



Livingston City Commission Minutes

September 03, 2024

5:30 PM

City – County Complex, Community Room

1. Call to Order

The Chair called the meeting to order at 5:33pm.

2. Roll Call

Chair Kahle, Vice Chair Nootz, Commissioner Schwarz, Commissioner Lyons and Commissioner Willich were present.

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 received from:

1. Lindie Gibson who commented on the sign at the Miles and Sacajawea Park Reservoir. Lindie also discussed the history of the islands in the Yellowstone River that become the current park areas.
2. Patricia Grabow who commented on an upcoming Transportation Interim Committee Meeting. Patricia also discussed the City's history of conducting studies. Regarding the Parks Master Plan effort, Patricia offered that the City should leave Sacajawea and Miles Parks free of further development.
3. Leslie Feigel offered support for returning a flag pole to the triangle at the intersection of Yellowstone Street and River Drive.

4. Consent Items

A. APPROVAL OF MINUTES FROM AUGUST 20, 2024, REGULAR MEETING

B. APPROVAL OF CLAIMS PAID 8/15/24 - 8/28/24

C. APPROVAL OF SPECIAL EVENT EXCEPTION TO ALCOHOL POSSESSION AND CONSUMPTION RESTRICTIONS FOR GIVE BACK TO THE YELLOWSTONE RIVER CLEAN UP

D. APPROVAL OF SPECIAL EVENT EXCEPTION TO ALCOHOL POSSESSION AND CONSUMPTION RESTRICTIONS FOR THE NIGHT OWL RUN

E. APPROVAL OF PUCHASE ORDER 20112, AGREEMENT 20113 AND AGREEMENT 20114 FOR WATER BASE STATION TECHNOLOGIES.

Vice Chair Nootz requested that items C and D be pulled.

A motion to approve items A, B and E was made by Vice Chair Nootz and seconded by Commissioner Willich. The motion passed unanimously.

Vice Chair Nootz noted that the location for the two events in items C and D appeared incorrect in referencing Meyers Park. The location of both events is Miles Park.

A motion to approve items C and D with the clarification to the location was made by Vice Chair Nootz and seconded by Commissioner Schwarz. The motion passed unanimously.

5. Proclamations

6. Scheduled Public Comment

7. Action Items

A. RESOLUTION NO. 5144: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2024-2025 IN THE AMOUNT OF \$1,390,903, AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT.

The Chair introduced the item and invited the City Manager to provide the background and history of the street maintenance levy. The City Manager discussed the impact of the increase and also the use of funds.

A motion to approve the resolution was made by Commissioner Schwarz and seconded by Commissioner Lyons.

The Chair invited public comment.

Patricia Grabow commented on the street maintenance levy and her payments for right-of-way improvements. Patricia disagreed with the proposed increase citing the impact on business owners. Patricia is chagrined at the increase.

Commissioner Schwarz commented on the funding of sidewalk improvements and the general responsibility of sidewalk repairs and installation.

Vice Chair Nootz discussed the importance of maintaining a state of good repair and not deferring repairs. Chair Kahle offered her agreement with these comments.

The chair requested that the Manager call the roll and the motion passed unanimously.

B. RESOLUTION NO. 5145: 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 \$61,993 FOR FISCAL YEAR 2024-2025 AND LEVYING AND ASSESSING 61% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS TAXABLE VALUE BEARS TO THE TAXABLE VALUE OF THE DISTRICT.

The Chair introduced the item and invited the City Manager to provide the background and history of the light maintenance levy. The City Manager discussed the size of the decrease and impact to property owners.

A motion to approve the resolution was made by Commissioner Willich and seconded by Commissioner Schwarz.

The Chair invited public comment.

Leslie Feigel sought clarification on the number of parcels impacted and whether the district is citywide. Leslie also commented on social media behavior related to the first reading of this resolution.

The Chair offered the City Manager the opportunity to discuss the size of the district. The City Manager advised that it is a citywide district. Vice Chair Nootz clarified whether the number of parcels was known. Staff advised that there are approximately 4,000 parcels in the district.

A brief discussion was had on the assessment of parcels.

Vice Chair Nootz expressed her appreciation for the decrease in the assessment.

The chair requested that the City Manager call the roll and the motion passed unanimously.

C. RESOLUTION NO. 5146: 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 58% OF THE ESTIMATED COST OF \$38,000 FOR FISCAL YEAR 2024-2025 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS TAXABLE VALUE BEARS TO THE TAXABLE VALUE OF THE DISTRICT.

The Chair introduced the light appurtenance levy and offered the City Manager an opportunity to provide background. The City Manager discussed the size of the decrease and impact to property owners.

A clarification to the date in the resolution was sought by the Chair and affirmed by the City Manager and Finance Director.

Commissioner Willich inquired about the size of the decrease of items B and C together. The City Manager offered that the decrease was being shown cumulatively.

A motion to approve the resolution was made by Commissioner Schwarz and seconded by Commissioner Willich.

The Chair invited public comment.

Patricia Grabow inquired about the payment of assessments by non-profits.

The Chair offered the City Manager the opportunity to discuss the payment of assessments by properties that are owned by non-profits. With assistance from the Finance Director, it was confirmed that the assessment is not paid by properties with no taxable value due to the assessment methodology being used by the City.

Vice Chair Nootz expressed her appreciation for the decrease in the assessment.

The chair requested that the City Manager call the roll and the motion passed unanimously.

The Chair inquired whether the Commission would like a 10-minute break. Commissioner Schwarz motioned for a 10-minute break and Vice Chair Nootz offered a second. The motion passed unanimously.

The Chair reconvened the meeting at 6:25pm.

D. PRESENTATION AND CONSIDERATION OF DOWNTOWN MASTER PLAN

The Chair introduced the item and provided the City Manager an opportunity to give background on the Downtown Master Plan. The City Manager offered that the plan is an aspirational document which will help guide the City's work in the public sphere while also providing guidance to the private sector should those property owners seek to redevelop their parcels.

The City Manager introduced Planning Director Severson who provided a summary of the project and outreach effort over the past year. Director Severson introduced Andy Rutz from Crescendo Planning and Design to provide a summary of the Downtown Master Plan.

Andy Rutz provided a recap of the planning process, public engagement approach, scope and intent of the plan, and plan highlights. Andy provided a summary overview of the five main topic areas and possible actions for each.

The Chair sought clarification on the desired outcome of this item. The City Manager offered that this is a chance for the City Commission to learn about the plan. If changes are required, that is possible to accommodate.

Commissioner Lyons inquired about the differing height limit recommendations between the north and south sections of downtown. Andy Rutz advised that the lower height in the northern blocks was to respect history and current buildings. The 5-6 story recommendation for the southern blocks was based on the natural environment which slopes to the river.

Commissioner Lyons also inquired about the recommended pedestrian improvements on the Montana DOT right of way and the experience of cities in making such changes. Andy discussed the challenge of such projects and the recent work of the City to collaborate with Montana DOT.

Commissioner Lyons asked about the recommendation on priority bikeways and inquired about differing treatments. Andy discussed the use of smaller roundabouts and similar treatments.

Commissioner Willich inquired about the housing goals included in the study. Specifically, Commissioner Willich inquired about the number of units that should be built in the downtown. Andy commented that the number was less important than simply bring additional units to downtown.

Commissioner Willich also inquired about the number of parking spaces in downtown and the amount of revenue generated per spot.

Vice Chair Nootz inquired about the point of coordination with Montana DOT for on-system routes. Andy clarified that this is simply a recommended best practice.

Commissioner Willich inquired about the interplay of this study with the parks master plan. The City Manager offered that there is not a high level of specificity in the downtown plan for parks that will be advanced in the parks plan.

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

The meeting reconvened at 7:45pm.

Commissioner Lyons inquired about whether this will become part of the growth policy tonight by a motion.

The City Manager offered that amending the Growth Policy occurs by a different process.

Commissioner Schwarz motioned to approve the Downtown Master Plan as presented. The Motion was seconded by Commissioner Lyons.

The Chair called for public comment and comment was offered by:

1. Linda Maher expressed her concern about density.
2. Laura Bray offered that she did not have time to adequately review the plan due to the timing of the summer season. She believes it's a well-done plan but would like more on economic development and business success.
3. Patricia Grabow appreciates the effort put into the plan. Patricia opined that she'd like to see more references to economic development throughout the document.
4. Katherine Daly of Park County Housing Coalition shared that she appreciated the process and ability to participate. Katherine discussed the importance of rental housing opportunities.

Commissioner Schwarz sought clarification on what the City Commission can do for economic development that they are not already. The City Manager discussed the role of the City in establishing a downtown that is conducive to business using zoning, infrastructure and other tools. The Manager offered that there appears to be a healthy level of investment in the downtown commercial spaces with low vacancy and turnover. So, given that relative health, the focus on housing made more sense given the relative lack of investment in downtown housing.

Vice Chair Nootz noted that there are items which tangentially impact businesses.

Commissioner Lyons discussed the creation of the plan and its future.

Commissioner Willich discussed the economic component.

Vice Chair Nootz expressed her appreciation for the process and several of the recommendations. The Vice Chair also expressed her appreciation for staff and their work.

Chair Kahle expressed her appreciation for the plan and process. The Chair inquired about climate change and its role in the plan.

The Chair asked the Manager to call the roll on Commissioner Schwarz's motion and the motion passed unanimously.

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

Chair Kahle motioned to enter closed session and that was seconded by Vice Chair Nootz. The motion passed unanimously.

Closed session ended at 9:37pm.

8. City Manager Comment

The City Manager thanked the Commission for its work this evening. The Manager also announced the arrival of the new garbage truck.

9. City Commission Comments

Commissioner Willich thanked the Commission and looks forward to a garbage truck ride.

Commissioner Lyons thanked the community for their input.

Vice Chair Nootz reminded the community about the reservoir park process.

Chair Kahle discussed the farmers market on Wednesday 9/4 and thanked everyone for their work.

10. Adjournment

Commissioner Lyons motioned to adjourn. Commissioner Schwarz seconded the motion and it was approved unanimously by the Commission at 9:41pm.

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.