



Livingston City Commission Minutes

September 02, 2025

5:30 PM

City – County Complex, Community Room

Join Zoom Meeting

<https://us02web.zoom.us/j/83280152232?pwd=HHgQ6hnfr4NEoVkJGOOnW8J0az5HleU.1>

Meeting ID: 832 8015 2232

Passcode: 019316

1. Call to Order

Chair Schwarz called the meeting to order at 5:32 PM

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

3. Public Comment

Individuals are reminded that public comments should be limited to item over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)

- Patricia Grabow thanked the City Manager for being the Secretary for the BSPRA and for helping bring BSPRA to Livingston. She thanked MSU for doing the candidate workshop.
- Josh Congleton brought up bulb outs as a concern for vehicle collisions and wondered why some have been moved back and why they are different sizes and about survey feedback.

Vice Chair Nootz asked for the difference between the triangle and the bulb outs.

The City Manager said the flagpole is fixed to the ground, and the planters are not fixed to the ground and are meant to move if hit. He stated the posts were moved back to make some more room. The different size bulb outs are a function of the street design and each corner has its own design to fit the needs of each corner. The survey has been open for about a week and survey will be done in the middle of October.

Commissioner Lyons asked if the bulb out dimension reference the manual for uniform traffic control devices.

The City Manager stated yes, and they were assisted by the Western Transportation Institute.

Vice Chair Nootz stated the feedback is produced in a big batch after its's been organized in a way the Commission and public can understand it. She reminded that the public should address the Commission because it was the Commissions decision to implement this and not the City Manager.

The City Manager clarified he is not the secretary for BSPRA he is the Chair for the Governance Committee and was appointed by the County Commission to represent Park County.

4. Consent Items

- A. APPROVAL OF MINUTES FROM AUGUST 19, 2025, REGULAR MEETING**
- B. APPROVAL OF CLAIMS PAID 8/14/25 - 8/27/25**
- C. REPORT OF PLEDGED SECURITIES FOR THE PERIOD ENDING JUNE 30, 2025**
- D. APPOINTMENT OF AMANDA ALKIRE TO THE LIVINGSTON PARK COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES**
- E. TRANSMITTAL OF CITY PUBLIC ART MAINTENANCE PROCEDURES**

Vice Chair Nootz pulled A, D, E

Vice Chair Nootz motioned to approve B and C, seconded by Commissioner Kahle. Unanimously approved.

Vice Chair Nootz added minor edit to minutes. She is abstaining from item D for conflict of interest. She wanted clarification on item E from the City Manager about public art maintenance. She wondered if a portion will be coming after some process is developed to align with intent of the Commission where some public art will be approved and maintained by the City when it is on public land. She noticed there is nothing about restoration of art and wondered when that would be coming.

The City Manager stated when art is damaged, they seek to engage the original artist for restoration of the artwork. He stated the artist for the mural on the underpass has left the community, but they are reaching out to her former employer to find folks who could restore some of the artwork.

Vice Chair Nootz thought it may cost some kind of monetary contribution from the City, so she would like to know a process for this and have it brought to the Commission.

The City Manager stated some of this will be covered in the upcoming draft of the Parks Master Plan.

Vice Chair Nootz motioned to approve A & E, seconded by Commissioner Lyons. Unanimously approved.

Commissioner Kahle motioned to approve D, seconded by Commissioner Lyons. For: Chair Schwarz, Commissioner Kahle, Commissioner Lyons, Commissioner Willich. Abstain: Vice Chair Nootz.

5. Proclamations

6. Scheduled Public Comment

7. Action Items

A. UPDATE ON COMMUNITY WELLNESS CENTER PROJECT

The City Manager gave a brief presentation on the update for the Wellness Center.

Vice Chair Nootz asked about the Northwestern Energy and BNSF land transferring ownership, and she wanted clarification that the land will actually become public land as a gift.

The City Manager stated yes, the agreements are not complete yet, but will come to the Commission.

Vice Chair Nootz asked about room for the public and seating when the spaces are utilized for tournaments.

The City Manager stated yes, there is in the pool areas and the basketball court.

Vice Chair Nootz stated it is exiting that the City has been given the ability to name the building, and she wondered about the process. She is hoping for public input, and a process to sort through all the input.

The City Manager stated yes, there is a process and the donor would like to review the name before it goes on the building.

Public comment was offered by:

- Linda Maher appreciates the update but is concerned about the addition to tax payers when the payments start to be collected and she is concerned about the thing that may not be voted for later on because of the large amount they are already paying for the Wellness Center.

- Josh Congleton express concern about pay rates for employees and ability to staff the Wellness Center. He would like to see the facility named with Katie Bonnell in mind. He also wondered about the soccer fields, electric car spots, and if the waterslide will be seasonal.

Vice Chair Nootz asked about the differences about how it's paid for between Great Falls and Livingston models.

The City Manager stated there are 2 ways to fund this facility and it's either through user fees for property tax. The City of Livingston chose the property tax route because it is a little more stable. He stated staffing will be a constant challenge, but when he reviewed the wage ranges, he stated it is in line with where we are now and where wages will grow to over the next year. He is very confident they will be able to find a pool manager and pool staff.

Vice Chair Nootz asked for clarification on the endowment.

The City Manager stated in addition to the capital funding of about \$23.5 million the foundation is also committed to a \$5 million operation endowment to support the structure and to support its long-term maintenance. Some of the endowment will be used for youth scholarships and other youth access to the facility, but also provides another layer of financial security to the project and to the building itself. For community clarify the park is still Katie Bonnell Park and will remain named as such. For the electric parking the decision was made to run conduit to that 8 spots that are all together, but they are not sure if all 8 spots will receive charging station. The waterslide will be operational during the winter time.

Vice Chair Nootz recalled that the county chose to not participate in this and gain free passes for County residents.

Commissioner Willich thanked the City Manager for the update.

Commissioner Lyons expressed that it is great to run conduit before paving.

Vice Chair Nootz expressed being skeptical in the beginning, but feels that the City has been transparent about the cost. She feels it will shape a part of our community, so it is important to do it right. She referenced pages 73 and 74 for members of the public to look at.

Chair Schwarz thanked the City Manager for the update and is excited about the project.

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

B. DISCUSSION REGARDING GRADE SEPARATED RAIL CROSSING

The City Manager gave a brief presentation on a Grade Separated Rail Crossing.

Commissioner Lyons wondered how the new report might compare to the one currently out.

The City Manager stated the large exercise in location analysis would be looking at the known existing locations and looking at potential sites that not been considered.

Commissioner Lyons asked if the City Manager envisions any existing City boards or committees to oversee that location analysis process.

The City Manager stated initially he viewed this as an internal staff lead process and work with Public Works, the railroad and MDT.

Commissioner Lyons wondered what the City Manager attributes to our lack of success in securing grant funding for this project.

The City Manager stated he has gone through debriefs with US Dept. of Transportation following our unsuccessful applications and its really because of Livingston's location. We are a town of 9,000 and are about the 10th or 11th largest municipality in the state of Montana, but we are not the fastest growing in the state. They have noticed that the grants are going to larger and more fast-growing cities in the state.

Vice Chair Nootz would like to hear from the public on if they are willing to remove a crossing to get a grade separated crossing. She asked about the at grade crossing that is undeveloped, and she recalls if off the northside somewhere, but she has heard from the community that we should just develop that crossing. She wondered if that has been thought about yet, or if it's even a possibility.

The City Manager stated there are a lot options and opportunities on the table including working with the existing 5th street crossing to improve that, which we are currently doing with MDT and BNSF. He stated the crossing Vice Chair Nootz brought up is not an FRA recognized crossing. While there is a stretch of land that runs right up to the crossing, it would take quite a bit of federal regulatory work to have that be established as an at grade crossing. He stated BNSF is moving toward closing at grade crossings and not building new ones.

Vice Chair Nootz asked why we can't just move forward with Star Rd. since we already have the engineering.

The City Manager stated we do not have the construction funding identified for that.

Vice Chair Nootz asked if we magically had the funding is that engineering ready to go?

The City Manger stated it is rather well complete, but City staff have expressed some concern with stormwater in that area. Overall, not much is standing in the way of that project aside from funding.

Public comment was offered by:

- Rick VanAken stated when this project was looked at 17 years ago it was \$8 million, but now it's \$25 million and he pointed it out it is not getting any cheaper. He spoke in favor of this project.
- Josh Congleton asked if federal or state funding has been lost. He asked for clarification on project location.
- Patricia Grabow expressed that we do not need to study this anymore based on the amount of money that has been spent studying it already, and would like to see this done because the community wants and needs it.
- Linda Maher wondered how easy it would be to just pick up the plan that exists and move it forward.

Chair Schwarz stated there was never a study for an overpass it was always an underpass. He expressed a study is important and it helps them figure out what the public wants too.

Vice Chair Nootz asked how much has been spent on studies.

The City Manager stated that looking back to 2007 there was about \$650,000 that was generated from an 11.25 mil override that was approved by voters, and there was a little more spent on land acquisition. From 2007 to 2018 there was about \$744,000 spent in the rail crossing fund total.

Vice Chair Nootz asked if there was analysis of I90 closure in previous studies.

The City Manager stated the closure of I90 has been something that's occurred over time and was done by an engineer, and that study with that plan did take into account traffic patterns and traffic counts on US HWY 10.

Vice Chair Nootz asked for clarification on location analysis and how do we know we haven't had one

The City Manager stated we have not seen evidence of one. The Northside Transportation Plan was focused on a crossing in one specific location. The 2008 exercise was very focused on one specific location. He has not seen a preliminary engineering report that identified all the different alternatives.

Vice Chair Nootz asked what elimination of a crossing changes for funding.

The City Manager stated it enables pools of funding that are not otherwise available. The rail crossing elimination grant is not available for projects unless there is a crossing that is eliminated. It doesn't change the percentage of federal vs. local funding, it just opens it up for options.

Vice Chair Nootz asked about road maintenance.

The City Manager stated there is the Urban Network within the state of Montana, and those are roads that have been designated as critical by the state, so they are eligible for certain state

funding. The City still has the responsibility to operate that network. Geyser and H Street are 2 of the large Urban Routes on the South side, and Montana and Gallatin on the Northside. We do plow and maintain those streets, but as far as capitol funding there is more available for those routes. He reminded about lost funding that were both state and federal funds. The funds were earmarked for the project and some used to purchase the property at Star Rd., but the rest was lost due to inaction and inactivity on the project.

Commissioner Kahle reminded that voters were asked about 4 years ago about this project and the voter said no, and she feels that maybe votes said no due to a lack of location and exact plan. She pointed out that if we are going to have a rail crossing then citizens are going to have to decide to tax themselves. She feels it's very important to get public input and go through the process to find a suitable location for the majority of the community.

Commissioner Willich stated as a builder he has never been given a blank check and been told to go build a thing and find a place to do it, then be accountable for the outcome. He feels understanding how each location can and will be used is very important and needs to be discussed over the next few months, and get public input on this topic. He wants to move forward with intent and they don't know the budget until they know the exact location.

Commissioner Lyons he agrees with fellow commissioners. He wants to keep in mind for the public when given options on location to include an option that nothing gets built. I really would like to see a consideration, in the process of the location analysis, of impacts of this infrastructure on land use and development. He would really like everyone to understand that this crossing will lead to much more development on the Northside.

Vice Chair Nootz stated there have been subdivisions approved for the Northside even with the crossings we have, so she asked for clarification on what Commissioner Lyons had in mind when he was talking about growth.

Commissioner Lyons stated there would be a stronger economic imperative for speed for the development. It would drastically change the Northside to have an additional crossing, especially one that would route folks to Bozeman quicker.

Vice Chair Nootz agreed that no crossing could be a potential solution for the community, but she would also include when looking at new location analysis is what is actually possible at 5th Street. She stated that they have never talked about what they can do with what we already have. She wondered if it would be lower cost, but higher value. She recognized the demographic of votes that are in the community when this will come to the table to be voted on, and its kids that have lived here their whole lives and have been members of the communities.

C. ORDINANCE 3063: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 14-92 OF THE LIVINGSTON MUNICIPAL

CODE ENTITLED "USER CHARGE BASIS" TO CLARIFY THE BILLING METHODS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SEWER USERS.

The City Manager stated this item is related to feedback the City has received from the community. The City seasonally bills for sewer and does so by monitoring the actual water usage during the winter months when irrigation does not occur, and uses that consumption to bill for the summer months when irrigation is occurring. The City does this so the users are not unfairly burdened with the cost of processing water that never reaches the water reclamation facility. LMC currently uses the billing period October – March as the winter months. The Finance Director looked at this in detail and did find there is benefit from moving this time period to November – April.

Public comment was offered by:

- Linda Maher expressed thanks for doing this.

Commissioner Willich stated it's a great idea.

Commissioner Lyons agreed.

Commissioner Kahle thanked the City Manager and Finance Director.

Vice Chair Nootz expressed appreciation to Linda for bring this up.

Vice Chair Nootz motioned to approve this item, seconded by Commissioner Kahle. Unanimously approved.

D. RESOLUTION 5173: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2025-2026 IN THE AMOUNT OF \$1,390,903, AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT.

The City Manager stated this item is to levy the assessment for the street maintenance district. It is unchanged from FY 25. As a result of new construction that has occurred in the City all property owners are expected to see decrease in their actually billed assessment.

Commissioner Kahle motioned to approve this item, seconded by Vice Chair Nootz. Unanimously approved.

E. RESOLUTION 5174: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$61,993 FOR FISCAL YEAR 2025-2026 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS TAXABLE VALUE BEARS TO THE TAXABLE VALUE OF THE DISTRICT.

The City Manager stated this item levies the money to fund the electrical current. There is no increase over the prior year. All properties are expected to see a decrease in the assessment in FY 26.

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

F. RESOLUTION 5175: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COST OF \$38,000 FOR FISCAL YEAR 2025-2026 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS TAXABLE VALUE BEARS TO THE TAXABLE VALUE OF THE DISTRICT.

The City Manager stated this item seeks to levy \$38,000 for FY 26 for the replacement of street lights and other appurtenances within the City system. The amount is unchanged from FY 25. Property taxpayers will see a decrease in FY 26.

Chair Schwarz asked if costs were not going up due to new developments.

The City Manager stated yes, that is one of the reasons. The other reason is the amount of work predicted to be done in FY26 is not materially different from FY25 so we do not require additional revenue or resources.

Commissioner Kahle motioned to approve the item, seconded by Vice Chair Nootz. Unanimously approved.

8. City Manager Comment

The City Manager thanked the Commission with their help with the budget, and appreciates the conversation on the rail crossing.

9. City Commission Comments

Commissioner Willich thanked everyone for a nice evening.

Commissioner Lyons stated August was a pleasant month weather wise and average temperature.

Commissioner Kahle thanked the City Manager for the update on the Wellness Center.

Vice Chair Nootz expressed excitement that school is back in. She thanked the City Manager for the updates tonight. She looks forward to community input.

Chair Schwarz spoke about bulb outs and is looking forward to community survey on the bulb outs.

10. Adjournment

8:25 PM Commissioner Lyons motioned to adjourn, seconded by Commissioner Kahle. Unanimously approved.

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.