



Livingston City Commission Minutes

January 7, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83837828806?pwd=xAnrclUba1zXBPxwrUvGYgsO1pGCVN.1>

Meeting ID: 838 3782 8806

Passcode: 828051

1. Call to Order

Chair Kahle called the meeting to order at 5:33 PM

2. Roll Call

Commissioners Present

- Chair Kahle
- Vice Chair Nootz
- Commissioner Schwarz
- Commissioner Lyons
- Commissioner Willich

City Staff Present

- City Manager Grant Gager
- City Attorney Jon Hesse
- Chief of Police Wayne Hard
- Policy Analyst Greg Anthony

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 Kahle invited public comments on non-agenda or consent items and reminded speakers of the time limit and relevant rules.



4. Consent Items

- A. APPROVAL OF MINUTES FROM DECEMBER 17, 2024, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 12/12/24 - 1/1/25 [PG.38](#)**
- C. JUDGES MONTHLY REPORT NOVEMBER 2024 [PG.54](#)**
- D. PURCHASE ORDER 20143 WITH RESSLER FOR 2025 CHEVROLET 2500 HD SILVERADO [PG.56](#)**
- E. CONTRACT AMENDMENT - SCJ UPDATE [PG.62](#)**
- F. AGREEMENT 20144 WITH DISCOVERY VISTA LLC [PG.79](#)**
- G. AGREEMENT 20145 WITH OFFICE OF INSPECTOR GENERAL OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES [PG.89](#)**

Commissioner Willich pulled Item A

Vice-Chair Nootz motioned to approve items B –G seconded by Commissioner Schwarz. Unanimously approved by all 5 Commissioners.

Commissioner Willich requested that that a couple questions he asked be included. 1. After asking about who Lindroth was he asked how the grant went from \$82,000 to \$90,000. 2. He would like the question included about what impact the Yellowstone Club and moonlighting has had, and wondered if data had been captured around this.

Vice-Chair Nootz asked if an email from Park County Rural Fire Chief Dan Babcox could be included into the minutes. It was directly related to the fire study in the previous meeting.

The City Manager stated yes, it would be included in the minutes.

Commissioner Willich motioned to approved consent item A with 3 additions requested seconded by Commissioner Schwarz. Unanimously approved.

5. Proclamations



**A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA
DECLARING JANUARY 9, 2025 AS JAMES "JIMMY" EARL CARTER OBSERVANCE DAY IN
LIVINGSTON MONTANA PG.98**

Chair Kahle read the proclamation

The City Manager and Commissioners expressed thoughts and feeling about Jimmy Carter and his presidency and what he implemented for after his term ended.

6. Scheduled Public Comment

7. Action Items

A. ELECTION OF CITY COMMISSION OFFICERS FOR CALENDAR YEAR 2025 PG.100

Chair Kahle introduced the item.

Vice Chair Nootz expressed that she was not interested in the Chair position since she has already served there, but would be happy to continue as Vice Chair.

Commissioner Schwarz would like to serve as Chair. He explained it's his 10th year on the Commission and believes it's healthy to have a new chair every year. He would like to create a comprehensive disclosure policy and streamline meetings.

Commissioner Willich expressed he has no issue with any of his fellow Commissioners to serve as Chair.

Commissioner Lyons expressed he has no interest in serving as Chair.

Chair Kahle expressed she would like to continue as Chair. She enjoys running meetings and working with the City Manager on agendas, and has made great effort to show up for City meetings and functions outside of Commission meetings.

Vice Chair Nootz expressed meeting length has a lot to do with the meeting agendas, and recognized that with previous administration that some of these meetings would go until midnight, so she appreciates wanting to streamline meetings, but not at the expense of cutting off Commissioners. She acknowledged the City Manager for being mindful about meeting agendas.

Commissioner Schwarz expressed it is not his intent to cut Commissioners off, he just hopes to help facilitate meetings, and streamlining is just something he would like to look at and work on.



Commissioner Lyons agrees about meeting length, but understand the importance of clarifying questions. He stated he asks questions, that he may already know the answer to, but feels they would be helpful for the public to hear and hear the answer. He expressed that he appreciates both Chairs he has served under in his time as Commissioner, as well as the current City Manager and thinks things are heading in the right direction.

Vice Chair Nootz expressed that she is in support of a disclosure policy.

Commissioner Schwarz motioned to nominate himself as Chair and Vice Chair Nootz to remain as Vice Chair seconded by Commissioner Willich.

Commissioner Lyons motioned for Commissioner Kahle to remain as Chair and Vice Chair Nootz to remain Vice Chair seconded by Chair Kahle.

Commissioner Schwarz stated he has been on the Commission for 10 years and has served as Vice Chair in 2 of those years. He reminded that the duty of Chair and Vice Chair is to run the meeting, not set the agenda as that is done by the City Manager. He would really like to implement a disclosure policy. He reminded that they all have the same amount of power regardless of title.

Chair Kahle understands Commissioner Schwarz bringing up the disclosure policy and reminded that at any time that could have been or could be brought up at any time by two Commissioners. She expressed she has tried really hard to educate herself in the Chair role, and feels it's important to acknowledge that she has attended other meetings outside of just City Commission, and feels that has helped her a lot in having a presence out in the community in this way.

Commissioner Schwarz expressed that he does have the time to devote to being Chair since he is retired.

Commissioner Willich expressed that Chair Kahle has done a great job as Chair with the rotation of Chairs it is an opportunity for progression with Commissioner Schwarz stepping in to the Chair role.

Commissioner Lyons understands the thoughts of changing this role yearly, but feels Chair Kahle has been doing a phenomenal job at running meetings and maintaining composure, and providing impeccable leadership. He would be happy to see Commissioner Schwarz in this role, but with Chair Kahle still interested in the position he feels she would be able to maintain momentum and continue to provide impeccable leadership.

Vice Chair Nootz recognized that it takes about a year to understand the Chair role, and understands Commissioner Schwarz has put in a lot of time on the Commission and she has seen him through the years and feels he is able to hold his composure and that he has the ability to show leadership in any role that he sits in. She expressed understanding that no matter what she says that someone



may have hurt feelings and she doesn't want to that to anyone. She reminded that on the Commission it seems the Chair tends to be the public's punching bag for difficult topics and being a Commissioner is a hard role. Ultimately, for the benefit of the community, she feels it would be nice to switch it up, and clarified it has nothing to do with Chair Kahle because she is doing a fine job, but knows being in that seat comes with heavy responsibility and feels it's good to spread that out among Commissioners.

The City Manager clarified there can only be one motion on the table at a time, so the motion for Chair Kahle to remain Chair and Vice Chair Nootz to remain Vice Chair will be an amendment to the first motion. They will need to vote on the amendment first.

A vote was called for the amendment which would result in Chair Kahle remaining Chair and Vice Chair Nootz remaining Vice Chair. The amendment failed three votes to two with Commissioners Nootz, Schwarz and Willich voting against.

A vote was called for the original motion for Commissioner Schwarz to become Chair and Vice Chair Nootz to remain Vice Chair. The motion passed unanimously.

B. ACTION ARISING FROM MONTANA SIXTH JUDICIAL DISTRICT COURT ORDER APPROVING DISCOVERY VISTA LLC MAJOR SUBDIVISION APPLICATION [PG.103](#)

Chair Schwarz introduced the item.

The City Manager stated this item is resulting from a November 15, 2024 decision and order that was issued by Montana sixth judicial district court and is related to a major subdivision application that was submitted by Discovery Vista, LLC. in March of 2022. The City Manager stated they are here today to comply with Montana's Sixth Judicial Court's order to approve the subdivision with conditions. The Manager noted that a separate settlement agreement was presented to the Commission in tonight's consent agenda and was approved earlier in the meeting. The settlement agreement will not be paid directly from taxpayer funds but, rather, by the City's insurer MMIA.

Chair Schwarz reminded the Commission that this is something they have to comply with and is not sure there is need for clarifying questions, but will entertain them if anyone has any.

Vice Chair Nootz motioned to comply with the November 15, 2024, decision and order issued by the Montana Sixth Judicial District Court and direct the City Manager to approve, by a written letter Discovery Vista, LLC's 2022 major subdivision application subject to the mediated conditions. The motion was seconded by Commissioner Willich.



Commissioner Kahle thanked the City Manager and City Attorney for their work in mediation.

Vice Chair Nootz asked if there are now processes in place to make sure something like this doesn't happen again.

The City Manager stated yes, they have changed internal process.

Commissioner Willich thanked the City Manager and his team for cleaning up the messes with this item, and feels this is probably the best possible outcome.

Chair Schwarz thanked the City Manager and City Attorney for their work on this, and feels it's good that we now have safeguards in place so this does not happen again.

Motion unanimously approved by all 5 Commissioners.

C. CLOSED SESSION TO DISUCSS LEGAL STRATEGY PURSUANT TO MCA 2-3-203(4)(a)

Closed Session was not entered during this meeting.

8. City Manager Comment

The City Manager thanked the City Commission and is excited to see what 2025 brings to the City Commission and the new Chair.

9. City Commission Comments

Commissioner Willich expressed Happy New Year and looks forward to working with everyone in the New Year.

Commissioner Lyons wished everyone Happy New Year and stated that the month of December was the warmest December ever on record in Livingston going back to 1948, it was on average 11.4 degrees warmer than normal. He is happy to see the snow in winter.

Commissioner Kahle congratulated the plaintiffs in the held Montana trial where that decision was upheld by the Montana Supreme Court right before Christmas, and supports the youth that put themselves forward on the topic of climate change. She reminded that 2025 legislative session is coming and hopes to learn what is coming for this year.

Vice Chair Nootz asked the City Manager if he will be bringing items pertinent to the session.



The City Manager stated yes, at the next meeting they will have that conversation as well as board appointments.

Vice Chair Nootz thanked Commissioner Kahle and Commissioner Schwarz for their interest in Chair, and thanked Commissioner Kahle for her service as Chair.

Chair Schwarz thanked fellow Commissioners for their support as Chair. He welcomed feedback on how he is doing as Chair.

10. Adjournment

6:30 PM Commissioner Lyons 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 meeting.