated, then they should call and report it. The officer would then review the complaint, and if it was a violation, then it would be taken to the City Manager. He stated that if a community member is ever unsatisfied with an action of a Livingston Police Officer, then they can fill out a personnel complaint form.

Chair Nootz asked what someone does if they want to make a complaint against the Chief of Police.

Police Chief Hard stated that complaints against him would go to the City Manager. He stated that the Police Commission is a form of appeal after an action has been taken that an officer potentially wouldn't agree with.

Chair Nootz spoke to comments made about her only taking comments she wanted. She asked the City Manager to clarify the guidance that City Attorney Jon Hesse gave regarding last night's meeting.

The City Manager stated that the City Attorney's comments are very well documented throughout the meeting last night and that the video is available on the website.

Chair Nootz stated that it is okay that everyone doesn't like her but feels it's okay to still work together even when people don't like each other. She stated that she is transparent and brave and stated that things she doesn't do are: make posts accusing the Commission and then delete them off of social media or make fake proclamations and disperse them around town. She stated that this Commission chooses to put out information transparently and has made decisions within the MCA and Commission Handbook. She stated that the proclamations are public at meetings, and the City logo appears on things that happen at meetings. She reiterated that they do things out in the open.

Commissioner Wilcox expressed appreciation for the comment about bird migrations.

5. Consent Items

A. APPROVAL OF MINUTES FROM SEPTEMBER 15, 2026, REGULAR MEETING PG. 4

B. APPROVAL OF CLAIMS PAID 9/10/26 - 9/30/26 PG.18

C. JUDGE'S MONTHLY REPORT FOR AUGUST 2026 PG.35

D. AGREEMENT 20296 WITH STAFFORD ANIMAL SHELTER PG.37

E. AGREEMENT 20297 WITH BLADES FITNESS PG.48

F. APPOINTMENT OF VALERIE KUTSCH TO THE HISTORIC PRESERVATION COMMISSION PG.53

Vice Chair Willich motioned to approve Consent Items A-F, seconded by Commissioner Daniels. Unanimously approved.

6. Proclamations

7. Scheduled Public Comment

8. Action Items

A. ORDINANCE 3068: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 IN THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY AMENDIND SECTION 30.40 AS IT RELATES TO USES ALLOWED IN THE INDUSTRIAL AND LIGHT INDUSTRIAL DISTRICTS. PG.59

Commissioner Wilcox recused herself from this item and disclosed that she works for Livingston HealthCare.

Commissioner Wilcox left the room.

The City Manager stated that this item seeks to amend Chapter 30 of the LMC titled Zones by amending Section 3040 related to uses in the industrial and light industrial districts.

Planning Director Severson gave a brief presentation.

Commissioner O'Neill asked if the changes being made are just going back to what they were before.

The City Manager stated that they are taking the I and LI zones back to how they previously existed regarding uses.

Planning Director Severson explained that this change will allow the text and map to match uses and will allow appropriate uses for LHC by right.

Public comment was offered by:

- Bruce Whitfield, the CEO at LHC, would like to see it turned all back to Light Industrial. He stated that part of the land they have is deed restricted to nothing industrial, so it would decrease the value of the land for them and create an issue with what they could do with the land if it was zoned Industrial.
- Rusty asked if this area is in a floodplain.
- Patricia Grabow expressed support for what is proposed with this item.
- Anthony Rice from LHC expressed that this change proposed would limit use rather than expand use.
- Mike Adkinson, who is on the board at LHC, stated that the text amendments don't solve their problem at LHC. He stated that they need to be able to develop that property.
- Leslie Feigel expressed thoughts that more research should be done on this item.
- Jackie Feigel expressed that with this amendment they would not be able to grow.
- Tammy Lewis expressed hope that the Commission could find a way for LHC to be able to expand at their current location.

Vice Chair Willich asked where the City is at with the Silver Jackets and flood mapping.

The City Manager stated that they just had a close-to-final presentation with the Silver Jackets, and they are working on compiling and finalizing their report.

Chair Nootz asked for clarity on what the Commission is reviewing with this item.

The City Manager stated that it is a text amendment to Chapter 30 of the zoning code, and stated that a map amendment is something that happens separately.

Vice Chair Willich asked if the state made the changes to the LI residential requirement in the middle of December before their meeting.

The City Manager stated that the state made the changes in the 2025 legislative session. He stated that they could bring the legislative information back for the second reading.

Vice Chair Willich clarified that if they approved the text amendment, it would bring the property in question into compliance by right.

Vice Chair Willich asked if assisted living homes are considered residential or hospitals. He read the table and determined that assisted living and adult foster care are not allowed in Industrial. He asked if assisted living and adult foster care could be approved with a variance.

Planning Director Severson stated no.

Chair Nootz asked about floodplain map updates.

Planning Director Severson pulled up the FEMA floodplain map and stated that, as it is currently mapped, portions of both LHC properties are in the 500-year floodplain. She stated that the City is not required to regulate to the 500-year floodplain, but we do regulate to the 100-year floodplain.

Commissioner O'Neill asked if they are stepping on a prescriptive easement.

The City Manager stated no, this is covered by the zoning code, and a prescriptive easement does not generally apply to a business use like this.

Commissioner O'Neill clarified that he meant a prescriptive deed.

The City Manager stated that the current use is consistent with the historical use, and the proposed allowable uses are also consistent with the historical uses.

Vice Chair Willich expressed appreciation for LHC and their plans and understands the economic stress that LHC is under. He stated that he is hesitant to put residential property in that location. He wants to provide LHC with a solution that provides economic relief, but wants to find a way to do that which doesn't have a lot of people out there in houses.

Chair Nootz reflected on how the use table came to be what it is now. She stated that she likes the use table and stated that it is so much better now. She stated that it gives LHC the opportunity to do things as it pertains to hospitals and medical uses.

Vice Chair Willich asked if LHC could request a zoning change.

The City Manager stated that yes, there is a way to request map and text amendments.

Commissioner Daniels clarified that if LHC decides to do something, they can request the change at that time.

The City Manager stated yes, and explained that the options would be a resolution, ordinance, or permit process.

Vice Chair Willich asked if the industrial zone could be subdivided through normal processes.

The City Manager stated yes.

Vice Chair Willich asked if they would then be able to request a zoning change to the parcel that was subdivided.

The City Manager stated yes, that anyone can request a map or text amendment change.

Planning Director Severson reminded everyone that the City is about to start updating the Growth Policy and stated that all of these types of questions can be incorporated into that update.

Vice Chair Willich motioned to approve this ordinance, seconded by Commissioner Daniels. Unanimously approved.

B. RESOLUTION 5209: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2025-2026, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF $1,125,605 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF $853,106. PG.79

The City Manager stated that there are approximately $853,000 worth of additional appropriations. He stated that the bulk of that amount, at $700,000, is related to a decision made by the Library Board related to external funding and donations they have received and moving those funds into a capital improvement fund from their operating fund. He stated that the other overages include state-share pension and recreational programming, and other overages in legal services and public relations.

Commissioner Daniels motioned to approve this item, seconded by Commissioner O'Neill. Unanimously approved.

C. RESOLUTION 5210: RESOLUTION RELATING TO $191,098.00 SOLID WASTE REVENUE BOND, SERIES 2026; AUTHORIZING THE ISSUANCE, AWARDING THE SALE, AND FIXING THE TERMS AND CONDITIONS THEREOF AND CREATING SPECIAL FUNDS AND ACCOUNTS AND PLEDGING CERTAIN REVENUES AS SECURITY THEREFOR. PG.84

The City Manager stated that this item relates to the issuance of approximately $191,000 of solid waste revenue bonds. This is to finance the purchase of the trailer cab that the Commission approved for purchase. He stated that the Finance Director has worked with the State of Montana through the intercap fund to arrange a five-year loan for this.

Public comment was offered by:

- Edleeta Shands expressed support for the solid waste division.

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

D. DISSCUSSION OF WELCOME TO LIVINGSTON SIGN. PG.99

The City Manager stated that this is a check-in with the Commission before the City moves forward with a project related to a Welcome to Livingston sign. He stated that the City received approximately $67,000 from the Montana Department of Commerce Rural Tourism Asset Grant program for wayfinding. He stated that there are two parts to this project, and one is wayfinding signs which will be developed in accordance with the City's overall brand package and guidelines. Separate from that is a project to create a Welcome to Livingston sign at the western gateway on a piece of land that was set aside for this project. He stated that the City worked with the Livingston Area Chamber of Commerce on this. Before the City puts out a request for artists to create a sign similar to what is in the packet, staff wanted to check with the City Commission on direction related to the design of the sign.

Commissioner Daniels asked if the City intends to give this idea to artists and have them redesign it.

The City Manager stated yes and clarified that what is included in the packet is the inspiration.

Commissioner Wilcox returned to the table for the remainder of the City Commission meeting.

Vice Chair Willich stated that he has had feedback from the community that it looks good. He wants staff to be mindful that if it is painted, it will peel and be gross in a couple of years. He would like the City to stick with the color palette from the logo design.

Commissioner Wilcox wondered about using a metal sign instead of wood.

The City Manager stated that the picture in the packet is just an idea of where to start as they put out a request for artists to design a sign for the City.

Commissioner O'Neill liked the idea of using metal for a sign.

The City Manager stated that they expect the value of this to be over $50,000 and would bring it back before the Commission for approval and review of several different designs from artists.

Chair Nootz stated that she likes the idea of starting from the logo and seeing what inspiration comes from that and likes the idea of using metal. She would like to see a good interactive public process on this to get community feedback.

E. CLOSED SESSION TO DISCUSS LEGAL STRATEGY PURSUANT TO 2-3-203(4)(a)

Chair Nootz motioned to enter closed session, seconded by Vice Chair Willich. Unanimously approved.

9. City Manager Comment

The City Manager thanked the Commission for their time. He encouraged everyone to drive by the Bennett Street crossing to see the improvements.

10. City Commission Comments

Commissioner O'Neill said goodnight to the Commission.

Commissioner Wilcox expressed appreciation for a productive meeting.

Commissioner Daniels thanked everyone for the meeting.

Vice Chair Willich thanked everyone for a great evening.

Chair Nootz - no comment

11. Adjournment

8:29 pm Vice Chair Willich motioned to adjourn, seconded by Commissioner Daniels. Unanimously approved.

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 Chair. 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).

  The Chair shall have the discretion to solicit comments from the public in the following order: (1) residents of the City, (2) business owners or operators in the City, (3) other organizations conducting operations in the City, and (4) residents, businesses or organizations from outside the City. The Chair may limit each person's comment period to not less than three (3) minutes.

- Meeting Recording: An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Clerk. 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 City meetings, please contact the City Clerk at least 24 hours in advance of the specific meeting you are planning on attending.