



Livingston City Commission Minutes

December 02, 2025

5:30 PM

City – County Complex, Community Room

Join Zoom Meeting

<https://us02web.zoom.us/j/84921918831?pwd=i3RasDK2IRdZYakG1cb87uUkX6Gya4.1>

Meeting ID: 849 2191 8831

Passcode: 707470

1. Call to Order

5:33 PM Chair Schwarz called the meeting to order

2. Roll Call

- Chair Schwarz
- Vice Chair Nootz
- Commissioner Kahle
- Commissioner Lyons
- Commissioner Willich

City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- Chief of Police Wayne Hard
- Finance Director Paige Fetterhoff
- Planning Director Jennifer Severson

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 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:

- Barbara Britt expressed feeling that the City is not listening to the community especially the elderly.
- Adlita Shans expressed excitement about having the pledge on the agenda and discussed the inclusive wording of the pledge.
- Kathy Pesa expressed thanks for extended service on leaf pick up. She would like to see better grading of alley systems.
- Peggy O'Neill stated that business owners and people that own businesses downtown should be able to speak first before the folks that are residents due to her experience with tax bill amounts.
- Linda Mahr expressed thanks for microphones. She also stated about last meeting that some decisions are made that impact residents financially in a way that they may not be able to stay and that feels like a threat. She pointed out that threats can go both ways.
- Leslie Feigel expressed frustration with the grouping of public comments. She gave petition signatures that were for the Parks Master Plan. She expressed further frustration about plans moving forward in large plans rather than small parts.
- Julee Riley asked for the Zoom link to be emailed to her.
- Tina Kilborn asked for the green bins to be open be opened on the weekend.
- Jane Hathaway expressed concerns about snow plowing in her cul-de-sac.

5.. Consent Items

- A. APPROVAL OF MINUTES FROM NOVEMBER 4, 2025, REGULAR MEETING**
- B. APPROVAL OF MINUTES FROM NOVEMBER 18, 2025, REGULAR MEETING**
- C. APPROVAL OF MINUTES FROM DECEMBER 3, 2024, CLOSED SESSION**
- D. APPROVAL OF MINUTES FROM DECEMBER 17, 2024, CLOSED SESSION**
- E. APPROVAL OF MINUTES FROM JANUARY 21, 2025, CLOSED SESSION**
- F. APPROVAL OF MINUTES FROM FEBRUARY 4, 2025, CLOSED SESSION**
- G. APPROVAL OF CLAIMS PAID 11/13/25 - 11/25/25**
- H. AGREEMENT 20239 WITH BRIDGER BOWL INC.**

Commissioner Willich motioned to approve consent items A-H, seconded by Commissioner Lyons. Unanimously approved.

6.. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING DECEMBER 5, 2025 AS VOLUNTEER DAY IN LIVINGSTON, MONTANA**

Chair Schwarz read the proclamation.

Chair Schwarz stated he will be cooking at Loaves and Fishes on Saturday.

The City Manager thanked the volunteers in the community shared a story to highlight the value of volunteering.

Vice Chair Nootz expressed excitement about the Boy Scout volunteers and was happy to meet with one who is interested in volunteering with the City.

Commissioner Kahle expressed that volunteers really make things happen for the community. She is thankful for all the volunteers in the community.

Commissioner Willich stated he has had some great experiences volunteering.

B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING DECEMBER 7, 2025 AS PEARL HARBOR DAY IN LIVINGSTON, MONTANA

Chair Schwarz read the proclamation.

The City Manager thanked folks for their service on Pearl Harbor Day and every other day.

Commissioner Willich stated he has visited Pearl Harbor and it was a great experience.

7. Scheduled Public Comment

8. Action Items

A. FY 2024-25 ANNUAL COMPREHENSIVE FINANCIAL REPORT (FY 25 AUDIT)

The City Manager introduced Finance Director Paige Fetterhoff and Amatics CPA.

Morgan Scarr from Amatics gave a brief presentation about the audit reports.

Vice Chair Nootz asked about excess funds going toward a crossing and wondered about the responsibility of the Commission with those funds.

The City Manager stated those funds have been accumulated in the street impact fee fund, and there are a number of projects that are identified in that impact fee study from 2016. That is how the impact fee was developed based on those projects, so if any one project does not pursue those funds it would be used for a different project on the list.

The Chair solicited public comment and there was none offered.

Vice Chair Nootz stated it is a huge sign of success that there is no public comment on the audit for this year and feels that it shows the people feel confident with the finances of the City. She gave a huge shout out to the Finance Office.

Commissioner Willich expressed excitement about the budget and funds being held for a large project.

Chair Schwarz stated it gets better every year and he thanked the City staff for this budget.

Commissioner Kahle expressed thanks to the Finance Department for their hard work.

The City Manager expressed thanks to Finance Director Fetterhoff and stated the City is lucky to have her.

Commissioner Willich motioned to approve this item, seconded by Commissioner Kahle. Unanimously approved.

B. APPROVAL OF PARKS MASTER PLAN

The City Manager provided a history of the Parks Master Plan process noting that it was recommended as a strategy in the 2021 Growth Policy. A request for proposals was released in spring of 2024 and Stockwell Engineers was the only respondent to that request for proposals. The City began engaging with the public in August of 2025. The plan is well rooted in that public comment. It focuses on increasing accessibility and usability of the parks, but it also focuses on maintainability of the parks system. With close to 350,000 visitors a year in our parks system in Livingston, it is really focused maintaining the parks system. Many of the improvements in the Parks Master Plan are intended to improve our team's ability to maintain the park system and the public's ability to enjoy the park system. He introduced David Locke from Stockwell

David from Stockwell gave a brief presentation.

The City Manager stated there is a lot in this plan and it is a list of possible improvements, but none of it is possible without funding, which is why a plan like this is important because it enables funding opportunities. A lot of the external partners have reached out and are excited to fundraise for some of these improvements. He reminded the Commission that his spending authority is limited to \$50,000, so in the future when a plan is approved, staff will look at the priority list and work to program some of the improvements in coming budget years.

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

Commissioner Kahle disclosed that her employer is Park County Environmental Council and some staff members participated in focus groups with the consultant. She was not privy to conversations and did not participate in those conversations, and has no idea if the consultant took any of those recommendations.

The City Manager stated that this was run by the City Attorney for review for compliance with the City's adopted conflict of interest policy.

City Attorney Jon Hesse stated that Montana Supreme Court in 2008 set the standard by which government officials have a conflict of interest, the court relied on section 2-2125 subsection 5. He read the citation and stated if that group appears tonight and tries to persuade the Commission on any particular point that is before the Commission, then Commissioner Kahle cannot participate because she would have a conflict of interest. If they do not appear at the meeting then she does not have a conflict of interest.

Commissioner Willich asked what ag lime is.

David stated that it is the material in the infield of a baseball field.

Commissioner Willich asked about accepting a discount on materials.

The City Manager stated that plans make donations easier to solicit and program.

Commissioner Lyons asked what the best practice is to update and keep the Parks Master Plan updated, and when was the last time we did a plan like this.

The City Manager stated the current Parks Master Plan was authored in 2011.

David stated that best practice is to update every 5 years. It wouldn't be starting over each 5 years but updating the list of what has been done and where have priorities shifted.

Commissioner Kahle asked about the playground at Katie Bonnell Park.

The City Manager stated that there are 2 exterior basketball courts included in the Wellness Center site plan, and a playground being put back in at that location.

Commissioner Kahle asked about Miles Park and the road that may close around that area.

The City Manager stated the intent is to close Miles Park Road after the 2nd entrance to the high school, so they will maintain both of these access points.

Vice Chair Nootz asked about the first RFP that went out and recalled it had something to do with our size of town or money spent here.

The City Manager stated the original budget for the project was \$30,000 and after speaking with Stockwell he discovered projects like this are more around \$100,000 depending on size of the City. After that they were able to come up with a realistic budget and scope for this project.

Vice Chair Nootz asked for better understanding of the outreach that was done.

The City Manager stated shortly after the award process they compiled a list of park user groups and sought their input because they are heavy users of the park. They also engaged in open houses that were open to the public, surveys were available online and paper copies at City Hall. Hard copy surveys were printed and taken to the Senior Center and to the schools and library. This engagement happened throughout the process.

Vice Chair Nootz asked about how things are implemented. Specifically, trees, parking lots, McGee Drive, balancing the needs with staff.

The City Manager stated a Master Plan like this starts with an idea, and this one started with the 2021 Growth Policy and the public saying they would like an updated Parks Master Plan. In 2023 he presented to the Commission an initial Growth Policy Implementation Plan and 8 months later he brought back an update on the Parks Master Plan, and this process was included in that plan he presented. They realized staff were not able to produce this plan and brought on David and Stockwell through the procurement process, then proceeded with a fairly comprehensive public process. He stated that the Commission has had updates but they have not seen the product before tonight and that was intentional so they were able to get the public input not necessarily the City Commissions input. It is up to the Commission to determine whether they have been successful in getting the community input, and if the product before them is something that fits the community needs. He stated these are concepts in a plan and David and his team have presented them with a cost range for a reason because for the City to move from concept to reality they need to scope each project. They use community input to determine how to implement that in a cost-effective way, a way it can be maintained, and in a way that meets the goals of the public. Each scope of work can either stay with the City Manager if it's under \$50,000, as that is his budget authority, but any scope beyond that would come before the Commission for approval. He stated there is no mention of trees in this project because they have not scoped these projects, so any impacts to trees or natural areas are unknowable at this point. He reminded that projects can be scoped in different ways to preserve natural areas and tree areas. In regards to parking lots he stated that it takes significant effort from the Parks Department and Code Enforcement to keep people from parking on the grass at the parks, and this is hard to do without curb and gutter to delineate where the

parking actually is. He stated that City staff is very able to come up with a plan to protect the parks but also provide appropriate parking at our parks. He stated that McGee Drive is duplicative in the park system when there is already River Drive and Yellowstone Street, and stated it does have some dangerous interactions between cars and people because there are no sidewalks. He gave credit to the Parks Superintendent and his team of 4 that maintain the City parks systems, and recognizes there is a bit of a workload issue in the parks division. He stated that the Parks Division is paid out of the general fund, so they do have competing priorities with Fire and Police and some other general fund services. However, in the coming budget they will potentially have some adjustments to the general fund with the starting of the Wellness Center District. A resource allocation conversation that the Commission will have in coming months from now and there is opportunity to evaluate how they deploy resources in the Parks Division.

Vice Chair Nootz asked how the Civic Center parking lot has to be maintained in its current state.

The City Manager stated that Vice Chair Nootz is referring to the west side of the Civic Center toward Miles Park. He stated that water is actually, for the most part, not surface water or storm water, it is primarily ground water that is coming up from below ground. He stated this summer it was a little better because the Streets Division spent significant time out there attempting to regrade that area.

Vice Chair Nootz expressed understanding that water needed to be vacuumed out of there, but wondered if there are better options.

The City Manager stated he spoke with the Parks Superintendent who stated they spend about 4 hours a week prepping and repairing from the Farmers Market, and a good amount of that time is parking lot prep.

Vice Chair Nootz asked about maps of where future parks should go.

The City Manager stated the analysis is intended to show where parks could be located to achieve optimal coverage. He noted on the eastern side it is a piece of private property that is a single-family residence that has no intentions to do anything with it out there. The map was intended to show the current coverage and as the City changes over time, where they might consider adding certain parks or amenities.

Chair Schwarz reminded that these are recommendations and nothing is written in stone.

Public comment was offered by:

- Linda Mahr expressed that for the cost of the improvements to Sacajawea Park there are other things in town that could use that money. She asked about the procurement process in regards to City Manager spending authority of \$50,000.
- Barbara Britt expressed concern with the parking lot accessibility around the Civic Center with this new plan. She also expressed not wanting to see McGee Drive closed off.
- Peggy O'Neill expressed thoughts that this parks plan was not good, and she expressed frustration with the length of the survey and that it was very complicated. She brought up the topic of lame duck in regards to decision making by the Commission.
- Linda Tang expressed strongly that McGee Drive should not be closed and parking lots should not be placed inside the parks. She expressed concerns with the tree growth at the cemetery.
- Eric asked about dredging of the lagoon and maintaining those habitats.

Chair Schwarz spoke to Eric's comment and stated that yes, big items like that will come before the Commission

- Denise Fisher stated she learned a lot about the parks through the survey and would like to see things keep moving forward for the next generation to come.
- Mary Strickroth commended the City and Commission on the proposed Parks Plan.
- Rick Lamplough thanked everyone for all their time working on this and hopes they just move forward with the plan as is.
- Phallie Colvin expressed understanding the need for improvements but there are some she doesn't think we need, such as paving the roping arena.
- Carrie Pintar expressed the need for an overpass. She understands some updates need to happen, but stated if it's not broke don't fix it, so she doesn't see the need to fix the parks.
- Leslie Feigel expressed she feels there are inconsistencies in the plans and what has come out in some news. She feels that the more cement that is put in for parking the less wildlife we will have.
- Tina Killborn stated if we have the \$50,000, we should be doing something that Livingston actually needs such as an extra lane at 5th street.
- Peter Seligman from Heart K Ranch stated that he has never been approached about having trails on the ranch, and feels it would be appropriate to have this conversation and hopes this plan is put on hold until a conversation is had about what would be happening at his ranch.
- Tammy Lewis asked where she would speak in the order of public comment because she lives in the county, but has properties she pays taxes on in Livingston.

Chair Schwarz stated she could speak in section 2.

- Arlene De Felte expressed hoping to see the project put on hold for further discussion about it. She stated that using plastic ground on the playgrounds may not be the best option. She expressed concern about fire response safety in some areas.
- Lisa Maher expressed appreciation for what the City is working on and feels the City responds to what the community needs, but would like to wait on this plan.
- Jackie Feigel expressed that it would be good to put this Parks Plan on hold.
- Colin Davis expressed being in favor of this project, but he understands the dynamics could change with a new Commission coming on.
- Bob Ballard has been on the Parks and Trails Committee, he expressed that it is good to see the City doing these good things for the parks in the community.

Vice Chair Nootz motioned for a 5-minute break, seconded by Commissioner Kahle. Unanimously approved.

Commissioner Willich expressed he had heard negative feedback about the City using a company that is not local. He talked about the petition that had 420 signatures and of which 137 were from outside the City, and continued to review how many total responses they have had overall for this project. He wondered if the number of petitioners against this outweigh the 1100 responses they have received in favor. He continued through the survey data calculations. He is not in favor of closing the outdoor pool, and is not in favor of closing McGee Drive. He does think it is beneficial to have some kind of formalized parking for the parks. He understands that a lot of these decisions will make it before the Commission and the new Commissioners along with him and Vice Chair Nootz likely have a lot of decisions to make regarding the parks in the next 5 years.

Commissioner Lyons stated he heard a lot of comment around funding priority. He asked where they are at with spending on the original scoped work.

The City Manager stated the original contract value was \$48,675, and that has not been modified and they have spent about 90% of the contract so far. Built into the contract is a final revision and based on whatever comments are received from the Commission tonight, minor ones would be included, but if a large rewrite is expected then that would result in a new procurement that would be an amendment to the current contract.

Commissioner Lyons stated they have heard a lot of critiques being paid for then put on the shelf. He doesn't feel that shelving this plan would be a good idea. He liked that Vice Chair Nootz reminded that plans are not literal because it is just a plan. He expressed understanding of comments about specifics of the plan, but reminded that they are not to that level of decision making yet. He expressed that he sees reason to potentially bring back the Parks and Trails Committee. He stated he intends to work hard for the community until the very last day of his term.

Commissioner Kahle stated this plan is aspirational and reminded that the public private partnership is how they get a lot of things done. She clarified to the commenters that any project above \$50,000 would come before the Commission, it would not be separate funds pieced together in \$50,000 batches just to get done by the City Manager. She asked if every parking lot has to be concrete or asphalt.

The City Manager stated no, and pointed out that the Northside Soccer Field parking lot is well delineated, but is not paved.

Commissioner Kahle stated that she feels it is important that some parking is delineated, and knows that some places, such as the gazebo get really congested. She stated it's important for staff to know the parks are safe and that would help them too. She is excited about this plan and seeing it come together. She stated strongly that she intends to work hard until the very end because she made a commitment to the community and people who voted for her.

Vice Chair Nootz expressed that this was really well presented and had easy to understand results. She is most excited to see that this plan included all of the parks not just Sacajawea Park, and likes that they are thinking about all users of the park. She stated the maps are really helpful to have in this plan. She stated that she understands that some folks are asking them to hold the vote on this, but she made the community aware that if they hold the vote on this, the next thing behind it is the crossing, so that pushes that project out, too, if they hold the Parks Master Plan project up. Ultimately if they hold this plan up, it stops all projects on all of our parks, not just one park. They can address each thing as it comes up when they go to implement parts of this Parks Plan. She explained how the procurement process came to be for City staff and it started from the City Manager being asked to have a limit placed on him by the Commission and also limits for City staff, so it has a process to follow. She stated that no one is proposing a trail across the property of Heart K, and stated if anyone has questions to reach out to staff. She asked about fire safety in some areas from one of the commenters.

The City Manager stated that there are employees of all levels that work for the City and some are more involved with certain projects than others, but there have been safety tests done and no issues with response times using the underpass. He stated the average response time is less than 6.5 minutes.

Vice Chair Nootz stated that she has talked to the Fire Chief and he worries in a larger way for the community and he has thought these things through for the community. She stated she likes the plan as is, but would like to stick a note by McGee Drive and have some kind of different engagement opportunity if they ever approach that part of the plan.

Chair Schwarz expressed frustration on comments received and stated he intends to work and continue doing so until his term ends when the new Commission is sworn in. He understands that a lot of folks have been fed misinformation about this project, but reminded this plan and project is aspirational and are recommendations and nothing is written in stone.

Commissioner Willich motioned to approve this item, seconded by Commissioner Kahle. Unanimously approved.

C. ORDINANCE 3064: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE TEXT OF THE CITY'S OFFICIAL ZONING ORDINANCE BY REPEALING THE ENTIRETY OF THE TEXT OF CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE AND REPLACING IT WITH NEW ZONING CODE TEXT.

The City Manager stated this is the second reading of this ordinance. He stated that the code before them tonight has the 4 slight revisions that were discussed at the first reading.

Planning Director Severson gave a brief presentation.

The City Manager touched on the Ag zone that a Commissioner asked staff to do a brief review of across the state. The original request was for differential land values in those large ag zones relative to other properties within those cities. He presented maps from across the state and discussed Agricultural Zoning and its application in similar cities.

Commissioner Lyons asked about the Ag Definition and wondered how broadly it might be interpreted.

The City Manager stated that definitions matter and perhaps there is some ambiguity that could be eliminated, but there is the legislative intent inherent in the way they have it written that the wholesale manufacturing or artisan manufacturing wholesale of goods are tied to agricultural uses, which are defined as related to grazing, keeping and use of livestock. He stated that they could tighten up the language if the Commission wishes to do so.

Commissioner Lyons shared that his wife is the HRDC Housing Coordinator and she has made public comment on this. He disclosed that at the last meeting and this meeting.

Commissioner Kahle asked about a value on page 497

The City Manager stated it is a typographical error that gets cleaned up in the next section.

Public comment was offered by:

- Randy Carpenter stated his previous comments requested an ag district and he is happy to see this added.
- Tina Killborn wondered why bed and breakfasts are being zoned in certain areas if they are already in compliance as is.

- Peter Seligman from Heart K stated his understanding is the only property listed as Ag is his ranch and there has been no direct outreach to them about this. He stated this property was zoned for high density in the past and that is why they decided to purchase the land and put that plan to rest and prevent the high density from taking place. He stated with the zone change to Ag may be inconsistent with future familial conservation uses.
- Ken Cochrane from Friends of Park County thanked the Commission for their work on this item. He stated that Friends of Park County has been working with Montana Freshwater Partners on a strong ag district for the Eastern River corridor. He weighed in and explained options for the future.
- Jeannette Blank from Montana Freshwater Partners expressed that the Ag district is great, but the concern is that there are other areas in the City that this could be applied to, and the areas along the river have their own set of risks. She asked about 30-acre minimum lot size and feels 50 acres would be more appropriate, but wondered what the math looks like for housing and subdividing large acres. She wondered about when the separate zones will be discussed outside of this meeting.
- David Fuentes spoke about short-term rentals and thinks the City should get a better data set about them in Livingston and get an accurate count of STRs. He stated and asked if rules around STR's are adopted tonight for clarification around start time and if any would be grandfathered in.

Commissioner Willich asked about the process of changing any of the properties to new zones.

The City Manager stated the action before the Commission tonight is just the text amendment. He stated a map amendment via resolution would appear before the Commission potentially at the next meeting depending the outcome of this item.

Commissioner Willich asked for the CBD definition to include the word contiguous wherever it fits. He asked about the minimum lot size for the Ag district being 30 acres and thinks it could be changed to 40. Separately, he asked about the section referencing 5 days for inoperable vehicles being stored in open space and wondered if that counted for the driveway as well.

Vice Chair Nootz stated that these types of things are referenced for folks that may use their front yards as car storage facilities, then it becomes a neighborhood issue.

Commissioner Willich just asked that it have a little better clarification on that.

Commissioner Lyons asked about the Ag definitions and the potential ambiguity and how open space would fit in. He stated he is fine with a larger acre than 30 as the minimum for the Ag district, and would be okay with 40.

Commissioner Kahle likes having the discussion about agriculture and the non-producing open space, and wants to make sure they have clarity around what that might be. She wondered if someone has more than 40 acres how many homes can they build and how can they do it.

The City Manager stated the number of homes that are able to be built on a parcel is determined by taking the parcel lot size and dividing that by the minimum lot size. For example: a 5,000 sq ft. minimum lot size, and 1 residential unit per minimum lot size means a 10-acre parcel could hold 2 residential units and each of those could be duplexes due to state regulations.

Commissioner Lyons pointed out that ADUs are allowable in Ag as well.

Commissioner Kahle asked where those could be located.

The City Manager stated the simple answer is the location of the structures on the property in that situation would be limited by the setback and also by the Fire Code.

Planning Director Severson stated this is less about minimum lot size for a house, since the intent of the district isn't residential. The residential uses support the Ag use.

Commissioner Kahle asked about number of livestock allowed on the property.

Planning Director Severson stated in her previous experience, if they do not limit the number of animals, it has the potential to have a pretty heavy odor.

Commissioner Kahle stated that this document allows them to codify STRs in the City, it does not disallow STRs in any location that they are in currently.

The City Manager stated that Bed and Breakfasts are listed as a distinct use in the use table and there are no changes to the allowable location for actual bed and breakfasts in the community.

Vice Chair Nootz expressed agreement with David from public comment, and stated the option in front of them gives them a chance to get more data before they make any big changes. She stated that from her understanding the intent is open space, but based on commenters the intent is thinking about flooding, animal migration, how rivers move, flood areas and channel migration. She recognized that no commenters said that they want to raise beef inside City limits. She feels like they might be trying to put a square peg in a round hole. She wants to have a conversation about the intent for this zone, and whether there a different tool they can be using to get them where they want to be. She is concerned that this zone would be codifying sprawl within City limits, and is concerned about the long-term impacts.

Chair Schwarz expressed agreement with Vice Chair Nootz and stated he doesn't want it to look like Bridger Canyon with sprawl.

Commissioner Kahle recalled a commenter that lives toward the end of Lewis Steet and their home was flooded due to what others did around them and expressed that flooding is a real concern.

Vice Chair Nootz stated again that the ag zoning is not the tool to solve this issue. She asked if there are other tools they can be using so they can weigh out their options.

The City Manager stated there are tools that exist within land use planning. He stated that there are parcels in the City that were annexed and subject to an annexation agreement. One of them has been discussed in a roundabout way with this ag parcel East of the Yellowstone River and South of 89, locally known as the Watson subdivision. This annexation agreement very drastically limits the density and allowable building amounts and locations of that property. He stated that similar to an annexation agreement is a development agreement and it is a tool he has seen used in other communities. It sets out a defined level of development that is suitable to a property owner and also the City in exchange for certain other allowances. He stated that Floodplain Regulations are another good way to address some of the issues that were raised pertaining to water passage. He reminded that the Commission has done a lot of work with storm water utilities and regulation. He stated that another tool that could be used is subdivision regulations and that would only apply to properties that are subdivided, but there are mechanisms with in the subdivision regulations to address that. He stated there is also the use of conservation easements, and that is a very powerful tool to help preserve open space, address flooding and storm water issues.

Vice Chair Nootz asked for clarification on an annexation agreement or development agreement.

The City Manager stated that sometimes land owners voluntarily constrains their ability to do certain things on their property in exchange for something from the community, or in some cases just a commitment to the future of the community.

Chair Schwarz expressed having the same concerns about the Ag zone as others have discussed, but if they do go through it, he agrees with increasing it to 40 acres minimum.

Commissioner Lyons stated there is interplay between zoning and subdivision regulations and the thing he wants to focus on specifically is minimum lot size. He stated the next lowest density residential zoning district has 7,000 sq ft. minimum lot size, so a 30-acre parcel can fit 186 parcels that are 7,000 sq ft. He stated that having a zone with a large minimum lot size is a quick and easy way to ensure that there will be only some degree of disturbance on large sections of undeveloped land. He stated that one way they are contributing to sprawl is by reducing maximum height allowances on certain zones. He stated his understanding of the intent with this is to preserve land.

Commissioner Willich agreed with Commissioner Lyons and stated the goal is to protect large swaths of land and they can do that through minimum lot size.

Commissioner Kahle expressed agreement with Commissioner Lyons. She stated it gives a good base place to start and reminded that there is nothing stopping folks from requesting a zoning amendment.

Vice Chair Nootz stated that agriculture can be disruptive to the environment and not all people approach agriculture with a conservation mindset. She stated that they are not regulating how people do agriculture, and there are real potential repercussions to put that in the City. She expressed that she doesn't feel like they are in an emergent place where they have to act quick and do something now. She expressed being scared that they are going down a path of spot zoning, and could potentially end up with a lawsuit. She really thinks they can get at some of this with a better tool in the things that are coming before them in the near future.

Chair Schwarz expressed not seeing a demand for agriculture in the City.

Commissioner Willich stated that they need to move the ordinance without Ag involved.

Commissioner Lyons stated he has seen the impacts of intense agriculture, and thinks the agricultural definition is not in line with the intention of why they brought it up in the first place, and it was really for preserving open space. He recommended adding some reference to open space as an allowable use.

Vice Chair Nootz stated that she thinks there are other mechanisms they are going to take up in the next year that can address this, and she is in favor of moving it forward without Ag.

Chair Schwarz expressed agreement with Vice Chair Nootz.

Commissioner Kahle asked what the ability is for the Commission to make updates to this zoning code.

The City Manager stated updates are handled through text amendment similar to this that requires 2 readings and 30 days to become effective. They also require a meeting with the Land Use Board.

Vice Chair Nootz motioned to approve this item omitting the Ag Zone and scrivener's errors identified, seconded by Commissioner Willich. For: Chair Schwarz, Vice Chair Nootz, Commissioner Kahle & Commissioner Willich. Against: Commissioner Lyons.

The City Manager stated the best option tonight would be to open each item left on the agenda and continue that to a date certain if they would like to hold a special meeting.

Collectively it was decided that Thursday at 5:30pm would be the best date to continue the next items.

D. ORDINANCE 3065: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 29 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "FLOODPLAIN REGULATIONS" BY REPEALING THE ENTIRETY OF CHAPTER 29 AND REPLACING IT WITH REVISED REGULATIONS.

Chair Schwarz introduced the item.

The City Manager welcomed a motion to continue.

Commissioner Kahle motioned to continue this item until Thursday December 4, 2025 at 5:30pm, seconded by Commissioner Willich. Unanimously approved.

E. ORDINANCE NO. 3066: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 28 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "SUBDIVISION REGULATIONS" TO COMPLY WITH STATE LAW, ALIGN WITH THE GROWTH POLICY, AND REFLECT COMMUNITY BEST PRACTICE AND EXPERIENCE.

Chair Schwarz introduced the item.

The City Manager welcomed a motion to continue.

Commissioner Willich motioned to continue this item until Thursday December 4, 2025 at 5:30pm, seconded by Commissioner Kahle. Unanimously approved.

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

F. CLOSED SESSION PURSUANT TO MCA 2-3-203(3) TO DISCUSS MATTERS OF PERSONAL PRIVACY

9. City Manager Comment

The City Manager thanked the Commission for working through a difficult meeting and looks forward to seeing everyone Thursday.

10. City Commission Comments

Commissioner Willich wished happy birthday to Ken Spalding and will see everyone at the next meeting.

Commissioner Lyons stated he learned that on December 7th that it is the last day that sunset will be coming sooner. He explained how the solstice works.

Commissioner Kahle thanked everyone for their hard work.

Vice Chair Nootz thanked Commission Lyons, Commissioner Kahle and Chair Schwarz for taking the negative comments tonight nicely and working hard to finish out their terms.

Chair Schwarz – no comment.

11. Adjournment

12:31 AM December 3, 2025 Commissioner Lyons motioned to adjourn, seconded by Commissioner Kahle. 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.