



Livingston City Commission Amended Minutes

December 06, 2022

5:33 PM

5:30-8:30 PM

Via Zoom & City Hall Conference Room

220 E. Park St. Livingston

<https://us02web.zoom.us/j/83567458910?pwd=bTBxelF1c1oxYXpWUGpGV01sY3VYZz09>

MEETING ID: 835 6745 8910 **PASSCODE: 970391** CALL IN: (669) 900-6833

1. Call to Order- 5:33 p.m. started late.

2. Roll Call

In person attendance: Chair Melissa Nootz, Vice-Chair Kahle and Commissioner Lyons. Commissioner Friedman, Commissioner Schwarz, attended by Zoom. Staff in attendance City Manager Grant Gager, Public Works Director Shannon Holmes, and Recording Secretary Faith Kinnick.

3. Public Comment 5:34 p.m.

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)

- Lindee Gibson gave public comment
- Patricia Grabow gave public comment
- Robert Agle gave public comment
- Jane Jarrett gave public comment

4. Consent Items 5:47 p.m.

A. APPROVE MINUTES FROM NOVEMBER 15, 2022, REGULAR MEETING.

B. RATIFY CLAIMS PAID 11/09/2022-11/29/2022.

C. AUTHORIZING THE COMMISSION CHAIR AND THE CITY MANAGER TO SIGN THE COMPLETION CERTIFICATE FOR THE SEWER SYSTEM REVENUE BONDS C-SRF-18430 IN THE AMOUNT OF \$6,500,000 AND D-SRF-19445 IN THE AMOUNT OF \$4,840,000.

D. APPLICATION FOR LALA MATHIAS FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET.

- Motion by Kahle to approve items A-D, second by Lyons
All in favor, passes 5-0

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings 5:49 p.m.

Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)

A. PUBLIC HEARING: REGARDING IMPACT FEES ASSESSMENTS AND CONNECTION TIMES FOR GREEN ACRES AND MONTAGUE SEWER PROJECT.

- Nootz gave brief introduction before turning over to Gager
- Gager introduced item
- Nootz asked clarifying question
- Gager answered
- Holmes gave additional clarifying comments
- Nootz asked additional questions of Gager
- Gager answered
- Holmes added one additional comment
- Lyons asked clarifying question of Gager
- No additional questions
- Schwarz motioned to approve to approve City Administration's recommendation on sewer connection timeframe of April 30, 2024, and impact fee assessment of \$1,606 per existing connection for Green Acres and Montague Subdivision residents, second by Lyons.
- Jordan Aguilar gave public comment
- Michael Steinmetz gave public comment
- Bob Agle gave public comment
- Patricia Grabow gave public comment
- Kathy Case gave public comment
- Arlene Roemer da Feltre gave public comment
- Nootz asked Gager to answer some of the question from public comments
- Lyons asked a follow-up question
- Kahle asked clarifying question
- Holmes added additional clarifying comments
- Kahle asked clarifying questions
- Commissioner Lyons asked clarifying questions of Gager
- Gager asked for additional comments from Holmes
- Schwarz called for point of order, discussion has gotten off topic

- Nootz commented
- Lyons continued
- Gager answered
- Kahle asked clarifying comments
- Gager called on Bridget Ekstrom from D.A. Davidson for clarifying comments
- Schwarz called for point of order again
- Friedman made comments
- Schwarz made comments
- Gager asked clarifying questions of Holmes
- Lyons asked additional question
- Nootz moved into commission deliberation, and made comments
- Lyons made comments
- Kahle made comments
- Friedman made comments
- Schwarz made comments
- Nootz made additional comments
- Lyons made motion to amend Schwarz's original motion to waive the impact fee assessment, second by Kahle.
- Motion to amend passes, 4-1 Schwarz against.
- Roll call on original motion now amended waiving the impact fees, passes 4-1, Schwarz against.

B. RESOLUTION NO. 5075: A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 181; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL SEWER IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND. 7:28 p.m.

- Gager introduced item
- Kahle asked clarifying question
- Lyons asked clarifying question
- Bridget Ekstrom from D.A. Davidson for clarifying comments
- Nootz asked clarifying questions
- Gager deferred to Bridget Ekstrom for answer
- Nootz made comments

- Kahle made motion to approve Resolution Number 5075 and authorize the Chair to sign Resolution Number 5075, second by Schwarz
- Dennis Springer gave public comment
- Ashley Peterson gave public comment
- Nootz formerly opened the public hearing, acknowledging Dennis and Ashley's comments.
- Arlene Roemer da Feltre gave public comment
- Nootz asked clarifying questions of Gager
- Gager asked Ashley Peterson about her questions around Exhibit C
- Gager called on Bridget for additional clarifying comments, before answering additional comments.
- Nootz asked additional questions of Gager
- Kahle asked clarifying questions
- Lyons made comments
- Schwarz made comments
- Friedman made comments
- Kahle made comments
- Nootz made comments
- All in favor, passes 5-0.

8. Ordinances

9. Resolutions

10. Action Items 8:18 p.m.

A. DISCUSS/APPROVE/DENY: 2023 CITY COMMISSION MEETING SCHEDULE.

- Gager introduced item
- Schwarz made comments
- Kahle and Lyons concur with Schwarz preference to have one meeting or move the July meetings to the 11th and the 25th.
- Schwarz motioned to approve action item A, seconded by Lyons.
- All in favor, passes 5-0.

B. DISCUSS/APPROVE/DENY: ACCEPTING THE CITY MANAGER'S RECOMMENDATION TO FILL VACANCIES ON THE CITY POLICE COMMISSION. 8:24 p.m.

- Gager introduced item
- Schwarz asked clarifying question

- Schwarz motioned to approve the City Manager's recommendation to approve Janella Johnson, and Nicole Madden to the City Police Commission, second by Kahle.
- Kahle made comments
- Friedman made comments
- All in favor, passes 5-0.

Kahle motioned to extend the meeting, second by Lyons all in favor, passes 5-0. 8:31 p.m.

Nootz motioned to move into a closed session, second by Lyons all in favor, passes 5-0.

C. CLOSED EXECUTIVE SESSION PURSUANT TO MCA 2-3-203(3). (8:32 p.m.)

D. CLOSED EXECUTIVE SESSION PURSUANT TO MCA 2-3-203(4)(9)

- Motion to extend the meeting by Lyons, second by Schwarz at 10:00 p.m. all in favor passes 5-0.
- Motion to return to closed executive session by Nootz second by Kahle, all in favor passes 5-0.
- Returned to open session at 10:54 p.m.

11. City Manager Comment 10:55 p.m.

12. City Commission Comments 10:57 p.m.

13. Adjournment 11:00 p.m.

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.