



# Livingston City Commission Minutes

July 16, 2024

5:30 PM

City – County Complex, Community Room

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## 1. Call to Order

Chair Kahle called the meeting to order at 5:32pm.

## 2. Roll Call

Chair Kahle, Commissioner Lyons and Commissioner Willich were present.

## 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)*

There was no Public Comment offered.

## 4. Consent Items

**A. APPROVAL OF MINUTES FROM JUNE 18, 2024, REGULAR MEETING**

**B. APPROVAL OF CLAIMS PAID 6/13/24 - 7/10/24**

**C. PLEDGED SECURITIES REPORT**

**D. JUDGES MONTHLY REPORT MAY 2024**

**E. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR GIVE BACK TO THE YELLOWSTONE HOOTENANNY JULY 18, 2024**

**F. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR FOSSIL FEST JULY 19, 2024**

**G. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR A PRIVATE EVENT ON AUGUST 3, 2024**

**H. APPROVAL OF CONTRACT 20092 WITH HUB INTERNATIONAL FOR GASB 75 ACTUARIAL SERVICES.**

**I. AGREEMENT 20093 WITH HUGHES FIRE EQUIPMENT FOR FIRE TRUCK**

**J. AGREEMENT 20097 WITH LIVINGSTON HEALTHCARE FOR EMERGENCY MEDICAL DIRECTOR SERVICES.**

Chair Kahle asked if any commissioners would like to pull items off consent for discussion.

Commissioner Willich pulled H, I, and J for discussion.

Commissioner Lyons made a motion to approve Consent Items A through G. Seconded by Commissioner Willich.

The motion to pass A through G passed unanimously.

Commissioner Willich stated he pulled item J due to a clerical error concerning the city's address. Item I was pulled due to a discrepancy in the cost listed for the vehicle and Commissioner Willich asked the Manager for clarification. The Manager clarified the discrepancy.

Commissioner Willich asked the Manager to explain the cost increase with item J. The Manager clarified the cost increase.

Commissioner Willich made a motion to approve consent items H and I. Seconded by Lyons.

The motion passed unanimously.

Commissioner Willich made a motion to approve item J with the amended address correction. Seconded by Lyons.

The motion passed unanimously.

## 5. Proclamations

### **A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING JULY 19, 2024 AS PARK AND RECREATION PROFESSIONALS DAY IN LIVINGSTON, MONTANA**

The chair read the proclamation. The City Manager and Commissioners added their thanks to the Parks and Recreation team.

## 6. Scheduled Public Comment

## 7. Action Items

### **A. ORDINANCE 3054: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ESTABLISHING A GATEWAY OVERLAY ZONING DISTRICT THAT INCLUDES CERTAIN PROPERTIES.**

The Chair introduced the item and turned it over to the City Manager for comment. The City manager provided an overview of the purpose and history of the item before introducing the Planning Director, Jennifer Severson, to discuss the Ordinance and Map Amendment. The Planning Director reviewed the proposed map amendment and discussed the parcels that have been included and excluded from the proposed Gateway Overlay Zoning District.

Commissioner Lyons sought clarification on differences between the proposed map amendment and the Growth Policy documents related to the District and specifically about areas surrounding Park Street. Director Severson provided insight into the differences including the restriction of the District to properties that can host commercial and industrial buildings.

Commissioner Lyons inquired about the design standards and the process and timing of updating them. Planning Director Severson provided information on the design standards, their applicability and the process to update them.

A discussion was also held regarding re-zonings and the applicability of these regulations wherein staff advised that the re-zoning would include application of the Gateway Overlay Zoning District, if applicable. The Commissioners asked questions about the process and timing of amending the

map. Commissioner Lyons inquired about the feasibility of expanding the District within the City at the current time. The City Manager advised that there are noticing requirements to be considered.

A motion was made by Commissioner Willich to approve the first reading of Ordinance 3054 which was seconded by Chair Kahle.

Public comment was offered by Patricia Grabow who offered her support of the proposed map amendment.

Commissioner Lyons expressed his desire to see the map amendment include certain areas of town even if they are not currently zoned to host commercial or industrial properties.

Commissioner Willich inquired about the process for modifying the map amendment. The City Manager provided information about that process and the timing required to change the map. A discussion was had on the process of amending the proposed ordinance. All Commissioners present expressed a desire to see additional properties included in the District, including those that are residentially zoned.

The item was approved unanimously.

**B. RESOLUTION 5136: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$30,487,800 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2024, AND ENDING JUNE 30, 2025 (FY25), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND.**

The Chair introduced the item and turned it over to the City Manager for comment. The City Manager provided an overview of the budget and discussed several funded priorities. After the overview the City Manager welcomed questions.

Commissioners Willich and Lyons had no questions nor did Chair Kahle.

Motion to approve the Resolution by Commissioner Willich was seconded by Commissioner Lyons.

The Chair asked for Public Comment and Linda Miller of M Street inquired about water utility bills. The Manager answered the question posed.

Commissioner Willich expressed his appreciation for the Mobile Crisis Response program and the budget in general. Chair Kahle also expressed her appreciation for Mobile Crisis Response and the budget book.

The motion passed unanimously.

**C. RESOLUTION 5137: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.**

The Chair introduced the item and turned it over to the City Manager for comment. The City Manager provided an overview of the proposed water rate increases and impact to rate payers.

Commissioner Willich inquired about the operational expenses of the Water Division and the City Manager advised that electricity is the largest expense of the fund.

Commissioner Lyons discussed the impact of inflation on City operations with the City Manager.

Chair Kahle inquired about future rate increases and their likelihood. The City Manager discussed the rate increases and future expectations relative to inflation.

Commissioner Willich inquired about the rate increase history. Director Fetterhoff provided information on the rate increase history.

Motion to approve the Resolution by Commissioner Lyons was seconded by Commissioner Willich.

Chair Kahle asked for Public Comment and Scott Karlstrom inquired about the sufficiency of water supplies in the City and the aquifer.

The Manager stated that the water supply in Livingston is good compared to neighboring municipalities and that the city is focusing on improvements to the water system that center around efficiency, maintenance, and conservation.

Chair Kahle discussed how the City Commission has encouraged conservation and discussed the city's drought management plan.

Commissioner Willich discussed water conservation and how water pipe leaks put stress on the water system. He expressed that rate increases should be used to fix aging water infrastructure.

Commissioner Lyons stated that he would like to see future rate requests come with a list of capital improvements provided by the previous year's rate increase. He discussed how the city's built environment will impact the city's water supply in the future.

The Manager stated that he would gather information on the aquifer and present that information to the Commission.

Chair Kahle discussed how good urban planning and a compact footprint will help the city manage water into the future. Chair Kahle stated that urban sprawl will cause problems for the city's water supply and that good urban planning will save tax dollars in the future.

The motion passed unanimously.

**D. RESOLUTION 5138: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.**

The Chair introduced the item and turned it over to the City Manager for comment. The City Manager provided an overview of the proposed wastewater rate increases and impact to rate payers.

Commissioner Willich inquired about the operational expenses of the Wastewater Division and the City Manager advised that electricity is the largest expense of the fund.

Commissioner Lyons inquired about how the city measures sewer usage at a household level. The Manager explained how sewage usage is estimated for rate payers.

Chair Kahle inquired about storm water regulations and asked if the city is planning upgrades to the system. The Manager discussed federal requirements and explained what the city is doing to prepare for the future.

Motion to approve the Resolution by Commissioner Lyons was seconded by Commissioner Willich.

Chair Kahle asked for public comment and Patricia Grabow commented on compliance with the Growth Policy and gave credit to the people who originally built the city as they did a good job designing the city's pipe infrastructure.

Commissioner Willich stated he does not like raising rates but that these are needed to upgrade and maintain the city's infrastructure.

Commissioner Lyons and Chair Kahle agreed with Commissioner Willich.

The motion passed unanimously.

**E. RESOLUTION 5139: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF 5% PER MONTH FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE JULY 2024.**

The Chair introduced the item and turned it over to the City Manager for comment. The City Manager provided an overview of the proposed Solid Waste rate increases and impact to rate payers.

Commissioner Lyons inquired whether fees could be assessed by usage. The Manager explained that commercial rate payers in the city are already charged that way and discussed the process of how residential customers are charged and could be charged; there are administrative burdens to moving to weight-based fees for consumers due to the large number of accounts.

Chair Kahle asked about composting programs in the city. The Manager discussed the benefits of composting.

Motion to approve the Resolution by Commissioner Lyons was seconded by Commissioner Willich.

Chair Kahle asked for public comment.

Commissioner Willich discussed exploring revenue streams for recycled items.

The motion passed unanimously.

**F. DISCUSSION OF CITY COMMISSIONER LISTENING SESSIONS**

The Chair introduced the item and turned it over to the City Manager for comment.

The Manager discussed previous listening sessions and highlighted upcoming sessions.

Commissioner Lyons will be available at the 7/17 Farmers Market.

Commissioner Schwarz will be available for the 7/27 listening session.

Commissioner Nootz should be available for 9/11.

Commissioner Willich will be available at the 8/14 Farmer's Market.

Chair Kahle may be available on 8/24.

**G. CLOSED SESSION TO DISCUSS LITIGATION STRATEGY PURSUANT TO MCA 2-3-203(4)(A)**

The Chair clarified with the City Manager that this item would not be taken up tonight.

**8. City Manager Comment**

The Manager thanked the Commission for passing the city budget and gave an update on several of the city's grant applications.

**9. City Commission Comments**

Commissioner Willich discussed rate increases by Northwestern Energy and encouraged residents to give comment to the Public Service Commission and Northwestern Energy.

Commissioner Lyons discussed rate increases and congratulated the Manager on the passing of the City Budget.

Chair Kahle implored citizens to contact the Public Service Commission about the proposed rate increases for electricity. Chair Kahle thanks the community for the ability to have public discourse that is safe and productive.

**10. Adjournment**

Motion to adjourn by Lyons and seconded by Willich.

The motion passed unanimously.

The meeting was adjourned at 7:57 PM.

## 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.