



Livingston City Commission Minutes

August 06, 2024

5:30 PM

City – County Complex, Community Room

1. Call to Order

The Chair called the meeting to order at 5:31pm.

2. Roll Call

All members of the Commission were present.

3. Public Comment

Public Comment was offered by:

1. Nancy Adkins commented on road conditions, community members and recent events.

4. Consent Items

- A. APPROVAL OF MINUTES FROM JULY 16, 2024, REGULAR MEETING**
- B. APPROVAL OF CLAIMS PAID 7/11/24 - 7/31/24**
- C. TERM EXTENSION AGREEMENT NO. 500,850**
- D. JUDGES MONTHLY REPORT JUNE 2024**
- E. APPROVAL OF CONTRACT 20096 WITH SCJ ALLIANCE FOR PLANNING SERVICES**
- F. APPROVAL OF CONTRACT 20105 WITH THOMAS, DEAN & HOSKINS FOR DESIGN SERVICES**
- G. APPROVAL OF CONTRACT 20106 WITH THOMAS, DEAN & HOSKINS FOR ENGINEERING SERVICES**
- H. APPROVAL OF SPECIAL EVENT EXCEPTION TO ALCOHOL POSSESSION AND CONSUMPTION RESTRICTIONS FOR BARKS AND BREWS 2024**

Commissioner Willich requested that Item E be pulled.

A motion to approve items A-D and F-G was made by Commissioner Schwarz and seconded by Commissioner Lyons. Motion passed unanimously.

Commissioner Willich noted that there was redundant language in Item E related to Conflicts of Interest.

Commissioner Willich motioned to approve the item with the redundancy removed. It was seconded by Commissioner Nootz. Motion passed unanimously.

5. Proclamations

- A. PROCLAMATION CELEBRATING NATIONAL NIGHT OUT ON AUGUST 6, 2024**

The Chair read the proclamation and thanked our first responders. The Manager added his appreciation.

B. PROCLAMATION HONORING JOHN A. TECCA SR.

The Chair read the proclamation and thanked the family of Mr. Tecca. The City Manager and Commissioners added their appreciation for the donation.

C. PROCLAMATION RECOGNIZING COMMUNICATIONS OFFICER MARIAH THOMAS

The Chair read the proclamation and thanked Officer Thomas. The Police Chief awarded Officer Thomas a pin to commemorate her accomplishment and service. The City Manager and Commissioners thanked Officer Thomas and her teammates.

6. Scheduled Public Comment

A. SISTER CITY PRESENTATION

A presentation was made by the chaperones and students involved in the Sister City program.

7. Action Items

A. ORDINANCE 3045: 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 asked the City Manager to provide background. The City Manager discussed the item and path to this point before turning it over to the Planning Director for additional background information. The Planning Director provided information on the proposal and its connections to the Growth Policy. The Planning Director discussed the process for creating the proposal and differences from the Growth Policy.

Commissioner Nootz inquired about the applicability of the standards to affected properties in the district and different building types.

Commissioner Lyons motioned to approve the second reading of the ordinance. The motion was seconded by Commissioner Willich.

The Chair called for public comment. Patricia Grabow expressed her support of the ordinance and also the Commission and Manager's adherence to the Growth Policy.

Commissioner Willich expressed his support for the ordinance as did Commissioners Lyons and Schwarz. Vice Chair also expressed gratitude for the process and policy that was presented. Chair Kahle similarly expressed her appreciation for the policy and process.

The chair called for a vote and the City Manager read the roll call. The motion passed unanimously.

B. CONSIDERATION OF REQUEST FOR EXTENSION OF APPROVAL OF NORTHTOWN SUBDIVISION PHASES 4A, 4B AND 5.

The Chair introduced the item and asked the City Manager to provide background. The City Manager discussed the item and initial approval process for the subdivision.

Commissioner Willich inquired about the original length of the approval and confirmed with the City Manager that it was for 2 years. Commissioner Nootz inquired about the extension process and

allowances in Montana Code Annotated and Livingston Municipal Code. A discussion was held amongst the Commissioners and staff regarding approvals of subdivisions.

A motion to extend the approval for three years was made by Commissioner Schwarz and seconded by Commissioner Willich.

The Chair opened public comment. Garrett Schultz provided comment on behalf of the owners. Garrett clarified that the extension request was for three years from initial approval deadline and not the current date.

A discussion was held regarding the original approval expiration date and timing of the approvals amongst the Commissioners.

A motion was made by Commissioner Nootz to amend the motion on the floor to extend the approval to January 12, 2028. The motion was seconded by Commissioner Schwarz. The motion to amend the underlying motion was approved unanimously.

The amended motion, providing an additional three years of approval expiring on January 12, 2028, passed unanimously.

C. ACTION ARISING FROM MONTANA SIXTH JUDICIAL DISTRICT COURT ORDER APPROVING LIVINGSTON WEST LLC MAJOR SUBDIVISION APPLICATION

The Chair introduced the item and asked the City Manager to provide background. The City Manager discussed the item and process which led to the item including the order by the Sixth Judicial District Court of the State of Montana.

The Chair reiterated a question from the earlier public comment period regarding the reasons why a Court would opine on a subdivision application. The Manager offered that this is a remedy available to applicants.

Vice Chair Nootz motioned to comply with the court order and that motion was seconded by Commissioner Schwarz.

The Chair opened public comment. Public comment was offered by:

1. Ken Cochrane of Friends of Park County who offered his comments concerning the order and disappointment with the process and outcome.
2. Randy Carpenter, also of Friends of Park County, offered his comments on the history of the subdivision and paths forward.
3. Patricia Grabow offered her comments on the item and disappointment with the decision and court order.

The Commissioners offered their comments on the item.

The City Manager called the roll and the motion passed unanimously.

Vice Chair Nootz motioned for a 10-minute break which was seconded by Commissioner Schwarz and passed unanimously.

D. CITY MANAGER UPDATE ON CITY PROJECTS

The Chair introduced the item and asked the City Manager to provide background. The City Manager presented a slide show on three projects: Parks Master Plan, Energy Action Plan and Reservoir Park

GeoDesign. The City Manager discussed the scope of each project as well as the timelines that the public can expect for each project.

The Commissioners inquired about several aspects of the project and the City Manager provided details on each project.

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

The Chair introduced the item and asked the City Manager whether it was necessary. The City Manager advised that the item was not required at this time.

8. City Manager Comment

The City Manager thanked Commissioners for their time this evening.

9. City Commission Comments

Commissioner Willich welcomed the Sister City students.

Commissioner Lyons thanked Chair Kahle for her work as the Chair.

Chair Kahle thanked Officer Thomas for her work.

10. Adjournment

Commissioner Lyons moved to adjourn and that motion was seconded by Commissioner Schwarz. Passed unanimously at 7:20pm.

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.