



Livingston City Commission Minutes

October 05, 2021

5:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call: In attendance: Chair Hoglund; Vice-Chair Schwarz; Commissioner Friedman; Commissioner Mabie; Commissioner Nootz. Staff in attendance: City Manager Michael Kardoes excused; City Attorney Courtney Lawellin; Deputy Planning Director Mathieu Menard; Administrative Services Director Lisa Lowy; City Finance Director Paige Fetterhoff and City Clerk Faith Kinnick.

3. Moment of Silence

4. Pledge of Allegiance

5. Public Comment (00:01:45)

- Johnathan Hettinger gave public comment

6. Consent Items (00:02:53)

A. APPROVE MINUTES FROM SEPTEMBER 21, 2021 REGULAR MEETING.

B. RATIFY CLAIMS PAID 09/15/2021-09/24/2021.

C. ACCEPT RECOMMENDATION FROM CITY PLANNING BOARD TO FILL VACANCIES ON BOARD.

- Schwarz motioned to pull consent item A for discussion, and approve items B & C, second by Friedman, passed all in favor 5-0.
- Schwarz asked City Clerk to double check the vote on Resolution No. 5001, he recalled all commissioners voted against the proposal, Nootz concurred. City Clerk will correct the minutes from September 21, 2021.
- Nootz motioned to approve the amended minutes as noted. Second by Mabie.
All in favor, passes 5-0.

7. Proclamations

8. Scheduled Public Comment

A. RANDY/DARCY COOK, PRESENTED PROPOSED HOUSING DEVELOPMENT ON E. SUMMIT STREET. (00:05:02)

9. Public Hearings

A. RESOLUTION NO. 4991: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, VACATING A PORTION OF THE SUMMIT STREET RIGHT-OF-WAY ADJACENT TO BLOCK 32 OF THE MINNESOTA ADDITION. (05:41 p.m.)

- Lawellin gave opening statements
- Hogleund opened the public hearing
- Mark Sukut gave public comment
- Rachael Jones gave public comment
- Nate Bose gave public comment
- Mike Chappell gave public comment
- Wayne Fink gave public comment
- Joe Brenna gave public comment
- Rick Van Aken gave public comment
- Barb Oldershaw gave public comment
- Gayla Nicholson gave public comment
- Kim Fink gave public comment
- Sarah Stands gave public comment
- Dave Karon gave public comment
- Scott Laughlin gave public comment
- Lisa Sukut gave public comment
- John Beyer gave public comment
- Edlita Shands gave public comment
- Tonia Torrence gave public comment
- Hogleund closed public hearing

*5- Minute recess

- Nootz made comments
- Mabie made comments
- Schwarz made comments
- Hogleund made comments
- Mathieu Menard made comments
- Nootz made additional comments
- Hogleund made additional comments
- Written comments will be submitted into the record

- Schwarz motioned to motioned to approve, second by Mabie.
Motion fails 2-3, Hoglund, Friedman and Nootz opposed.

B. ORDINANCE NO. 3017: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV AND ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO RADIO STATIONS. (00:48:33)

- Lawellin gave opening statements
- Hoglund opened the public hearing.
- No public comments
- Hoglund closed public hearing
- Nootz made comments
- Hoglund made comments
- Nootz motioned to approve, second by Mabie
All in favor, passes 5-0

C. ORDINANCE NO. 3018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO BUILDING HEIGHTS. (00:54:10)

- Lawellin gave opening statements
- Hoglund opened the public hearing
- No public comments
- Hoglund closed public hearing
- Nootz made comments
- Nootz motioned to approve, second by Mabie
All in favor, passes 5-0

D. ORDINANCE NO. 3019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2085 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING THE MEMBERSHIP OF THE BUILDING CODE BOARD OF APPEALS. (00:58:11)

- Lawellin gave opening statements
- Hoglund opened the public hearing
- No public comments
- Hoglund closed public hearing
- Hoglund made comments
- Schwarz motioned to approve, second by Friedman

All in favor, passes 5-0

E. ORDINANCE NO. 3020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND ORDINANCE NO. 2085 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE APPENDIX Q OF THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC). (01:01:38)

- Lawellin gave opening statements
- Hogleund opened the public hearing
- No public comments
- Hogleund closed public hearing
- Nootz made comments
- Nootz motioned to approve, second by Mabie

All in favor, passes 5-0

F. PLATEK ZONING COMPLAINT (01:03:55)

- Lawellin gave opening statements
- Hogleund asked clarifying questions

10. Ordinances

A. ORDINANCE NO. 3021: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO BUILDING DESIGN STANDARDS. (01:05:52)

- Lawellin gave opening statements
- Mathieu Mendard made additional comments
- No public comments
- Schwarz made comments
- Hogleund made comments
- Mabie made comments
- Nootz made comments
- Nootz motion to approve, second by Mabie

All in favor, passes 5-0

B. ORDINANCE NO. 3022: 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 ZONING THE

PARCELS INCLUDING THE PROPERTY BETWEEN NORTH O STREET AND THE YELLOWSTONE RIVER TO INCLUDE THE KPRK RADIO STATION AS MEDIUM DENSITY RESIDENTIAL (R-II) AND NEIGHBORHOOD COMMERCIAL AND TO INCLUDE THE AREAS ZONED NEIGHBORHOOD COMMERCIAL IN THE DESIGN REVIEW OVERLAY ZONE. (01:13:24)

- Lawellin gave opening statements
- Mathieu Menard made additional comments
- No public comments
- Nootz asked clarifying question
- Mabie motioned to approve, second by Nootz
All in favor, passes 5-0

11. Resolutions

A. RESOLUTION NO. 5002: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2020-2021, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$398,160 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$390,445. (01:19:47)

- Lawellin gave opening statements
- Paige Fetterhoff made additional comments
- No public comments
- No Commissioner comments
- Schwarz motioned to approve, second by Friedman
All in favor, passes 5-0

12. Action Items

A. DISCUSS: CITY COUNTY HEALTH BOARD'S DECISION ON LOCAL GOVERNING AUTHORITY. (01:22:41)

- Lawellin gave opening statements
- Nootz made comments
- Hogleund made comments
- Mabie made comments
- Schwarz made comments
- Discussion item only, no vote taken.

B. DISCUSS: LEGAL UPDATE ON COUNTY COMMISSION/ HEALTH BOARD DECISION TO STOP PROVIDING INFORMATION ON COVID-19 POSITIVE INDIVIDUALS TO FIRST RESPONDERS. (01:29:07)

Motion to extend the meeting at 8:30 p.m.

- Lawellin gave opening statements
- Nootz made comments
- Hogle made comments
- Mabie made comments
- Schwarz made comments
- Discussion item only, no vote taken.

C. DISCUSS: BOARD COMMUNICATIONS (01:32:23)

- Lawellin gave opening statements
- Hogle made request to table item until Michael has returned.

D. CLOSED SESSION: PERSONNEL ISSUE (08:45-9:57 p.m.)

13. City Manager Comment (9:59 p.m.)

14. City Commission Comments (9:59 p.m.)

15. Adjournment (10:05 p.m.)