



Livingston City Commission Agenda

April 21, 2026

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89381183054?pwd=HMiWKwoCH3fMpTTSil4JabilcF6676.1>

Meeting ID: 893 8118 3054

Passcode: 610350

1. Call to Order

5:32 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
- Chief of Police Wayne Hard
- Policy Analyst Greg Anthony
- 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:

- Vicky VanBuster asked about getting new microphones and a different sound system.

- Edleta Shans expressed that public comment works for her at the beginning of the meeting.
- Lisa Kitts expressed concern about backyard fire code and safety.
- Jay Keiffer expressed concern about hiring lifeguards and asked about using signage for swimmers instead.
- Leslie Feigel stated they are doing bear spray rentals now.
- Dennis Kline expressed concern about trespassing on his property on Water Tower Ave. He would like some ideas and to figure out what to do about this issue.

Chair Nootz asked about microphones.

The City Manager stated the City co-owns the building and the City does not have the budget this year to replace the sound system, but it will be discussed this budget season.

Chair Nootz reminded the room to speak up if they can't hear the Commission speaking. She asked about lifeguards vs. having signage at the pool.

The City Manager stated the advertisements for the lifeguards are to staff the City outdoor pool for this coming season. He stated the community has invested in lifeguards for many decades to assist with swim safety as we are located on the Yellowstone and it assists in keeping young kids safe.

The City Manager advised Dennis to get with him directly about his issues on Water Tower Ave. He also let the Commission know the Fire Dept. will be presenting in May. He also explained the fire code adoption process.

5. Consent Items

- A. APPROVAL OF MINUTES FROM APRIL 7, 2026, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 4/2/26 - 4/15/26 [PG.44](#)**
- C. PLEDGED SECURITIES FOR MARCH 2026 [PG.64](#)**

Commissioner Daniels motioned to approve Consent Items A-C, seconded by Commissioner O'Neill. Unanimously approved.

6. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING APRIL 2026 AS AUTISM AWARENESS MONTH IN LIVINGSTON, MONTANA [PG.68](#)**

Chair Nootz read the proclamation.

The City Manager thanked all community partners for helping make Livingston the inclusive place that it is.

Commissioner O'Neill expressed thanks for this proclamation.

Commissioner Wilcox expressed thanks for this proclamation.

Commissioner Daniels expressed thanks for this proclamation and recognized partners in the community who assist with this.

Vice Chair Willich expressed thanks for the proclamation.

Chair Nootz expressed thanks to Rec Director Tarr for working to make activities more inclusive.

B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING APRIL 22, 2026 AS ADMINISTRATIVE PROFESSIONALS DAY IN LIVINGSTON, MONTANA PG.70

Chair Nootz read the proclamation.

The City Manager expressed thanks to the Admin Professionals who work for the City. He noted they have an opening in Finance currently.

Commissioner O'Neill gave thanks to the Admin Professionals.

Commissioner Wilcox recognized the importance of Admin Professionals.

Commissioner Daniels expressed thanks for the Admin Professionals.

Vice Chair Willich highlighted how organized the City employees are.

Chair Nootz shared how great the customer-facing employees are that work for the City.

7. Scheduled Public Comment

8. Action Items

A. APPOINTMENT OF COLIN DAVIS TO CITY/COUNTY AIRPORT BOARD PG.72

Vice Chair Willich disclosed a conflict that he is on the Airport Board and removed himself from the discussion and room.

Commissioner Wilcox disclosed that the applicant and his wife donate to the organization that she works for. She asked for clarification if she should participate in this vote.

City Attorney Jon Hesse clarified that she can participate as long as her wages are paid by LHC and not the Foundation.

Commissioner Wilcox stated that her wages are paid by LHC and not the Foundation.

City Attorney Jon Hesse stated that Commissioner Wilcox does not have a conflict.

The City Manager stated this is a return item that was on the April 7th agenda. He stated the staff recommendation is to appoint Colin Davis to the board.

Commissioner O'Neill asked if the City Manager met with both applicants.

The City Manager stated he did not have the opportunity to meet with Mr. Stone between the last meeting and this meeting. He stated that his comments from the last meeting still stand, and his concerns with Mr. Stone being an owner/operator of a business based at the airport remain. He reminded the Commission that the Airport Board sets the hangar rental rates and also establishes landing fees.

Commissioner O'Neill stated that 2 board members operate out of that airport. He stated this is good for that board, and asked the City Manager why he considers that a conflict.

The City Manager stated the 2 members Commissioner O'Neill is referring to are not City appointed members. He reminded that Commissioner Willich has no conflicts with the Airport Board, which is why he was appointed, and clarified he does not oversee or vet the applicants or process for the entire board. Since 2 seats are appointed by the City Commission, he reminded them of the City Commissions Conflict-of-Interest Policy that is enshrined in LMC. He explained that landing fees become a difficult topic when a board member derives their livelihood from a business that pays those landing fees. So, for that reason and reasons considering lease rates, those 2 items seem like a conflict for a board member of the Airport Board.

Commissioner Wilcox asked when the board seat was open and when applicants had to submit.

The City Manager stated the previous board member was removed by the board in or around November of 2025. When he was notified of that they opened the vacancy, and as of early March they had not received any applicants. He did some outreach to community members and Mr. Davis was recommended to him by another community member. He met with Mr. Davis and after that he submitted an application.

Commissioner Wilcox asked how appointments work. The County appoints 2, the City appoints 2, and she wondered how they got the 5th member.

The City Manager stated the 5th member is appointed by the other 4 members of the board.

Commissioner Wilcox asked about term limits.

The City Manager stated it is 4 years.

Commissioner Wilcox asked if there were any nearing the end of their term.

The City Manager stated no, that Commissioner Willich was appointed in July so he runs through 2029. He stated that the County renewed their members recently.

Commissioner Daniels asked if the board members have prior knowledge and qualifications in flying.

The City Manager stated the Chair is a pilot who has been involved with the airport for many years. He stated that aviation knowledge or familiarity might be helpful but is not necessary as it's more about approving contracts and things of general business.

Chair Nootz asked if the board oversees the employees of the airport.

The City Manager stated the primary administrative responsibilities of the board are managed by Robert Pesia and Associates, and others. Those are the folks that fill out the grant applications and he and Commissioner Story sign many of those together. They handle the regulatory documentation.

Public comment was offered by:

- Steve Koontz is a former Airport Board member, and he detailed some responsibilities of the board. He expressed that the applicant Mr. Stone has a vested interest in being appointed to this board and would like to see him appointed.
- Leslie Feigel stated she has a long history with the Airport Board and would like to see Mr. Stone appointed to this board.

- Christina Nelson expressed that she would feel more comfortable if the board appointed someone with knowledge of the airport.
- Jay Keiffer expressed that he disagrees with the City Manager decision around conflict of interest for one of the applicants.
- Linda Mahr expressed that it has been helpful to hear what went into the decision making. She asked for clarification on the City Manager recommendation vs. City Commission decision.

Chair Nootz asked about the process for board appointments.

The City Manager stated when there is a vacancy it is posted and open for application. Those applications are reviewed by him as City staff, then he engages in an interview process. After that he and City staff make a recommendation to the City Commission. He reminded the Commission that it is up to them on whether they choose to go with the staff recommendation or not.

Commissioner Wilcox asked if there was staff at the airport that he was able to discuss the applications with.

The City Manager stated he did not engage Robert Pesia and Associates to review the 2 applications because he does not control that contract, and it was not his prerogative to spend the airport money.

Commissioner Wilcox recalled the process of how this item got to where it is. She recognizes that Mr. Stone has some conflicts, which she feels could be overcome by recusing himself, but also realizes he has a lot of knowledge around airports and aircraft, which would make him a good fit for the board.

Commissioner O'Neill stated he spoke with his friend who is already on that board and the process was that those applications went to the board for review, then given to the City Commission for approval. He asked if that process is correct, but then stated it changed last year.

The City Manager stated the 2 last year were the first that have been seated by a City representative during his time as City Manager. He clarified that was a process that was true of all City advisory boards when he started here. He stated it was a conversation that he and the prior City Commission discussed, and there were concerns expressed by the Commission at that time about linkages between advisory boards and City Commission and the ability of advisory boards to implement the will of the Commission and desires of the Commission as expressed through planning documents and public statements.

Commissioner O'Neill pointed out that Mr. Stone's application was turned in to the Airport Board first before it made it to the City Manager.

Commissioner Daniels asked if there is anyone else on the board right now that owns a business at the airport.

The City Manager stated he cannot speak to ownership specifically, but there are users of the airport that hangar planes and routinely fly in and out. He reminded that for City appointees they should consider that the City has adopted a conflict-of-interest policy that is different from the one for Park County.

Chair Nootz gave a brief background on board appointments and how and why the process changed. She stated she does request to view all applications for the boards, but she does not feel it is best to publicly scrutinize the applicants in a public meeting. She expressed that both

candidates seem qualified, but reminded the Commission to be mindful in how they are speaking about both candidates. She stated she is very concerned about conflict-of-interest and she stated this is a big one with Mr. Stone and voting on their own fees.

Commissioner Wilcox stated she would like to see that folks are now aware of where and when to hand in their applications especially for the Airport Board.

The City Manager pointed out page 74 of the packet where it shows where to send applications, but stated we can always do better and will work on ways to make the application process clearer in the future.

Commissioner Daniels expressed that she is struggling with deciding on the best candidate and sees where both would be good picks for the board.

Commissioner O'Neill motioned to appoint Andrew Stone to the Airport Board, seconded by Commissioner Daniels.

Against: Chair Nootz and Commissioner Wilcox

For: Commissioner Daniels and Commissioner O'Neill

Motion dies

Commissioner Wilcox motioned to appoint Colin Davis to the Airport Board, seconded by Chair Nootz.

Against: Commissioner Daniels and Commissioner O'Neill

For: Chair Nootz and Commissioner Wilcox

Motion dies

The City Manager stated he and staff will open the position back to accept applications for this board seat.

Vice Chair Willich entered the meeting

Chair Nootz motioned for a 10-minute break, seconded by Vice Chair Willich. Unanimously approved.

B. RESOLUTION NO. 5185: RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT (VIEW VISTA COMMUNITY IMPROVEMENTS) DISTRICT NO. 182 AND AUTHORIZING EXECUTION OF FEDERAL AND STATE GRANTS IN CONNECTION THERETO [PG.78](#)

The City Manager stated this is the first of many items on tonight's agenda that deal with the View Vista water and sewer improvement project. He gave a brief background for this entire project that relates to items B-F.

Commissioner Wilcox asked if the non-refundable portion of the loan will be entirely covered by the SID.

The City Manager stated both the SID and Community Development Block Grant, and the community is putting in some of their funds on this.

Commissioner Wilcox asked where the SID comes into the budget on page 40 in the minutes.

The City Manager stated he broke down which columns would be included in the SID.

Public comment was offered by:

- Angela Zindler expressed the importance of approving this project for this part of the community.
- Rebecca Heemstra, who works for Neighbor Works, expressed appreciation to City staff, TD& H and the City Commission for putting this project together for the View Vista Community.

Commissioner Wilcox expressed excitement about this project and stated that this is what strong community partnerships look like.

Commissioner Daniels expressed support for this project.

Vice Chair Willich stated health, safety, and well-being are what this project brings to community members.

Chair Nootz expressed support for this project and recalled how big it really is and is happy to see it happening now. She thanked Neighbor Works for their hard work. She gave a big thanks to City staff for getting this project to this point.

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

C. RESOLUTIONS 5186, 5187, AND 5188 RELATED TO: (1) AN UP TO \$625,000 WATER SYSTEM REVENUE BOND (DNRC DRINKING WATER STATE REVOLVING LOAN PROGRAM), SUBORDINATE LIEN TAXABLE SERIES 2026A; (2) AN UP TO \$201,195 SEWER SYSTEM REVENUE BOND (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), SUBORDINATE LIEN TAXABLE SERIES 2026B; AND (3) AUTHORIZING THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS ((SPECIAL IMPROVEMENT DISTRICT NO. 182 (VIEW VISTA COMMUNITY IMPROVEMENT)), (I) TAX-EXEMPT SERIES 2026C (WATER), AND (II) TAX-EXEMPT SERIES 2026D (SEWER); FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR [PG.82](#)

The City Manager stated these items are related to funding the SID that was just created.

Director Fetterhoff gave some insight and stated the amount of loan forgiveness they received has been the hardest part of the entire project. She expressed that it was great that in the end they were able to get about 50% for both the water and sewer portions of this.

Vice Chair Willich expressed that this is great and supports this item, and gave thanks for Director Fetterhoff.

Commissioner Daniels motioned to approve all 3 resolutions, seconded by Commissioner O'Neill. Unanimously approved.

D. APPROVAL OF AGREEMENT 20253 WITH TD&H ENGINEERING [PG.202](#)

The City Manager stated this item is for construction administration services related to the View Vista Water and Sewer project. TD&H is the City's engineer and has been working with City staff and other partners on this project.

Public Works Director Holmes gave a brief history of the project and expressed excitement to see this project move forward.

Commissioners expressed excitement and support for this project.

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

E. APPROVAL OF AGREEMENT 20254 WITH HELENA SAND & GRAVEL [PG.218](#)

The City Manager stated that Helena Sand and Gravel was the low bidder on a competitive procurement invitation for bids that was run by the City.

Commissioner Wilcox expressed support for this project.

Commissioner Daniels and Commissioner O'Neill expressed that this project is amazing.

Vice Chair Willich expressed that he likes this project.

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

F. RESOLUTION NO. 5189: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING A SEWER EASEMENT FROM THE LIVINGSTON SCHOOL DISTRICT AND AUTHORIZING CITY MANAGER TO SIGN ASSOCIATED DOCUMENTS. [PG.247](#)

The City Manager stated these provide the sewer outflow connection from the View Vista Community into the City system behind the middle school in the roundabout area. He thanked Superintendent Johnson and the school district for their support on this project.

Vice Chair Willich expressed thanks to the school district for working with the City on the easement transfer.

Commissioner Wilcox expressed thanks for the partnerships.

Chair Nootz asked for the list of partners for this project.

The City Manager listed: School District, Neighbor Works, Community Homes, State Department of Natural Resources and Conservation, State Department of Commerce, Department of Environmental Quality, TD&H, Helena Sand & Gravel, DA Davidson, and the City Bond Counsel.

Chair Nootz thanked all the partners listed.

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

G. DISCUSSION OF EXTERNAL COMMUNICATIONS PG.255

The City Manager stated this item is a discussion of City Communications, and this was placed on the agenda at the request of 2 City Commissioners outside of the meeting pursuant to section 2-16 of the LMC. He received 2 requests from City Commissioners related to an opinion piece that was published locally.

Chair Nootz stated that she was one of the Commissioners that asked for this item to be placed on the agenda. She was approached by one of the media outlets to verify an op-ed. She stated they have seen various ways misinformation circulates around the community, and she stated that misinformation in the past has led to death threats. She stated that for this op-ed she was asked for facts, which she gave, and those were ignored and the piece was posted anyway. Her email response was shared with the public and she reviewed the main points.

Vice Chair Willich stated that he is the other Commissioner who requested this be put on the agenda and he stated the issue for him was in the op-ed that it states a Commissioner verified they do not feel heard or respected, or are not being properly accommodated. He stated they do have a process to address that issue, which is in this room, and asked that if anyone is not being heard or respected to tell the Commission, so it's not read about in the newspaper.

Commissioner Daniels asked how this was verified.

Vice Chair Willich stated that the editor independently confirmed with the Commissioner in question that what was said was correct. He invited folks to talk if they are feeling this way.

Commissioner Daniels stated she has not spoken to any journalists. She just wondered how it was verified.

Vice Chair Willich read parts of the email thread.

Commissioner Daniels expressed that she feels each Commissioner represents a different part of the community and thinks they have been working well together at making decisions.

Commissioner O'Neill expressed agreement with Commissioner Daniels. He stated they have had hiccups, but have worked through those just fine.

Commissioner Wilcox stated she was not the Commissioner that was cited in the op-ed, but she did read it. She stated she feels they have a nice group of Commissioners, and they have been respectful of one another.

Commissioner Daniels gave an example of how well she feels supported by this Commission and stated she was called ahead of time for the Town Hall last week by the Chair.

Chair Nootz read some of the email thread. She expressed that she takes the role of Chair very seriously and stated she doesn't have more power than the rest of the Commission. She reminded the Commission that they are a team, and asked the Commission how to move forward.

Commissioner Wilcox expressed appreciation that 2 Commissioners could get this before the whole Commission and on the agenda. She hopes that if something like this happens again that 2 Commissioners will request it be placed on an agenda for discussion.

Commissioner O'Neill expressed being uneasy about this, reviewed the Code of Conduct, and expressed he is not sure how this would have been handled any other way and that it was a fine line. He pointed out that people have freedom of speech and freedom of the press, and stated that people are free to lie, but also stated he realizes that becomes a problem.

Chair Nootz asked about the fine line Commissioner O'Neill was referring to with the Code of Conduct, or if there was a process she should have done differently.

Commissioner O'Neill stated that it says they should not respond for the whole Commission.

Chair Nootz said she was reached out to on her personal email, and she doesn't do business on her personal email as a Commissioner. So, she sent it to her Commissioner email. She responded to things they have done and gave specific examples of things they do as the 5 of them. She said she will always review this type of thing with the appropriate channels such as Vice Chair, City Manager, or City Attorney.

Commissioner Wilcox expressed the understanding and importance of using the correct email for which business is being discussed.

The City Manager stated clearly that it is not the medium used, but the message conveyed which determines whether or it is a public record that is discoverable. He stated that it doesn't take a legal request to search their personal emails, it could come as a public records request to the City, and they will ask for the City equipment for review and also their personal equipment for review to fulfill the request. He stated it is not his practice to respond to misinformation, non-factual claims, and other items that fall under freedom of speech. He gave an example of not responding to freedom of speech when community members tell him he should have compassion for people that have threatened his life, he respects their words and their right to say whatever they want to say. He feels he has shown great compassion to the 3 people that have threatened to kill him and other people in the community in the last 13 months, and he respects their right to say what they want to say. He gave his phone number if anyone would like to gather facts about any topic or have a conversation with him directly 406-223-4475.

Commissioner Wilcox expressed understanding of process and guidelines moving forward.

Commissioner Daniels expressed being disheartened by this because she really felt they were all working well together. She expressed understanding of the process moving forward.

Commissioner O'Neill stated he understands the need to have this conversation as things like this pop up.

Vice Chair Willich expressed liking working together as a team.

Chair Nootz expressed that she thought they were working well together. She stated it is helpful if they work together.

H. ORDINANCE 3068: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 IN THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY AMENDING SECTION 30.40 AS IT RELATES TO USES ALLOWED IN THE INDUSTRIAL AND LIGHT INDUSTRIAL DISTRICTS. [PG.257](#)

Chair Nootz addressed this item first on tonight's agenda.

The City Manager stated he consulted with City Attorney Jon Hesse, and upon his advice it is his recommendation to the City Commission that staff needs some additional time to review some information that has been given to them for possible re-evaluation of the ordinance.

Commissioners would like to have more information before moving forward on this item.

The City Manager stated there is no need for closed session tonight.

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

9. City Manager Comment

The City Manager thanked the Commission for their time tonight.

10. City Commission Comments

Commissioner O'Neill expressed that they are getting through meetings really well.

Commissioner Wilcox thanked the community for attending and for their public comment. She thanked the City Manager and Commission for a good meeting.

Commissioner Daniels thanked everyone for the progress and looks forward to the next one.

Vice Chair Willich thanked everyone for the meeting.

Chair Nootz shared that the Park High Academic Olympiad Team competed at state, won first place, and are going to nationals.

11. Adjournment

8:41 PM Vice Chair Willich motioned to adjourn, seconded by Commissioner Wilcox. 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.
- Special Accommodation: If you need special accommodations to attend or participate in City meetings, please contact the City Clerk at least 24 hours in advance of the specific meeting you are planning on attending.