



Livingston City Commission Minutes

July 26, 2022

5:32 PM

VIA ZOOM

<https://us02web.zoom.us/j/89305916230?pwd=MVdJZ3V5T2Z6ZlRlTWxJwWxc0V2h5dz09>

Meeting ID: 893 0591 6230 **Passcode: 342651** Call in: (669) 900-6833

1. Call to Order

2. Roll Call

In attendance: Vice-Chair Karrie Kahle, Commissioner Mel Friedman, Commissioner Quentin Schwarz, Commissioner Torrey Lyons, Chair Melissa Nootz excused. Staff in attendance: Interim City Manager Lisa Lowy, City Attorney Courtney Lawellin, Public Works Director Shannon Holmes, City Finance Director Paige Fetterhoff, and Recording Secretary Faith Kinnick.

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)

- Jane Jarret gave public comment
- Karilee Valeriano gave public comment

4. Consent Items 5:36 p.m. (00:05:29)

A. APPROVE MINUTES FROM JULY 12, 2022, REGULAR MEETING.

B. RATIFY CLAIMS PAID 07/02/2022-07/13/2022.

C. ACCEPT THE HISTORIC PRESERVATION COMMISSION RECOMMENDATION TO APPOINT KRISTEN VANDERLAND TO FILL A VACANCY, FOR A TERM ENDING DECEMBER 31, 2023.

- Motion by Friedman, second by Schwarz
All in favor, passes 4-0

5. Proclamations 5:37 p.m. (00:06:26)

A. PROCLAMATION DECLARING AUGUST 2, 2022, AS NATIONAL NIGHT OUT.

- Kahle asked clarifying questions
- Lowy answered
- Schwarz made comments

6. Scheduled Public Comment 5:42 p.m. (00:10:42)

A. RICK TILLERY OF THE SMALL BUSINESS ADMINISTRATION, PRESENTS DISASTER RECOVERY RESOURCES AVAILABLE.

- Commissioner Lyons asked clarifying questions
- Chair Kahle made comments and asked clarifying question
- Nancy Adkins asked clarifying question

B. _____ OF FEMA, WITH UPDATE ON LIVINGSTON'S DISASTER RECOVERY ASSISTANCE. (Rep had schedule conflict, will reschedule)

7. Public Hearings

Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)

A. ORDINANCE NO. 3034: 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 PROPERTY LEGALLY DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), AS PUBLIC (P). 5:58 p.m. (00:25:39)

- Kahle opened public hearing
- Karilee Valeriano asked clarifying question
- Public hearing closed
- Lowy presented background on item
- Kahle asked Lowy clarifying question
- No clarifying questions from Commission
- Motion by Lyons, second by Friedman
- Lyons gave comments
- Motion passes 4-0.

B. RESOLUTION NO. 5053: 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. 6:06 p.m. (00:34:57)

- Lowy introduced item
- Kahle asked Lowy clarifying question
- Kahle opened the public hearing
- Linda Mahr gave public comment

- Nancy Adkins gave public comment
- Angela Devani gave public comment
- Karilee Valeriano gave public comment
- Marc Graham gave public comment
- Patricia Grabow gave public comment
- Linda Mahr was allowed to give additional comment
- Tammy Lewis gave public comment
- Leslie Feigle gave public comment
- Public hearing closed
- Lyons asked clarifying questions
- Fetterhoff answered
- Kahle asked Lowy to address comments/questions from the public
- Fetterhoff made additional clarifying comments
- Schwarz motioned to approve Resolution No. 5053, second by Friedman
- Schwarz made comments
- Lyons made comments and asked additional clarifying question of Lowy
- Lowy answered
- Kahle made comments and asked additional clarifying question of Lowy
- Lowy answered
- Holmes gave comments
- All in favor passes, 4-0

10-minute recess, resumed at 7:01 p.m. (01:19:14)

C. RESOLUTION NO. 5054: 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. 7:01 p.m. (01:22:05)

- Lowy introduced item
- Chair opened public hearing
- Linda Mahr gave public comment
- Karilee Valeriano gave public comment and asked clarifying questions
- Public hearing closed
- Lyons asked clarifying question of Lowy
- Lyons made additional comments
- Kahle asked clarifying questions of Lowy
- Holmes made additional comments
- Kahle made comments

- Lowy made additional comments
- Motion by Schwarz to approve Resolution No. 5054, second by Friedman
- Schwarz made comments
All in favor, passes 4-0

D. RESOLUTION NO. 5055: 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 20% PER MONTH FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE JULY 2022. 7:19 p.m. (01:40:13)

- Lowy introduced item
- Chair opened public hearing
- Arlene Roemer da Feltre gave public comment
- Linda Mahr gave public comment
- Karilee Valeriano gave public comment
- Mary Pleas gave public comment
- Daniel Bergquist gave public comment
- Public hearing closed
- Lyons asked clarifying questions
- Holmes made comments
- Lowy made additional comments about incinerator
- Lyons made motion to approve Resolution No. 5055, second by Friedman
- Schwarz made comments
- Lyons made additional comments
- Holmes made additional comments and announced the recycling area automated gate starting in August the city will be able to extend recycling hours and provide 7-day service.
- Kahle made comments
All in favor, passes 4-0

E. RESOLUTION NO. 5056: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$25,956,988 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2022, AND ENDING JUNE 30, 2023, (FY23), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND. 7:43 p.m. (02:04:12)

- Lowy introduced item
 - Chair opened public hearing
 - Daniel Bergquist gave comment
 - Karilee Valeriano gave comment
 - Nancy Adkins gave comment
 - Closed public hearing
 - Lyons asked clarifying questions of Holmes/Fetterhoff
 - Fetterhoff answered
 - Holmes answered
 - Lyons made additional comments
 - Kahle made comments
 - Lowy answered questions from public
 - Schwarz motioned to approve Resolution No. 5056, second by Friedman
 - Schwarz made additional comments
 - Kahle made comments
- All in favor, passes 4-0

F. RESOLUTION NO. 5057: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVEMENT DISTRICT NO. 1 FOR THE FISCAL YEAR 2022-2023 IN THE AMOUNT OF \$1,323,753, AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT. 8:04 p.m. (02:24:54)

- Lowy introduced item
- Chair opened public hearing
- No public comments
- Closed public hearing
- Lyons asked clarifying question
- Lyons motioned to approve Resolution No. 5057, second by Schwarz
- Kahle made comments
- Lyons made comments
- Kahle made additional comments
- All in favor, passes 4-0

G. RESOLUTION NO. 5058: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$87,600 FOR FISCAL YEAR 2022-2023 AND LEVYING AND ASSESSING 100%

OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH IT'S ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. 8:10 p.m. (02:31:20)

- Lowy introduced item
 - Chair opened public hearing
 - Karilee Valeriano asked clarifying question
 - Closed public hearing
 - No commissioner clarifying questions
 - Schwarz motioned to approve Resolution No. 5058, second by Friedman
 - No commissioner comments
- All in favor, passes 4-0

H. RESOLUTION NO. 5059: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$62,000 FOR THE FISCAL YEAR 2022-2023 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING. 8:14 p.m. (02:35:00)

- Lowy introduced item
 - Chair opened public hearing
 - Daniel Bergquist asked clarifying question
 - Karilee Valeriano asked clarifying question
 - Closed public hearing
 - Lowy answered questions
 - Fetterhoff answered questions
 - Schwarz motioned to approve Resolution No. 5059, second by Friedman
 - No commission deliberation
 - Kahle made comments
- All in favor, passes 5-0

Schwarz motioned to extend the meeting, second by Friedman, all in favor. (02:43:07)
10-minute recess at 8:23 p.m.

8. Ordinances (02:43:50)

A. ORDINANCE NO. 3035: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 2053 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2021 INTERNATIONAL BUILDING CODE (IBC); THE 2021 INTERNATIONAL RESIDENTIAL CODE (IRC); THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISpsc); THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND THE 2021 INTERNATIONAL EXISTING BUILDING CODE (IEBC).

- Lowy introduced item
- Motion by Schwarz, second by Lyons
- Chair opened public hearing
- Daniel Bergquist asked clarifying questions
- Christina Nelson asked clarifying questions
- Lowy answered questions
- Lyons made comments
- Lowy made comments
- Lyons asked for update pertaining to the NFPA code in the next packet
All in favor, passes 4-0

9. Resolutions 8:44 p.m. (02:55:58)

A. JOINT RESOLUTION NO. 2022-03: A JOINT RESOLUTION OF PARK COUNTY AND THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE COUNTY COMMISSION AND THE CITY MANAGER TO EXECUTE AND DELIVER A DEED THAT TRANSFERS THE CITY AND COUNTY INTEREST IN THE ADDITION TO THE LIVINGSTON PARK COUNTY PUBLIC LIBRARY TO THE LIVINGSTON PARK COUNTY PUBLIC LIBRARY.

- Lowy introduced item
- Lyons asked clarifying questions of Lowy
- No additional clarifying questions
- Lyons made motion to approve Joint Resolution No. 2022-03, second by Schwarz
- Nancy Adkins asked clarifying questions
- No additional public comments
- Lowy asked Lawellin to answer questions
No additional comments
All in favor, passes 4-0

10. Action Items 8:55 p.m. (03:06:26)

A. ACTION ITEM: DISCUSS: LIBRARY ZOOM ROOM

- Lowy introduced item
- Lyons asked clarifying questions
- Lowy answered and deferred to Lawellin
- Kahle made comments
- Lawellin made comments
- Friedman made comments
- Kahle stated discussion item only, no action taken
- Lowy will report back during her City Manager at the next meeting following her meeting with Commissioner Caldwell next week

B. DISCUSS/APPROVE/DENY: RESUMING IN-PERSON MEETINGS FOR CITY COMMISSION MEETINGS AND CITY BOARDS AND COMMITTEE MEETINGS. 9:06 p.m. (03:17:16)

- Lowy introduced item
- Schwarz asked clarifying questions
- Lyons made comments
- Kahle made comments
- Lowy made additional comments
- Friedman made comments
- Kahle made additional comments, stated desire for more information
- Schwarz asked questions of Lawellin
- Lawellin made comments
- Schwarz made additional comments
- No decision made

C. DISCUSS/APPROVE/DENY: EXTENSION OF STRATEGIC PLAN WORKGROUP TIMELINE FOR A TIME TO BE DETERMINED BY A MAJORITY VOTE OF THE COMMISSION (FROM ADDENDUM) 9:21 p.m. (03:32:09)

- Kahle introduced this item asking for an extension of the timeline
- Schwarz asked clarifying question
- Schwarz made motion to extend timeline for 90-days, second by Lyons
- No public comments
- No commissioner deliberation

All in favor, passes 4-0

11. City Manager Comment 9:25 p.m.

- Received notice that FEMA's location will be closed on 8/3 & 8/4 will be closed due to staffing challenges
- Received an initial draft for the City Manager contract, has sent to Commission
- Exploring options to secure additional alternative funding sources possibly coming back through the Gateway Option Tax, coming back around.

12. City Commission Comments 9:27 p.m.

- Lyons
- Schwarz
- Friedman
- Kahle

13. Adjournment 9:29 p.m.



07.20.2022

Livingston City Commissioners
220 E. Park Street
Livingston MT 59047

Dear City Commissioners:

The Livingston-Park County Public Library Board is committed to the principles of community, cooperation, and civic engagement. Accordingly, we welcome an ongoing discussion about the possibility of the City and County jointly funding much-needed improvements to the audio-visual equipment in the Library's Bev Steveson Meeting Room.

We believe both the City and County Commissions, the Library, and the Library's users could benefit enormously from such a project and are thankful that the Commissions are considering the Library for such a purpose. Going forward, we would like to clarify the following points:

1. The Library users' needs must be considered first, keeping in mind that any proposals including equipment or furnishings that, in the Library Board's and/or its representatives' judgement, substantially interfere with the use of the room at present are likely to be rejected by the Library Board;
2. The Library Board and/or its representatives are the primary drivers of the design, insofar as that design has ramifications for the existing footprint and usage of the room;
3. The Library Board has final authority over any changes to the room or building, as per *Montana Code Annotated* 22-1-309;
4. The Library Board recognizes that both Commissions will have some degree of exclusive use of the room, which will be described in separate Memoranda of Understanding.

We look forward to continuing our work with the City and the County on this project.

Sincerely,

[signed]

Jack Longbine
President, Livingston-Park County Public Library Board

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/ LIVINGSTONPUBLICLIBRARY.ORG