



# Livingston City Commission Minutes

July 12, 2022

5:30 PM

<https://us02web.zoom.us/j/87238308307?pwd=a0RBdFJKNVQzTWUvYVZteHN1MU9EZz09>

Meeting ID: 872 3830 8307 **Passcode: 196141** Call In: (669) 900-6833

## 1. Call to Order (5:35 p.m.)

## 2. Roll Call

In attendance: Chair Melissa Nootz, Vice-Chair Karrie Kahle, Commissioner Mel Friedman, Commissioner Quentin Schwarz, and Commissioner Torrey Lyons.

Staff in attendance: Interim City Manager Lisa Lowy, City Attorney Courtney Lawellin, Building & Planning Director Jim Woodhull, City Finance Director Paige Fetterhoff, and Recording Secretary Faith Kinnick.

## 3. Public Comment 5:35 p.m. (00:01:20)

*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)*

- Patricia Grabow gave comment

## 4. Consent Items 5:41 p.m. (00:06:36)

### **A. APPROVE MINUTES FROM 06/28/2022, REGULAR COMMISSION MEETING.**

### **B. RATIFY CLAIMS PAID 6/14/2022-07/01/2022.**

- Motion by Schwarz, second by Friedman  
All in favor, passes 5-0

## 5. Proclamations

## 6. Scheduled Public Comment

## 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)*

**\*RESOLUTIONS 5044-5046 ADDED TO THIS PACKET IN ERROR, WILL BE RENUMBERED AND CONSIDERED DURING JULY 26<sup>TH</sup> MEETING\***

~~A. RESOLUTION NO. 5044: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADJUSTING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.~~

~~B. RESOLUTION NO. 5045: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADJUSTING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.~~

~~C. RESOLUTION NO. 5046: 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 CUSTOMERS AND 20% FOR COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE JULY 2022 AND CALLING FOR A PUBLIC HEARING.~~

8. Ordinances 05:43 p.m. (00:09:00)

**A. ORDINANCE NO. 3036: 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 REZONING PROPERTY LEGALLY DESCRIBED AS LOTS 1-16 OF BLOCK 22 & LOTS 17-32 OF BLOCK 23, PLACE ADDITION (ADDRESSED AS 1200 W. MONTANA STREET) FROM MEDIUM DENSITY RESIDENTIAL (RII) TO HIGH-DENSITY RESIDENTIAL (RIII).**

- Nootz opened public hearing
- Lowy made presentation
- Ken Cochrane of Friends of Park County gave comment
- Glenn Farrell gave public comment
- Patricia Grabow gave comment
- Jumped to Ordinance No. 3037
- Nootz asked clarifying question of Lawellin
- Nootz read Ordinance No. 3036 (00:32:30)
- Lowy introduced item and invited Dan Kaul to speak
- Dan Kaul made comments regarding project
- Commissioner Lyons asked clarifying question of Woodhull
- Nootz asked clarifying questions of Woodhull
- Lyons asked clarifying questions of Woodhull
- Nootz asked clarifying questions of Lowy
- Motion by Lyons, second by Schwarz
- Patricia Grabow made additional comments

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- Lyons made comments
  - Schwarz made comments
  - Kahle made disclosure about prior knowledge of project and knowing Dan Kaul personally, before giving additional comments
  - Friedman made comments
  - Nootz made comments
- All in favor, passes 5-0

**B. ORDINANCE NO. 3037: 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 16 & 17 OF THE ACREVILLE SUBDIVISION IN SECTION 23, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST(R09E), AS MIXED USE. 6:05 p.m.**

- Nootz opened public hearing (00:24:00)
- Lowy introduced item
- Dave Haug gave presentation
- Patricia Grabow gave comment
- Closed the public hearing (00:31:42)
- Nootz read Ordinance No. 3037 (01:06:34)
- Lowy gave brief presentation before turning over to Woodhull
- Woodhull gave presentation
- Lyons asked clarifying question of Woodhull
- Lowy made additional clarifying statements
- Kahle asked clarifying question of Lowy & Woodhull
- Motion by Lyons to designate property as Mixed Use, second by Kahle
- Patricia Grabow made comments
- Dave Haug made comments
- 5-minute recess, back in session at 7:10 p.m.(01:28:09)
- Kahle started Commissioner deliberations
- Lyons made comments, in favor of mixed-use
- Schwarz made comments, in favor of supporting applicants request
- Nootz made comments, in favor of mixed-use
- Lyons made additional comments
- Schwarz made additional comment
- Motion passes, 4-1, Schwarz against

9. Resolutions 7:27 p.m. (01:47:31)

**A. RESOLUTION NO. 5049: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$25,956,988 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2022, AND ENDING JUNE 30, 2023, (FY 23), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT [www.livingstonmontana.org](http://www.livingstonmontana.org), AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.**

- Lowy made presentation
  - Kahle asked clarifying questions of Fetterhoff
  - Nootz asked clarifying questions of Lowy
  - Schwarz made motion to approve, second by Friedman
  - No public comment
  - Schwarz made comments
  - Nootz made comments
  - Kahle made comments and asked additional question
  - Fetterhoff answered
  - Lowy made additional comments
  - Nootz made comments
  - Lowy made comments
- All in favor motion passes, 5-0

**B. RESOLUTION NO. 5050: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SPECIFY THE ASSESSMENT OPTION FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR THE FISCAL YEAR 2022-2023 IN AN ESTIMATED AMOUNT OF \$1,323,753, LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT. 8:02 p.m. (02:23:08)**

- Lowy made opening statements
- No clarifying questions from Commission
- Motion by Kahle, second by Schwarz
- No public comment
- Nootz made comments
- Kahle made comments

All in favor motion passes, 5-0

**C. RESOLUTION NO. 5051: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$87,600 FOR THE 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 ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. 8:07 p.m. (02:27:36)**

- Lowy made opening statements
- No clarifying questions from Commission
- Motion by Schwarz, second by Friedman
- No public comment
- No additional commission deliberation
- All in favor, passes 5-0

**D. RESOLUTION NO. 5052: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY 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. 8:10 p.m. (02:27:54)**

- Lowy made opening statements
- Lyons asked clarifying questions
- Fetterhoff answered
- Motion by Lyons, second by Kahle
- No public comment
- All in favor, passes 5-0

10. Action Items (From addendum) 8:13 p.m. (02:33:49)

**A. DISCUSS/APPROVE/DENY: AGREEMENT REGARDING TEMPORARY APPOINTMENT OF INTERIM CITY MANAGER**

- Lowy made opening statements
  - Kahle asked clarifying question
  - Kahle made motion to approve, second by Lyons
  - Patricia Grabow made comment
  - Lyons made additional comments
  - Schwarz made comments
  - Kahle made comments
  - Nootz made comments
- All in favor, passes 5-0

11. City Manager Comment 8:23 p.m. (02:44:17)

- Testing a hybrid meeting solution tonight with Commissioner Schwarz and Friedman participating from City Hall conference room tonight
- Notified Commission the City had an inquiry from volunteers reported developing skin rashes following clean-up efforts at Stafford, City does not have capacity to test sediment, and it is not in our purview being outside of the city limits, did refer to Laurel Desnick for testing.
- Working with two previous candidates they had for City Planner who may be interested in the position with the new higher salary.

12. City Commission Comments 8:26 p.m. (02:47)

- Lyons declined
- Schwarz made comments
- Friedman declined comments
- Kahle made comments
- Nootz made comments

13. Adjournment (8:31 p.m.)

**Public in virtual attendance:**

Kristen Haug	Pat Mikesell	Johnathan Hettinger
Dave Haug	Glenn Farrell	Suzy Barnett
Rachel Kimmell	Arlene Roemer da Feltre	Karl Knuchel
Ken Cochrane	Sarah	“AKW”
Patricia Grabow	Dan Kaul	