



Livingston City Commission Minutes

November 18, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83508274304?pwd=WLDnt0PcUI6JzuMoKT1z2scEVk4rAR.1>

Meeting ID: 835 0827 4304

Passcode: 501530

1. Call to Order

5:33 PM Chair Schwarz called the meeting to order

2. Roll Call

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

City Staff Present

- City Manager Grant Gager
- Chief of Police Wayne Hard
- Planning Director Jennifer Severson

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)

Public comment was offered by:

- Linda Mahr referenced a petition given at the last meeting on 11/4 that is missing from the agenda packet. She expressed concern about the staff recommendation for the riparian setback and the missing petition from the community that shows concern. She expressed concern about the potential lack of compassion around the letter that was included in the minutes from a community member. She also asked about a microphone for the room.



- Peggy O'Neill expressed that the letter published in the minutes was in poor taste, but was glad she was able to read it. She expressed that there are other community members that are frustrated about the changes happening. She is concerned about trees being removed in the Parks Plan. She touched on minutes about bulb-out being discussed and struggled to find where that was. Also, she mentioned the length of the packets can be very long.
- David Lewis, County resident, talked about the pool in the Wellness Center using a purification system using ozone rather than chlorine and some pros to using the purification system.
- Brooke Laird, the owner of Key Montana Property Management, gave input on short-term rentals that were discussed at the last meeting. She stated she will come back next meeting as well.
- Leslie Feigel from the Livingston Chamber of Commerce asked about proclamations for the Christmas Stroll and parade every year. She talked about short-term rentals and how vacation rentals are not our housing issue.
- Patricia Grabow congratulated the newly elected Commissioners, outgoing members, and voters. She discussed World Heritage Site considerations. She also commented that short-term rentals are essential for bringing visitors who shop, dine, and stay in the area.

Vice Chair Nootz asked about microphones.

The City Manager stated the microphone system had been disabled, and they tried to get it working, but were unable to get it working. He reminded the meeting that this is not a room that the City controls as it is run by the County with the County's technology. He stated the City is trying to get the system figured out.

Vice Chair Nootz addressed the minutes and stated the missing part of a comment was likely accidental omission by staff and that is something they can be added. She stated she is the one that asked for the letter to be added into the minutes. She explained that as a public official she takes transparency very seriously. She recalled a time when something came to her house unsigned and was concerned about that at that time and introduced that into the record when it happened. She clarified that this current letter was sent to all Commissioners and staff, and she reminded it is the public's right to see what all Commissioners are sent and that is why it was asked to be put in the minutes.

Chair Schwarz stated it was not about compassion, it is part of policy to put it into the record.

Vice Chair Nootz asked about when bulb outs were discussed.

The City Manager stated we talked about the temporary installations the week before or two weeks before they had gone out.

Vice Chair Nootz also pointed out that they were discussed at a previous URA meeting as well.

Chair Schwarz talked about the length of the agenda and reminded they do have to include all of these items in the packets and their contents, as it's the public right to know.

Vice Chair Nootz asked about pool maintenance.



The City Manager stated he did receive the correspondence and reminded the design committee is made up of the City Manager, Recreation Director, and the Chair of the 4 Ranges Foundation. They did discuss the request with the pool contractor and the contractor is reviewing if it would be something that is possible given that the space is already engineered.

Vice Chair Nootz asked about proclamations.

Chair Schwarz reminded that they go through the City Manager and asked for a refresher.

The City Manager stated that the Commission had a conversation in September of this year about the proclamation process. The direction that he received was to come back with a policy, but it was made clear it was not a top priority, and they are still working on this policy. He stated that folks wishing to have a proclamation on the agenda just need to reach out to him directly, and asked that proclamation requests are given one week before the meeting.

Vice Chair Nootz asked that in the meantime will he just use the general intent of the Commission as his guiding light when it comes to proclamations.

The City Manager stated that in the discussion that took place in September, they took notes, and they are trying to adhere to that. He stated proclamations are meant to highlight either community events, staff contributions, or other noteworthy City events or happenings.

4. Consent Items

- A. APPROVAL OF MINUTES FROM NOVEMBER 04, 2025, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF MINUTES FROM APRIL 16, 2024, CLOSED SESSION**
- C. APPROVAL OF MINUTES FROM SEPTMBER 3, 2024, CLOSED SESSION**
- D. APPROVAL OF MINUTES FROM NOVEMBER 6, 2024, CLOSED SESSION**
- E. APPROVAL OF MINUTES FROM NOVEMBER 19, 2024, CLOSED SESSION**
- F. APPROVAL OF CLAIMS PAID 10/30/25 - 11/12/25 [PG.47](#)**
- G. APPROVAL OF OCTOBER 2025 CITY COURT FINANCIAL REPORT [PG.60](#)**
- H. APPROVAL OF CONTRACT 20237 WITH CLEARY BUILDING CORPORATION [PG.62](#)**
- I. REAPPOINTMENT OF NICOLE MADDEN TO THE LIVINGSTON POLICE COMMISSION [PG.78](#)**
- J. REAPPOINTMENT OF JANELLA JOHNSON TO THE LIVINGSTON POLICE COMMISSION [PG.81](#)**

Vice Chair Nootz pulled Consent Item A and I.

Chair Schwarz pulled Consent Item J.



Vice Chair Nootz motioned to approve Consent Items B-H, seconded by Commissioner Willich. Unanimously approved.

Vice Chair Nootz asked for the minutes to come back after a double check of missing comments.

The City Manager stated he will review the minutes with the City Clerk and bring them to the next meeting.

Vice Chair Nootz pointed out page 76 for item H that the fiscal impact section stated the division within the department is going to manage the fund internally so that they don't have to amend the overall City budget, and she felt like this was great! She thanked the Street Maintenance Division in Public Works for their work on this.

Chair Schwarz recognized Nicole Madden and Janella Johnson for their re-appointment to the Livingston Police Commission.

Commissioner Willich motioned to approve items I and J and was seconded by Nootz. The motion passed 4-0.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING NOVEMBER 29, 2025 AS SMALL BUSINESS SATURDAY IN LIVINGSTON, MONTANA PG.84

Chair Schwarz read the proclamation.

The City Manager stated he will see everyone out there on Small Business Saturday supporting the community.

Chair Schwarz asked if this still sponsored by American Express.

Leslie stated yes.

Chair Schwarz expressed having issue with that, but will not discuss that here, He reminded everyone to shop local and stated that he tries to as much as he can.

6. Scheduled Public Comment

7. Action Items

A. ORDINANCE 3065: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 29 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "FLOODPLAIN REGULATIONS" BY REPEALING THE ENTIRETY OF CHAPTER 29 AND REPLACING IT WITH REVISED "FLOODPLAIN HAZARD MANAGEMENT REGULATIONS". PG.86



The City Manager stated this item seeks to amend Chapter 29 of the LMC to create floodplain regulations that are in compliance with the National Flood Insurance Program. He stated this item is a bit of a continuation of the conversation that they had at the last meeting. He stated there was a discussion related to the floodplain and incorporating the floodplain regulations into Chapter 30 in the zoning code update. Based on public comment that was received from the community member, including the petitioner that was referenced earlier, those items were pulled out of the zoning code update. They had a conversation with the person who submitted the petition and their legal counsel through the City Attorney. So they did pull that out. He stated they were reminded by the State that we still have non-compliant floodplain regulations. Ours have not been updated since 2011.

Vice Chair Nootz asked what it means that we are non-compliant.

The City Manager introduced Tracy Sears with the Department of Natural Resources who has been working with FEMA and stated she can answer this question later in the presentation.

Planning Director Severson and Tracy Sears gave a brief presentation.

Vice Chair Nootz asked what does it mean for the people of Livingston if we stay out of compliance. She also asked about what higher standards Tracy was referring to and why they are encouraged.

Tracy stated if we're not seeing movement on an update to the regulations, FEMA could put the community on probation. That's a FEMA action. If there's still no movement, the community can be sanctioned and may no longer participate in the NFIP. That would impact disaster assistance and insurance availability. As far as higher standards, NFIP's goal is reducing flood losses. Higher standards help communities be more resilient and include elevating structures, protecting riparian areas, safe access, etc. These are encouraged because they reduce damage, protect public safety, and can sometimes lower insurance premiums.

Vice Chair Nootz asked for information about how it was decided what to recommend vs. alternatives that could have been recommended.

The City Manager stated throughout the zoning process, this has been a point of discussion. It was the topic of conversation at least once at a Consolidated Land Use Board meeting. There were a range of proposals for riparian buffers from 25 feet up to as much as 300 feet recommended by some community members. Hearing that public feedback, it seemed like we weren't at a place to go that far; we needed a starting point. The 10-foot buffer is used in a number of communities and appears in some U.S. EPA literature as a kind of minimum riparian buffer. That's how we came up with 10 feet.

Planning Director Severson stated this is a starting point. We haven't undertaken a holistic citywide look at riparian protection yet. Different buffer widths serve different purposes, reducing pollutants, protecting banks, providing habitat. The table she showed indicated different recommended widths for different goals. Ten feet is at the minimal end for some functions. FEMA does not require any riparian buffer at all, so this is already above the minimum. She stated that if they wanted, they could



remove the higher standards and just do the bare minimum tonight and discuss higher standards later, but the bare minimum really does need to be adopted.

Commissioner Willich asked about 10 feet and asked if they classify them separately between the river and the creeks and what the setbacks are for that.

Planning Director Severson stated it's by the high-water mark. In our code, it says mean high-water mark or the ordinary high-water mark. It says 10 feet and that's 10 feet horizontally from that mark. It does not include Fleshman because it is not in the regulatory floodplain. Billman is mapped in certain limited sections. This rule applies where floodplain exists per FEMA mapping. The Yellowstone is very different from Billman. If we want to protect riparian areas along Fleshman, that has to come outside of these floodplain regulations until such time, if ever, that Fleshman is mapped into the FEMA floodplain. This is just "no large-scale clearing of vegetation" within 10 feet.

Commissioner Willich asked theoretically, large scale movement of dirt over by the hospital and the levy system and water moving system as it's outside of 10 feet.

Planning Director Severson stated development there would go through site plan review and they would require certain erosion control, and DEQ requires certain erosion control measures to prevent sediment migration and also disturbance along there. She stated if they are along the Yellowstone within a certain amount of space, that should require a 310 permit for water quality.

The City Manager stated Fleshman creek is not currently mapped, but Billman Creek within City limits is a very limited stretch of coverage.

Public comment was offered by:

- Leslie Feigel asked when you get to that point with the local creeks and local streams within the City limits, is there a possibility to do mapping of them? She doesn't mean FEMA, but our streams and creeks that would include Billman and Fleshman and other waterways.

The City Manager stated this applies to the Yellowstone and Billman Creek, but Fleshman was not part of that. He stated we do have a floodplain map that shows all mapped flood areas within City limits. He stated the ditches are not part of the regulated FEMA floodplain.

Commissioner Willich stated when it comes to setbacks or riparian protection along the Yellowstone, 10-feet seems like a very thin strip of protected land in wildly contentious area of natural processes. If it keeps us compliant with FEMA and DNRC, it kind of seems like 10 feet is the smallest bite we could take to just maintain compliance. He expressed it was good and reasonable balance.

Chair Schwarz stated we need something in place, and I think this is a good first start. Secondly, it's gone through Montana DNRC. He also said he thinks 10 feet is woefully inadequate personally, but we need to start somewhere, and this is a good start to have at least something updated and on the books.



Vice Chair Nootz thanked Tracy for being here today and appreciates Planning Director Severson's suggestions. She stated the weight will be on the Commission in the coming years to really get serious about what we're doing around the river and particularly for those of us who lived here or were with the City at the time of the flood. She stated that this seems like a good starting point. She likes that, although it's tough to choose a number, you chose the median point of what's conservative and reasonable from the chart that was shared, not knowing where to start. She looks forward to having data so they can make decisions based on the science, but feels this is a good starting point. She agrees that some of these above-minimum standards just seem like common sense, like what cannot go near the river. She expressed that it was good that they were thinking about safety.

Commissioner Lyons understands they are all feeling kind of cautious about the figure they are considering. He recognizes they are discussing impacts along Billman and the Yellowstone, which is the longest undammed river in the lower 48. He pointed out the importance of studies about this topic. He feels this is reasonable starting point.

Commissioner Willich stated this may not feel like enough of a setback for some folks in the community, but these are minimum numbers, so property owners along the river can setback further if they choose.

Commissioner Lyons motioned to approve the ordinance, seconded by Commissioner Willich. Unanimously approved.

Vice Chair Nootz motioned for a 10-minute break, seconded by Commissioner Lyons. Unanimously approved.

B. APPROVAL OF UPDATE TO LIVINGSTON CITY COMMISSION HANDBOOK [PG.171](#)

The City Manager stated this item before the Commission is the review and update of the Livingston City Commission Handbook. He also worked to incorporate the Conflict-of-Interest Policy that was codified by the Commission in April of this year, and has made some other small changes, one related to the public comment process, in response to recent comments and observations from the community. These changes are reflective of some best management practices employed in other communities to help manage the public comment period and ensure that City residents really do have an opportunity to have their voices heard. There are times, as we all know, when the public comment period can stretch on for an hour or more. This was an attempt to provide City residents the opportunity to interact with their government in a timely and direct way.

Vice Chair Nootz stated there are a few parts of the handbook that are codified, and she asked for clarification on which parts are code.

The City Manager stated the two main items that are codified and would require subsequent action are the Conflict-of-Interest Policy and Commissioners' Code of Conduct.

Public comment was offered by:



- Leslie Feigel stated she spoke with a representative at MACo and talked to Montana League of Cities and Towns and was told no one else in Montana does this. She expressed that this felt very divisive for the community. She wondered about logistics of this and when certain members of the community are supposed to speak.
- Patricia Grabow feels it is very bad to attempt to manage public comment, and would like the Commission to reconsider this.
- Peggy O'Neill expressed that it doesn't seem right to divide everyone up into groups and asked whether she would get to speak twice if she is a business owner and community member
- Linda Mahr agreed that it feels divisive to do this and reminded that it takes courage for folks to come up and speak.

Chair Schwarz stated that he feels the taxpayers of the City should be able to speak first. He stated that this is was not excluding anybody, but does give priority to taxpayers.

Commissioner Willich stated the responsibility that the Commissioners have, first and foremost, is to the residents of the City of Livingston and the business owners of the City of Livingston. Visitors to the City of Livingston are not secondary, but we're not limiting them either. We're just saying that people who are here, live here, pay taxes here, and vote here should speak first. The edit he would like to see, if we go forward with this, is: it currently says "the Chair solicit comments," and I think it should say "the Chair *shall* solicit comments" or "*may* solicit comments." He would also like to see the Pledge of Allegiance added in ahead of C.

Commissioner Lyons pointed out a clerical edit. He doesn't think the structure, as written, will accomplish what it's set out to. It just says comments are going to come in this order; there's no time limit or mechanism to expedite the meeting. He wondered if it is time they are thinking about and wondered if this is the best option.

Chair Schwarz asked who determines the time limits.

The City Manager stated that state code leaves it up to the presiding officer, outside of the requirement that each person has at least 3 minutes. He doesn't believe we've ever codified a specific time in the Handbook. Historically, it has been at the Chair's discretion. Here we've typically used 4 minutes.

Vice Chair Nootz stated at the legislative level she has seen them cut public comment down to 60 seconds when there are a lot of people. People come prepared for 3 minutes, and then it's cut. She is not sure what state code says for municipalities, but she knows at the state level they change it when there are many speakers.

Vice Chair Nootz pointed out language edits to the handbook on pg. 181, 182, 183 and 198. She also asked about having closed meetings be added to this.



The City Manager stated there are penalty provisions related to that and stated it's a misdemeanor.

Vice Chair Nootz expressed agreement with fellow Commissioners. She was thinking of the Wellness Center meetings where we had 50 to 100 comments. We had people from across the region, but ultimately the County declined to participate; City residents taxed themselves, and for those kinds of issues, it can be helpful to know whether the people asking for services or tax increases are City residents or not. Many people in Livingston have said they don't want to pay for County services. They want everyone to pay their fair share. She feels that for very large meetings, this ordering could be helpful. She doesn't see a problem with it. It will take some practice, but this Handbook is for us, to make our jobs easier as Commissioners. It's not excluding anyone; it just helps us understand who we're hearing from first.

Chair Schwarz spoke about the addition of the pledge to the meeting and stated the addition of "Under God" was put in during the Eisenhower administration. Whenever he says the pledge, he intentionally leaves that out because he's not pushing religious beliefs on anybody else. He expressed that he loves the Pledge of Allegiance, but just doesn't like the addition that was done by the Eisenhower administration.

Commissioner Lyons stated that his experience saying it as a child was that he didn't really think about it very much, and the more he said it, the less he thought about it. He stated he doesn't know how much it will add to the meetings, and doesn't feel strongly about it.

Vice Chair Nootz stated she grew up in a military family, so she was taught lots of things about the flag and how to respect the country, and that pledging allegiance is a lot more than to a piece of fabric. She expressed that she doesn't have a problem with the pledge and is fine including it or not including it.

Chair Schwarz expressed his strong feelings about pushing religion on other people.

The City Manager stated the agenda is set by him, but the order of the agenda items is partially codified in the Handbook, which is being updated tonight. He clarified that under state code he decides what items are placed on the agenda, but the conversation tonight is more about the shell of the agenda. He stated he heard everyone's input and will take those into consideration for the agenda.

Commissioner Lyons stated that it sounds like there's relative agreement that, in cases of limited available time, prioritizing City residents makes sense. He just doesn't think the structure, as written, accomplishes that. He expressed that given public comments, he thinks we should clarify that this is for meetings with unusually large numbers of commenters. He would also like to add that the Chair can limit public comments in high-volume situations to facilitate enough time for Commission deliberation.

Vice Chair Nootz expressed that she didn't think they could put time limits on public comments and would have to continue to a following meeting, and asked for clarification on this.



The City Manager stated that the Supreme Court had decided on the 3 to 5 minutes per person would be acceptable, but their ability to just end public comment does not exist.

City Attorney Hesse stated it would be a good idea for the City Commission to consider how long these meeting go because during legal proceeding Judge Gilbert was critical of the Commission in that particular case and commented on the length of the meetings right in her order.

Vice Chair Nootz stated they will be careful with legal constraints. She stated they can't cut off public comment entirely, but might have to continue the hearing to a later date if we hit time limits.

The City Manager stated in other jurisdictions he has worked in, when we reached a time like 10 p.m., and public comment was still going on, they would continue the item to a date certain, such as the next day at 5pm.

Commissioner Lyons asked if the only mechanism for putting boundaries of the length of a conversation is putting boundaries on the length of a Commission meeting.

The City Manager stated yes and also the 3-5-minute timeline per public commenter.

Chair Schwarz expressed liking the idea of the Chair being able to tell people how many minutes they would get.

Commissioner Lyons expressed again that he feels this mechanism doesn't seem like it will work to help expedite meetings.

The City Manager stated expedited meetings were not the only motivation for this change. He stated he was recently at a conference where this was discussed and a number of other cities do this, and it's intended to prioritize comment on items such as taxation and City specific issues. He stated it is just a way to prioritize comments to the Commission.

Commissioner Lyons stated that adding a little Chair discretion into this might be helpful and be able to limit comment to 3 minutes when unusually large number of public commenters are present.

Chair Schwarz agreed with this.

Commissioner Willich pointed out the hard points being that there is 3 minutes minimum, meetings that could go on infinitely, and a district court judge that has said our meetings go too long.

Commissioner Lyons pointed out that there will be a day when Bozeman is really interested in a policy happening in Livingston, and with Bozeman being a lot bigger than Livingston they could really fill up the waiting room.

Commissioner Willich stated when the room is filled up like that his priority would be to hear from folks inside City limits first.



Vice Chair Nootz expressed that the order feels fine and she trusts whoever the 5 Commissioners are to handle a large room of people appropriately.

Commissioner Willich stated what he thought should change is “The Chair shall solicit comments from the public, in the order stated, limiting to 3 minutes.

Commissioner Lyons stated that he supports the language and it is flexible and doesn’t micromanage.

The City Manager stated there are 9 edits:

1. On public comment, add “shall have the discretion to” between “Chair” and “solicit” in the ordering section, making it clear this ordering is discretionary, not mandatory.
2. Add a note that the Chair has the ability to limit public comment to not less than 3 minutes per speaker, consistent with state law.
3. Page 174 – Fix table of contents reference so that one reference properly goes to the Conflict-of-Interest section (not Code of Conduct twice).
4. Page 181 – Update Historic Preservation Board to Historic Preservation Commission and remove the Commissioner asterisk.
5. Page 182 – Under City Commission procedures, update the process so the Chair calls on the City Manager, who then calls on appropriate presenters.
6. Page 183 – Under item 3, clarify that members direct clarifying questions through the Chair to the City Manager, who then calls on staff or others.
7. Page 198 – Update “requests” to “requires” regarding Commissioners completing the Conflict-of-Interest disclosure form, consistent with the adopted ordinance.
8. Add reference to penalty provisions regarding violation of closed-meeting rules (right to privacy), including that violation may constitute a misdemeanor.
9. Other minor corrections aligning wording in the Handbook with existing codified ordinances and resolutions (Code of Conduct and Conflict of Interest).

Commissioner Lyons motioned to approve the City Commission Handbook as presented and modified in recent comments by the City Manager, seconded by Vice Chair Nootz. Unanimously approved.

8. City Manager Comment

The City Manager thanked the Commission for their work on the Handbook and will see everyone on December 2.



9. City Commission Comments

Commissioner Willich stated he hopes to see everyone at small business Saturday. He shared happy birthday to some family members.

Commissioner Lyons – no comment

Vice Chair Nootz thanked the Commission for their comments tonight. She expressed being happy to see the new elects are in the room tonight and thanked them for being here.

Chair Schwarz – no comment

10. Adjournment

Commissioner Lyons motioned to adjourn, seconded by Commissioner Willich. Unanimously approved.

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 Chair. 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 Clerk. 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 City Clerk at least 24 hours in advance of the specific meeting you are planning on attending.