



Livingston City Commission Minutes

August 18, 2026

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/88561270637?pwd=HduOqvgwLvOTtcbJXlnHj3d9YFTxD2.1>

Meeting ID: 885 6127 0637

Passcode: 264890

1. Call to Order

5:36 pm Chair Nootz called the meeting to order.

2. Roll Call

- Chair Nootz
- Vice Chair Willich
- Commissioner Daniels
- Commissioner Wilcox
- Commissioner O'Neill

City Staff Present

- City Manager Grant Gager
- Assistant Chief of Police Andrew Emanuel
- Finance Director Paige Fetterhoff

3. Pledge of Allegiance

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Chair Nootz asked the room to stand for the pledge of allegiance.

4. 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:

- Laura Cota, from the Livingston Depot, thanked the City and Commission for their partnership on a new statue of Warren McGee that is going up and invited the public to attend on Wednesday, September 2nd at noon at The Depot.
- Karen Daro asked about stormwater, cost, and how quickly the population will go up.

- Melanie Maganias expressed her thoughts about keeping the outdoor pool open and her poll results that she has out online.
- Linda Mahr expressed that she would like to see the outdoor pool stay open. She requested regular updates on the railroad crossing.
- Tim Watson expressed support for LHC and the work they will be doing on their property and asked to be on an agenda for the Growth Policy to discuss use of his land.
- Jay Keifer asked about the City Manager counseling and commented about the outdoor pool.
- Becky Bird expressed appreciation for the proclamation on tonight's agenda.

The City Manager addressed a comment made about a slush fund related to the pool, and he clarified that the City does not have a slush fund or anything like that. Chair Nootz asked for a railroad crossing update.

The City Manager stated that Consent Item H is an agreement with BNSF that relates to the 5th Street crossing. He stated this is a minor project to increase the quality for vehicles crossing at that location. He stated that this improvement is separate from the grade-separated crossing. He stated in the spring the City put out an RFP for the location alternative analysis, and did not receive any proposals. He stated that he and City staff then conducted interviews with known plan holders to try and understand why people didn't respond to the RFP. They gained very valuable insight into the project and engineering workloads in Montana. The City released a modified RFP, and he is optimistic they will receive some applications.

Commissioner Daniels clarified that the rail crossing is a priority of the Commission and stated there have been a few distractions they are hoping will be resolved soon, so they can get back to working on items from their priority list.

Chair Nootz asked for a Growth Policy update.

The City Manager stated it is staff's expectation that they will present a Growth Policy update at the next meeting.

Chair Nootz mentioned a vote being on the table related to the City Manager's counseling classes.

Commissioner Daniels stated that at a previous meeting she motioned to change a vote related to the City Manager classes, and there is an investigation into that, and that is why they do not have an update on his progress related to the counseling.

5. Consent Items

- A. APPROVAL OF MINUTES FROM JULY 21, 2026, REGULAR MEETING [PG.5](#)**
- B. APPROVAL OF CLAIMS PAID 7/6/26 - 8/12/26 [PG.32](#)**
- C. APPOINTMENT OF MARY BEEBE TO THE CITY/COUNTY BOARD OF HEALTH [PG.67](#)**
- D. APPOINTMENT OF COLIN DAVIS TO CITY-COUNTY AIRPORT BOARD [PG.79](#)**
- E. AMENDMENT NO. 1 TO AGREEMENT 20232 WITH TD&H ENGINEERING [PG.85](#)**
- F. AGREEMENT 20271 WITH RDO EQUIPMENT [PG.95](#)**
- G. PURCHASE ORDER 20276 WITH MAC WASTE TRAILER INCORPORATED [PG.99](#)**
- H. AGREEMENT 20278 WITH BNSF RAILWAY [PG.108](#)**

I. PURCHASE ORDER 20280 WITH DIS TECHNOLOGY [PG.119](#)

J. AGREEMENT 20281 WITH AVEL eCARE MEDICAL GROUP P.C. [PG.125](#)

K. TRANSMITTAL OF INFORMATION RECEIVED AT BUSINESS OWNERS BREAKFAST [PG.146](#)

Vice Chair Willich pulled Consent Items C & D.

Commissioner Wilcox pulled Consent Item K.

The City Manager handed out amended termination contract language for Consent Item J and asked that the motion reference the modification.

Vice Chair Willich motioned to approve Consent Items A, B, E-J with the updated termination language in J, seconded by Commissioner Wilcox. Unanimously approved.

Vice Chair Willich asked the City Manager if he needed to recuse himself from voting on Consent Item C since he is on the Board of Health.

The City Manager stated no, he is acting within his role as City Commissioner, and part of that role is to appoint members to the Board of Health.

Vice Chair Willich motioned to approve Consent Item C, seconded by Commissioner Wilcox. Unanimously approved.

Vice Chair Willich stated he is on the Airport Board and recused himself from that item.

Commissioner Wilcox stated she appreciates the responses in Consent Item K. She would like to see more economic development in the Growth Policy.

Commissioner Wilcox motioned to approve Consent Item K, seconded by Commissioner Daniels. Unanimously approved.

Vice Chair Willich recused himself from Consent Item D.

Commissioner Wilcox motioned to approve Consent Item D, seconded by Commissioner Daniels. Unanimously approved.

6. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING AUGUST 21, 2026 AS NATIONAL SENIOR CITIZENS DAY IN LIVINGSTON, MONTANA [PG.154](#)

Chair Nootz read the proclamation.

The City Manager encouraged everyone to connect with the older adults in the community, as he tries to do on a daily basis.

Commissioner Wilcox expressed that she liked this proclamation.

Commissioner O'Neill stated that he liked the proclamation and gave a shoutout to his mother.

Chair Nootz expressed that she liked the proclamation.

7. Scheduled Public Comment

8. Action Items

A. ORDINANCE NO. 3069: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RE-ESTABLISHING CHAPTER 19 IN THE LIVINGSTON MUNICIPAL CODE AND ENTITLING IT “STORM SEWER SYSTEM” TO PROVIDE A METHOD OF ASSESSING AND COLLECTING SYSTEM CHARGES AND PROVIDING AN APPEAL AND ADJUSTMENT PROCESS. [PG.156](#)

The City Manager stated this is the 2nd reading of this ordinance and stated this ordinance **creates** the framework to set and collect fees related to stormwater.

Chair Nootz asked about building permits and population growth over time and what staff expects.

The City Manager stated the City sees 30-40 building permits approved every year and an average home size of a little over 2 people. He stated the recent growth has been about 50 per year, and reminded everyone of several hundred units of housing that have been entitled, like Discovery Vista and Mountain View subdivisions and the Brookstone PUD.

Public comment was offered by:

- Sarah Stands from PCEC expressed support for this project.

Commissioner Wilcox expressed understanding that not everyone wants another fee, but reminded everyone of the importance of this project and recalled when a truck got stuck in the underpass after heavy rain and LFR had to help them get out. She shared that the City website has a Projects page, and under stormwater is a timeline for the project.

Vice Chair Willich expressed not being a fan of raising taxes, but understands the importance of this project for the community.

Chair Nootz stated when it comes to population, and things like that it is important to pay attention to what is happening at the state level because at times it does override the City Commission.

Commissioner Wilcox motioned to approve this item, seconded by Commissioner Daniels.

For: Nootz, Willich, Daniels, Wilcox

Against: O'Neill

B. RESOLUTION 5199: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SPECIFY THE ASSESSMENT OPTION FOR STREET MAINTENANCE AND IMPROVMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2026-2027 IN AN ESTIMATED AMOUNT OF \$1,459,503, LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT. [PG.164](#)

The City Manager stated this item is declaring the Commission's intent to specify the assessment for FY 26-27 for the street maintenance district. He stated this is a City-wide district, and currently and in the prior FY that just ended, the average residential assessment was \$268.60. The increase for residential is expected to be \$282.03. The prior FY for commercial was \$646.95 and is expected to increase to \$679.30. He stated that all of this funds the City street maintenance work for FY27, and it does include surface crossing improvements at the Bennett St. crossing.

Public comment was offered by:

- Laura Cota with the Livingston Depot addressed losing some parking spaces in the Livingston Depot parking lot and how that will lead to loss of revenue.
- Linda Mahr asked for clarification on what Laura was talking about.
- Bob Gersack from the Livingston Depot Foundation expressed agreement with Laura.

Chair Nootz asked the City Manager to follow up with Laura about this.

The City Manager stated they will continue their conversations with The Depot about this.

Commissioner Wilcox expressed that she likes understanding what these funds will be used for.

Commissioner Daniels motioned to approve this item, seconded by Commissioner O'Neill. Unanimously approved.

C. RESOLUTION 5200: 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 \$58,169 FOR FISCAL YEAR 2026-2027 AND LEVYING AND ASSESSING 49.3% 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. [PG.169](#)

The City Manager stated this is for the City-wide lighting district number 20, and this is for maintaining and supplying electrical current to existing lights within the district. In the prior year, the average residential assessment was \$20.26, and the current year would be \$21.27. For commercial properties, it would increase from \$48.87 to \$51.31.

Vice Chair Willich asked if the levy last year was assessed for 100% of the cost, and wondered why this year it's 49.3% of the cost.

Finance Director Fetterhoff stated that likely the resolution said 100% last year. She stated this year, when you look at the actual costs of the maintenance and supply of electrical current to the lights, we don't need to levy 100% of what those actual costs are this year.

Commissioner O'Neill motioned to approve this item, seconded by Commissioner Daniels. Unanimously approved.

D. RESOLUTION 5201: 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 49.3% OF THE ESTIMATED COSTS OF \$46,831 FOR FISCAL YEAR 2026-2027 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, AND CALLING FOR A PUBLIC HEARING. [PG.174](#)

The City Manager stated this item seeks to set the assessment for FY 27 for lighting appurtenances. He stated the average assessment for residential in the prior year was \$20.26, and for commercial it was \$48.87. If approved, it will increase to \$21.27 and \$51.31.

Public comment was offered by:

- Linda Mahr asked if any street lights are being replaced with anything that includes surveillance.

The City Manager stated no surveillance is installed in any of our light posts, but the light posts are dark sky compliant.

Commissioner Daniels motioned to approve this item, seconded by Commissioner Wilcox. Unanimously approved.

E. RESOLUTION 5203: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2026-2027. [PG.179](#)

The City Manager stated this item **seeks** to set the tax levy for FY26-27. He stated the total mills seeking to be levied are 213.02.

Chair Nootz asked to see the chart on pg. 180 of the packet. She stated there is a lot of misinformation being spread online that they can't respond to related to mills and the Wellness Center. She asked for clarification on the mills, as they appear as though they could have been a lot higher.

Finance Director Fetterhoff pointed out that pg. 184 is very helpful to explain this.

The City Manager stated mills can be confusing, and stated that if the Wellness Center had not been approved, the mills would be lower. He stated that the general business revenue equation is that revenue equals price times quantity. For municipal finance, the revenue from property taxes equals price times quantity. Price in property taxes is the number of mills to be levied, and quantity is the total amount of taxable value in the City. So, revenue from property taxes is equal to the mill rate times the amount of taxable value.

Finance Director Fetterhoff explained the form on pg. 184.

Commissioner Wilcox clarified that the City only has 1 TIF.

Finance Director Fetterhoff stated that is correct.

Commissioner Wilcox asked why another would be created.

The City Manager stated that tax increment financing is used as a way to fund infrastructure improvements in an area that a governing body expects to see growth and a need for infrastructure improvements.

Chair Nootz thanked the City Manager and Finance Director for their work on this and their explanations tonight.

Vice Chair Willich stated he reviewed property tax info from the state for 2025, and last year the state implemented a tiered level of how properties are assessed. He reminded everyone that those things that were approved in Helena are what we have to then react to here in the City of Livingston.

Commissioner Daniels expressed thanks to the City Manager and Finance Director for their expertise on this.

Commissioner O'Neill expressed thanks for the explanation tonight.

Commissioner Wilcox also expressed thanks for the explanation on this item tonight.

Chair Nootz stated the City of Livingston is lucky to have staff like the City Manager and its directors that take care of the community.

Commissioner Daniels motioned to approve this item, seconded by Vice Chair Willich. Unanimously approved.

F. RESOLUTION NO. 5202: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ESTABLISH STORMWATER RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON STORMWATER SYSTEM. [PG.188](#)

The City Manager stated this item seeks to express the Commission's intent to levy a stormwater assessment for FY27. He gave a brief presentation on stormwater. He invited Dave from AE2S to talk about the residential equivalency factor.

Dave gave a brief presentation, as the engineer on this project, about REFs.

Commissioner Wilcox asked if there would be a time that they would re-evaluate the REF based on growth.

Dave stated that if the needs change, then yes, the amount could change to match the need. He stated the REF model will be sustained through growth and changes in the community.

Chair Nootz recalled that with previous Commissions they explored how to make this equitable. She asked if there is a relationship between the amount of commercial development and residential development in terms of the cost of the REF.

Dave stated that because commercial properties could still be measured based on their impervious area, they would pay more.

Chair Nootz thanked Dave for his time tonight and stated she is excited to see this moving forward. She reminded everyone that Public Works Director Holmes has been working on this for 11 years, and it's great to see its progression. She asked about numbering on the map, and asked about the number 1 on the map and stormwater impacts where the Public Works facilities are.

The City Manager stated that is a disposal facility, and it would be some drying basins out at Public Works.

Chair Nootz asked how this prevents algae blooms in the river.

The City Manager stated that urban and agricultural runoff are very big deals when it comes to maintaining water quality. He stated that we are the most upstream municipality on the Yellowstone River, and everything we put out that is treated ends up in the Yellowstone River and becomes other cities' drinking water.

Public comment was offered by:

- Linda Mahr asked about ADUs affecting the permeability of properties and wondered if that will change the REF.

The City Manager stated ADUs don't turn into a multifamily property until they get beyond 4 units, so they are considered single-family homes and would be billed 1 REF.

Chair Nootz asked how many building permits have been approved for ADUs.

The City Manager stated that the City sees a handful of ADU permits per year.

Commissioner Daniels stated the most important part of this is the environmental factors and community health.

Commissioner Wilcox reminded everyone to use the project page on the City website to see what is going on with this project.

Chair Nootz stated this is one of the topics that is getting a lot of misinformation. She reminded everyone that this is not a new topic or project, it has been in the works for 11 years.

Commissioner Wilcox motioned to approve this item, seconded by Commissioner Daniels.

For: Nootz, Willich, Daniels, Wilcox

Against: O'Neill

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

Chair Nootz motioned to enter closed session, seconded by Vice Chair Willich. Unanimously approved.

9. City Manager Comment

The City Manager thanked the Commission for the meeting tonight.

10. City Commission Comments

Commissioner O'Neill thanked everyone for an informative meeting.

Commissioner Wilcox agreed with Commissioner O'Neill.

Commissioner Daniels read a statement regarding misinformation being spread.

Vice Chair Willich thanked everyone for a great meeting.

Chair Nootz thanked City staff for their work tonight and for showing up tonight. She also read a statement regarding misinformation.

Chair Nootz motioned that the information that Commissioner Daniels has been submitted to the City Manager to review, evaluate, and offer an update to the City Commission based on their concerns and any and all available public records. The process should inform any potential policy improvements the City Commission should consider moving forward regarding these types of topics. Seconded by Commissioner O'Neill.

11. Adjournment

10:24pm Vice Chair Willich motioned to adjourn, seconded by Commissioner O'Neill. Unanimously approved.

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).

The Chair shall have the discretion to solicit comments from the public in the following order: (1) residents of the City, (2) business owners or operators in the City, (3) other organizations conducting operations in the City, and (4) residents, businesses or organizations from outside the City. The Chair may limit each person's comment period to not less than three (3) minutes.

- **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.
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