



Livingston City Commission Minutes

August 23, 2022

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/81020067941?pwd=aVFKQXIFNINnamU4d1VoQWNCVnlwUT09>

Meeting ID: 810 2006 7941 **Passcode: 394872** Call In: 669-900-6833

1. Call to Order

2. Roll Call

In attendance: Chair Melissa Nootz, Vice-Chair Karrie Kahle, Commissioner Mel Friedman, Commissioner Quentin Schwarz, and Commissioner Torrey Lyons. Staff in attendance: Interim City Manager Lisa Lowy, City Attorney Courtney Lawellin, Public Works Director Shannon Holmes, City Finance Director Paige Fetterhoff, and Recording Secretary Faith Kinnick.

- Nootz asked Kahle to Chair this meeting due to vision-related issues.

3. Public Comment 5:32 p.m. none

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)

4. Consent Items 5:33 p.m.

- A. APPROVE MINUTES FROM AUGUST 9, 2022, REGULAR MEETING.**
- B. RATIFY CLAIMS PAID 07/30/2022-08/09/2022.**
- C. ACCEPT THE JUNE 2022 PLEDGED SECURITIES REPORT FROM CITY FINANCE OFFICER.**
- D. APPROVE RECOMMENDATION FROM TREE BOARD TO APPOINT ELIZABETH MCNAMEE AND MARIA EMPERLEY TO FILL VACANCIES.**

- Kahle motioned to pull consent item D for a quick question, Motion to approve A-C by Schwarz and second by Friedman.
- Motion by Lyons, second by Friedman all in favor, passes 5-0

5. Proclamations

6. Scheduled Public Comment 5:37 p.m. (00:06:05)

- A. SCHEDULE PUBLIC COMMENT: KRIS KING OF THE LIVINGSTON TBID PRESENTS THE FY22-23 TBID BUDGET.**

- Kris King gave a presentation
- Nootz asked clarifying question

Moved from Action Items: 5:46 p.m. (00:15:54)

A. DISCUSS/APPROVE/DENY: APPROVE TBID ANNUAL BUDGET FOR FY 22-23.

- Kahle asked clarifying question of Lowy
 - Lyons asked clarifying question of King
 - Nootz motioned to approve Action Item A, second by Schwarz
 - Leslie Feigle gave public comment
 - Patricia Grabow gave public comment
 - Schwarz asked clarifying question of Lawellin
 - Lawellin made comments asked question of King
 - King made additional clarifying statements
 - Lawellin shared board minutes and by-laws
 - Nootz asked clarifying questions
 - Lawellin answered
 - Schwarz asked clarifying question
- All in favor, passes 5-0

B. SHANNON HOLMES, PUBLIC WORKS DIRECTOR PRESENTS THE REGIONAL SEWER EXTENSION PROJECT UPDATE. 6:12 p.m. (00:40:54)

- Lowy turned the presentation over to Holmes
- Lyons asked clarifying questions
- Nootz asked clarifying questions
- Holmes answered
- Lyons made comments

C. BUILDING & PLANNING DEPARTMENT, AND PUBLIC WORKS PROJECT LIST, PRESENTED BY SHANNON HOLMES/ JIM WOODHULL. 6:39 p.m. (01:08:15)

- Holmes gave a presentation
- Lyons asked clarifying questions of Holmes
- Nootz made comments
- Kahle made comments
- Holmes made additional comments

7. Public Hearings

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. ORDINANCE NO. 3035: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 2053 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2021 INTERNATIONAL BUILDING CODE (IBC); THE 2021 INTERNATIONAL RESIDENTIAL CODE (IRC); THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC); THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND THE 2021 INTERNATIONAL EXISTING BUILDING CODE (IEBC). 6:47 p.m. (01:16:20)

- Lowy presented item
- Kahle opened public hearing
- No public comments
- Closed public hearing
- No clarifying questions from Commission
- Melissa motioned to approve Ordinance No. 3035, second by Lyons
All in favor, passes 5-0

8. Ordinances

9. Resolutions 6:51 p.m. (01:20:13)

A. RESOLUTION NO. 5062: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR THE FISCAL YEAR 2022-2023. (01:20:13)

- Lowy introduced item
- No clarifying comments from the Commission
- Motion by Schwarz to approve Res. No. 5062, second by Lyons
- No public comment
- Schwarz made comments
- Fetterhoff made comments
- Kahle made comments
- All in favor, passes 5-0

10-minute recess, (01:25:32) reconvened at 7:07 p.m.

B. RESOLUTION NO. 5063: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AN EMERGENCY MILLAGE TO COVER DAMAGES AND EXPENDITURES INCURRED AS A RESULT OF THE DECLARED EMERGENCY AND DISASTER FOR THE 2022 YELLOWSTONE RIVER FLOOD.

- Lowy presented item
 - Nootz asked clarifying questions
 - No additional clarifying questions
 - Motion by Schwarz to approve Res. No. 5063. Second by Nootz
 - No public comment
 - Nootz made comments
- All in favor, passes 5-0

C. RESOLUTION NO. 5064: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, USING ITS TEMPORARY AD-HOC COMMITTEE FOR A VISION FOR THE DISBURSEMENT OF THE NON-ENTITLEMENT UNIT AMERICAN RESCUE PLAN ACT FUNDS (ARPA), TO REVIEW THE APPLICATIONS AND MAKE RECOMMENDATIONS FOR FUNDING. 7:13 p.m. (01:32:33)

- Lowy presented item
 - Tim Stevens, committee chairman made additional comments
 - Kahle asked clarifying question
 - No additional questions
 - Motion by Friedman to approve Res. No. 5064, second by Friedman
 - No public comment
 - Nootz made comments
- All in favor passes, 5-0

10. Action Items 7:18 p.m. (01:37:03)

~~A. APPROVE TBID ANNUAL BUDGET FOR FY 22-23.~~ Moved to the beginning of the meeting.

B. DISCUSS/APPROVE/DENY: SPECIAL EVENT APPLICATION FROM OWL LOUNGE SEEKING WAIVER OF OPEN CONTAINER ENFORCEMENT FOR THE 2022 END OF SUMMER BASH.

- Lowy presented item
 - Kahle asked clarifying question
 - Lyons made motion to approve action item B, second by Schwarz
 - No public comment
 - No clarifying commission questions
- All in favor, passes 5-0

C. DISCUSS/APPROVE/DENY: APPROVE PAYMENT OF INVOICE FROM URGIN ALEXANDER ZADICK P.C. FOR \$12,093.04, FOR SERVICES OF OUTSIDE COUNSEL FOR THE CITY

**COMMISSION, EXCEEDING THE COMMISSION PROFESSIONAL SERVICES BUDGET FOR
FY21-22. 7:21 p.m. (01:39:59)**

- Kahle introduced item
- Lowy made additional comments
- Kahle asked clarifying question of Nootz
- Nootz made statements and asked clarifying questions of Lowy
- Lowy made clarifying comments
- Schwarz made comments
- Nootz made additional comments
- Kahle made comments
- Schwarz made comments
- Kahle directed Nootz to forward the invoice emailed to the rest of the commission and direct any questions to Attorney Crosby, and follow up with Chair Nootz if you don't get your questions answered.
- Nootz made additional comments, itemized invoice is protected by the attorney-client privilege.
- Lowy made clarifying comments
- Motion by Schwarz to postpone action item C to September 6, 2022, second by Friedman
- Larry Stephenson made comments
- No additional public comment
- No additional public comment

D. CLOSED EXECUTIVE SESSION. 7:35 p.m. (01:54:40)

- Lowy reminded Kahle to read language provided by legal counsel regarding authority to close the session.

Nootz made a motion to extend the meeting, second by Schwarz, all in favor. 8:27 p.m.

5-minute recess, resumed 8:34 p.m. (01:57:18)

E. DISCUSS/APPROVE/DENY: LITIGATION DECISION.

- Schwarz motioned to approve Action Item E, to settle the life insurance estate claim of Michael J. Kardoes in \$68,000.00 from the general fund reserves second by Friedman.
- No public comment
- No commission comments

All in favor passes, 5-0

12. City Manager Comments 8:36 p.m. (01:59:38)

- Continue to have behavioral issues at the skate park, harassing staff, vandalism, firecrackers thrown at people, destruction of property, profanity, has reached the point we are working directly with parents and working with juvenile probation, and we may need to ban youth individuals from the abhorrent escalating behavior from some of the youth frequenting the area. We are working with juvenile justice, with law enforcement and with city staff who work in the area.
- We have hired a City Planner, with an early start date of October 1, 2022. She is well qualified, and brings bike and pedestrian planning experience.

13. City Commission Comments 8:38 p.m. (02:02:16)

Lyons- Congrats to Lowy in your role as City Manager and your role as HR. It is difficult to fill positions in our current climate. I'm proud of you and the City for your accomplishments. Congrats to Vice-Chair Kahle, for a well-run meeting.

Schwarz- Echo to Lyons, shout out to all the staff and the people who work for the City for keeping a high level of work we've had to deal with.

Friedman-Ditto

Nootz- Gratitude to Kahle for helping with the meeting, and I second what Torrey said. I feel like I want to channel Dorel and share School is starting this week, watch out for kids. Welcome back.

Kahle- I am honored to be part of the Commission and run meeting when it is needed. Thank you Lowy, so excited about this new planner. Would like to have a meeting with her. Reminds folks about the Bear Fair tomorrow at the Farmers Market, lots of fun stuff.

14. Adjournment (8:43 p.m.)

Public in virtual attendance:

Larry Stephenson
"P's"
Erica
Patricia Grabow
Jack F
Nicole

Callie
"Galaxy A21"
Jack Luther
Chad McConkey
Jason

Leslie Feigel
Tim Stevens
Jami Rebsom
Liza Brewer
Jen Pearson