



Livingston City Commission Minutes

May 17, 2022

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/81173010865?pwd=VHdPdExOTVhwcE1sRkVOdFNrSFpVdz09>

Meeting ID: 811 7301 0865 **Passcode: 562075** Call In: (669) 900-6833

1. Call to Order

2. Roll Call

In attendance: Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, Commissioner Lyons, Chair Nootz excused. Staff in attendance: City Manager Michael Kardoos, City Attorney Courtney Lawellin, Public Works Director Shannon Holmes, Recording Secretary Faith Kinnick.

3. Public Comment 5:33 p.m. (00:01:16)

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)

- Leslie Feigle, gave public comment
- Patricia Grabow gave public comment

4. Consent Items 5:42 p.m. (00:09:38)

A. APPROVE MINUTES FROM MAY 3, 2022, REGULAR MEETING.

B. APPROVE MINUTES FROM MAY 4, 2022, CITY/COUNTY JOINT COMPACT MEETING.

C. RATIFY CLAIMS PAID 04/21/2022-05/03/2022.

D. ACCEPT 3RD QUARTER FINANCIAL SUMMARY FROM CITY FINANCE DIRECTOR.

E. ACCEPT APRIL 2022 CITY COURT FINANCIAL REPORT.

F. APPROVE APPLICATION FOR LOADING ZONE IN FRONT OF FRANZEN DAVIS FUNERAL HOME.

G. ACCEPTING KATHLEEN KAULS APPLICATION TO SERVE ON THE CVB/DMO BOARD TO REPLACE A MEMBER WITH AN UNEXPIRED TERM.

- Kahle called for a motion to pull item F for discussion.
- Motion by Lyons to approve A-E & item G, seconded by Schwarz
- All in favor, passes 4-0
- Kahle asked question about item F
- Schwarz asked question
- Motion by Schwarz to approve item F, second by Lyons

- Lyons made comment
- All in favor, passes 4-0.

5. Proclamations

6. Scheduled Public Comment 5:49 (00:15:49)

A. ALEXIS VAN PERNIS PRESENTS THE 2021 ANNUAL CONSERVATION BOARD REPORT. (*will reschedule*)

B. KRIS KING, PRESENTS THE FY22-23 CVB MARKETING PLAN AND BUDGET AND INFORMATION REGARDING CHANGES OCCURING AT THE STATE LEVEL FROM CONVENTION AND VISITORS BUREAU TO DESTINATION MARKETING/MANAGEMENT ORGANIZATION.

- Kardoes introduced item before handing over to Kris King
- Lyons asked clarifying questions
- Schwarz made comments
- Kris King gave additional comments

C. RON NEMETZ, CHAIR OF THE HISTORIC PRESERVATION COMMISSION PRESENTS THE 2021 ANNUAL REPORT. (*will reschedule*)

7. Public Hearings 6:05 p.m. (00:32:32)

Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)

A. RESOLUTION NO. 5028: ADOPTING THE 2022 CITY TRAILS AND ACTIVE TRANSPORTATION PLAN.

- Kardoes introduced item
 - No clarifying questions from Commission
 - Patricia Grabow made comments
 - Lyons made comments
 - Motion by Schwarz, second by Lyons
 - Kahle made comments
 - Lyons made additional comments
- All in favor, passes 4-0.

B. PUBLIC HEARING: ORDINANCE NO. 3031: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESCINDING ORDINANCE 3015, AMENDING ARTICLE II OF THE LIVINGSTON MUNICIPAL CODE ENTITLED CITY COMMISSION AND CHAIR BY AMENDING SECTION 2-12 AS IT PERTAINS TO LOCATION OF CITY COMMISSION POSTING BOARD, AMENDING SECTION 2-16 AS IT PERTAINS TO THE PROCESS FOR SETTING AGENDA,

AMENDING SECTION 2-19 BY PERTAINING TO THE PROCEDURE TO CONDUCT BUSINESS. 6:13 p.m. (00:41:09)

- Kardoes introduced item
 - Kahle asked clarifying question
 - No public comments
 - Motion by Lyons, second by Friedman
 - No additional commission discussion
- All in favor, passes 4-0.

C. ORDINANCE NO. 3032: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II OF THE LIVINGSTON MUNICIPAL CODE ENTITLED CITY COMMISSION AND CHAIR BY AMENDING SECTIONS 2-12 AS IT PERTAINS TO THE LOCATION OF THE CITY COMMISSION POSTING BOARD, AMENDING 2-13 AS IT PERTAINS TO THE TIME OF MEETINGS, AND AMENDING SECTION 2- 16 AS IT PERTAINS TO THE PROCESS FOR SETTING AGENDA, 2-21 AS IT PERTAINS TO PUBLIC HEARINGS, AND 2-23 AS IT PERTAINS TO ORDINANCES AND RESOLUTIONS. 6:18 p.m. (00:45:39)

- Kardoes introduced item
 - No clarifying Commission questions
 - Motion by Friedman, second by Lyons
 - No public comment
 - No additional commission discussion
- All in favor, passes 4-0.

8. Ordinances

9. Resolutions 6:22 p.m. (00:49:47)

A. RESOLUTION NO. 5039: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, FOR A TERM BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2024.

- Kardoes introduced item
 - No clarifying Commission questions
 - Motion by Friedman, second by Schwarz
 - No public comment
 - Schwarz made comments
 - Kahle made comments
- All in favor, passes 4-0.

10. Action Items 6:29 p.m. (00:54:16) *(Re-ordered business F & G then A-E)*

F. DISCUSS/APPROVE/DENY: CITY COMMISSION HANDBOOK POLICY UPDATE ON PROCEDURES REGARDING ORDER OF BUSINESS.

- Kardoes introduced item
 - Lyons made comments
 - No clarifying Commission questions
 - Motion by Friedman, second by Schwarz
 - “Trudy” made comment
 - Patricia Grabow made comment
 - Kris King made comment
 - Leslie Feigle made comment
 - No public comment
 - Schwarz made comments
 - Kahle made comments
- All in favor, passes 4-0.

G. DISCUSS/APPROVE/DENY: ACTION TO REMOVE CITIZEN FROM CITY COMMISSION MEETING, FOR A PARTICULAR TERM, FOR PERSONAL, IMPERTINENT, SLANDEROUS REMARKS, AND DISORDERLY BEHAVIOR (BRIAN DECKARD) 6:42 p.m. (01:09:13)

- Kardoes introduced item
 - Schwarz made comments
 - Kahle made comments
 - Motion by Schwarz to suspend Brian Deckard from participation in any City Public Meetings for 2 months, seconded by Friedman
 - No public comment
- All in favor, passes 4-0

A. DISCUSS/APPROVE/DENY: LIVINGSTON CHAMBER'S REQUEST FOR FEE WAIVER FOR THE 2022 ANNUAL PARADE. 6:47 p.m. (01:15:10)

- Kardoes introduced item
- Lyons asked clarifying questions
- Motion by Schwarz, second by Friedman
- Patricia Grabow made public comment
- Schwarz called for point of order
- Kris King made public comment
- Leslie Feigle made public comment
- “Trudy” made public comment
- 5-minute recess
- Kahle made comments
- Schwarz made comments

All in favor, passes 4-0

B. DISCUSS/APPROVE/DENY: APPROVE DESTINATION MANAGEMENT MARKETING ORGANIZATIONS (DMO) BUDGET AND MARKETING PLAN FOR FY 22-23. 7:17 p.m. (01:40:02)

- Kardoes introduced item before turning over to Kris King
 - No clarifying questions from Commission
 - Motion by Schwarz, second by Lyons
 - Patricia Grabow made public comment
 - Leslie Feigle made public comment
 - Schwarz made comments
 - Kahle made comments
- All in favor, passes 5-0

C. DISCUSS/APPROVE/DENY: DISCOVERY VISTA, LLC, PHASE 2 SUBDIVISION PRELIMINARY APPROVAL. 7:28 p.m. (01:50:57)

- Kardoes introduced item
- Lyons asked clarifying questions of Kardoes
- Chris Budeski gave presentation
- Lyons asked questions of Budeski
- Lyons asked clarifying questions of Holmes
- Schwarz made comments
- Schwarz made motion to approve, second by Kahle
- Lyons made motion to extend the meeting, second by Schwarz (8:23 p.m.) all in favor.
- Shawn Hill, Friends of Park County gave public comment
- Brad Osen of Discovery Vista LLC gave comment
- Joey Staszuck of Sanderson & Stuart gave comment
- Julie Kennedy gave public comment
- Lyons made comments regarding request for variance when presented to Planning Board, and the subdivision regulations.
- Schwarz made comments regarding affordable housing
- Kahle concurs with Torrey
- Friedman made comments
- Lyons made additional comments
- Schwarz made additional comments
- Kahle made additional comments
- Schwarz made additional comments asked Chair Kahle's to disclose her role and employment with PCEC and ability to make a decision on the matter.
- Kahle asks Lawellin if she should recuse herself from voting?
- Lawellin provides legal opinion
- Kahle states she will recuse from voting on motion

- Schwarz made motion to approve action item C and variance, second by Friedman
- Motion fails, 2-1, Kahle abstain, Lyons opposed
- Schwarz asked to appeal to legal counsel on matter
- Kardoes suggested recess
- 5-minute recess for code clarification resumed at 9:12 p.m.
- Kardoes provided clarification of Livingston Municipal Code
- Schwarz made motion to approve subdivision approval, second by Kahle/Friedman
- No additional commission discussion
- Motion fails, 2-1, Kahle abstain, Lyons opposed

D. DISCUSS/APPROVE/DENY: STREET AND LIGHT MAINTENANCE ASSESSMENT METHODS AND POSSIBLE FUTURE METHODS. 9:15 p.m. (03:37:36)

- Kahle called for a motion to table item for a time uncertain
- Schwarz motioned to table, second by Lyons
All in favor, passes 4-0

E. DISCUSS/APPROVE/DENY: APPOINTMENT OF CITY COMMISSIONERS TO SERVE ON THE ARPA VISIONING AD-HOC COMMITTEE. 9:16 p.m. (03:38:45)

- Kahle opened the discussion, reminding commission Nootz and her are currently serving on the Strat Plan Ad-Hoc Committee
- Schwarz asked clarifying question
- Kardoes answered, could put item on a future agenda
- Lyons stated he will not volunteer, he is maxed out.
- Schwarz volunteers
- Friedman not able to at this time
- Kardoes suggested bringing item back at the next meeting reducing the number of members from 2 to 1, we can do that.
- Kahle motioned to appoint Commissioner Schwarz to the ARPA Ad-Hoc Committee, seconded by Lyons
- Lyons made additional comments

11. City Manager Comment 9:26 p.m. None

12. City Commission Comments 9:26 p.m.

- Lyons abstain
- Schwarz made comments
- Friedman made comments
- Kahle made comments

13. Adjournment 9:29 P.M. (3:52:01)

Public in virtual attendance

1. Shawn Hill, Friends of Park County
2. "Raymond"
3. Johnathan Hettinger
4. Christina Nelson (406) 223-8518
5. Leslie Feigle, LAC
6. Julie Kennedy, ERA
7. Kris King, TBID
8. Amanda Kirkpatrick
9. "Trudy"
10. Brad Osen, Discovery Vista
11. Jason Bacaj
12. Patricia Grabow
13. Chris Budeski, Discovery Vista
14. Brian Deckard (406) 860-5996
15. Joey Staszuk-
16. Jennifer Estes (406) 224-5315
17. Rachel Osen
18. Arrowhead
19. "Stacy"
20. "AKMVP"
21. Jami Rebsom
22. Jen Madgic
23. Erica Stone (406) 223-9936
24. Kraig
25. Julie's Cell
26. iPhone user
27. iPhone user 2