



Livingston City Commission Minutes

March 19, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/81583091166?pwd=R2l0aDcrZlZ5d0plWS95cVVxVlR2UT09>

Meeting ID: 815 8309 1166

Passcode: 288049

1. Call to Order

Chair Kahle called the meeting to order at 5:32p

2. Roll Call

City Commission in attendance at start of meeting: Chair Kahle, Vice-Chair Nootz, Commissioner Lyons, and Commissioner Willich. Commissioner Schwarz was absent due to illness.

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson 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)

- Lana Sheen addressed the issue of annexation and has a sign declaration with It's my Land LLC and doesn't not want to annexed into the City.
- JoAnn Vassalso lives in the County and stated there are a lot of assets for the City from people that live in the County.
- David Lewis lives in the ETJ and stated he does not want to be annexed. He addressed the concerns of water rights and expressed concern about possible annexation.

4. Consent Items

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| A. APPROVAL OF MINUTES FROM MARCH 05, 2024, REGULAR MEETING | PG.4 |
| B. APPROVAL OF CLAIMS PAID 2/29/24 - 3/13/24 | PG.11 |
| C. JUDGES MONTHLY REPORT 02/2024 | PG.19 |

Motion to approve all consent agenda items was made by Vice-Chair Nootz and seconded by Commissioner Lyons. The motion passed unanimously by the four members present.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA RECOGNIZING MARCH 27, 2024 AS WORLD THEATRE DAY IN LIVINGSTON MONTANA

PG.21

Chair Kahle read the proclamation.

Vice-Chair Nootz recognized Ranger Voices and the drama team thanking them for being here tonight as well.

Commission Willich stated without arts STEM is kind of boring and math driven, but STEM turns into STEAM when you add arts to it. He acknowledged arts as a keystone to a good education.

Chair Kahle thanked the theatre folks for attending tonight.

6. Scheduled Public Comment

A. PARK COUNTY HOUSING COALITION

PG.23

The City Manager introduced Katherine Daly the Housing Program Coordinator with the Park County Housing Coalition. He reminded that her position is partially funded through the City of Livingston's FY24 budgets, and she is presenting a current report.

Katherine Daly presented her slides within the packet, reflecting a Background of the Coalition, Park County's Housing Market, and a review of their 2024 Work Plan.

(Starts at Video Mark 15:40)

Vice-Chair Nootz thanked Katherine for being here today, and asked for clarification on the slide on page 28 in the packet.

Katherine stated this data folks renting have a median household income of \$49,660, and 30% of that is \$1,366 which is the max they could afford. Home owner's medial income is \$86,190 and the max affordable payment would be \$2,370.

Vice-Chair Nootz asked about ADU's and PCHC thoughts on how to keep those affordable in our community.

Katherine stated PCHC has a subgroup focused on developing a fund to support different types of housing interventions, specifically a loan or grant program for ADU's.

Vice-Chair Nootz thanked Katherine for focusing on educating and offering assistance to the people that live here, and thanked her for working with business owners. She wondered if it can also be really small business owners.

Katherine stated yes, if they are interested and want to walk through what it would look like, they are welcome to do so. She offered her email as way to reach her about this as kdaly@thehrdc.org.

Vice-Chair Nootz expressed that she hopes PCHC will work directly with staff about zoning.

Katherine stated she is currently working with the City and the City Manager, and it would be her preference to work directly with staff on this subject.

The City Manager stated it is their intention to involve PCHC in the work the consultant team will be doing for zoning and will mirror work already being done on the housing and educational outreach.

Commissioner Lyons stated that Katherine gave this same presentation to the Consolidated Land Use Board.

Chair Kahle thanked Katherine for her presentation and excited to see this moving forward.

B. IT'S MY LAND LLC

PG.40

The City Manager stated he has attended several meetings for It's My Land LLC and introduced Leslie Feigel.

Leslie stated in June 2021 when the Growth Policy was being updated there was talk of the ETJ and there was lots of talk about annexation from the previous City Manager and previous Commission. It's My Land LLC is registered with the State of Montana, and this group is about finding the land owners voice in the county, and they believe they do not have a voice within the City. She brought with her a Summary Submittal with many signatures from county residents that do not wish to be annexed into the City.

Vice-Chair Nootz expressed that years ago when this was all going on the Commission then was not given all the information about it and recognizes it was not okay. She feels the meetings she attended for It's My Land LLC were very helpful and informative. She asked the City Manager for this thoughts.

The City Manager stated that there are no City staff members actively working on annexations or expanding the City in any way. He reminded they were recently approached by two land owners about annexation, and that is what drove those annexations. He clarified that the City of Livingston in no way is expending any effort on annexations. He stated he does understand that property can change ownership and request annexation, they have also reviewed MCA and there is no power for the City to extend its zoning or control over the ETJ. He clarified further the City has no power in the ETJ unless invited by a land owner.

Leslie stated all those folks who have signed those forms have all really gotten to know each other and unify. At her meetings it has been a very open conversation around the ETJ.

Vice-Chair Nootz expressed understanding of what could happen to a property after the owner passes and it sold, and the importance of knowing their wishes on what they want to happen with their properties in the future.

Leslie expressed that her and her group are interested in the Growth Policy and Zoning updates and would like to make sure their voices are heard through that process.

Commissioner Willich stated he doesn't believe City limits should change at all and it should be very difficult to be added in unless you are requesting it, and feels the ETJ should be off limits to the City.

Chair Kahle shared the same thoughts as Vice-Chair Nootz and Leslie about having a plan in place for your property so the future of it stays the way the neighbors and county community would like it be.

The City Manager stated there is no City staff working on annexations, and the only time annexation is discussed is when the City is approached by someone who would like to be annexed.

Vice-Chair Nootz apologized to Leslie and County residents on behalf of the City that all of that happened the way it did, and she wants to make sure something like that doesn't happen again.

7:02PM Commissioner Willich motioned for a 10 minute break seconded by Vice-Chair Nootz. Unanimously approved.

(Starts at Video Mark 1:26:14)

7. Action Items

A. PROJECT SUBMISSION FOR STATE-LOCAL INFRASTRUCTURE PARTNERSHIP ACT (2023 MONTANA HB355) PG.45

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item is a follow up of a conversation they had in late December related to HB355 and the Montana State Legislature allocated \$20 Million to cities based on their population for infrastructure projects with the purview that the work would require a 25% local match. The program guidelines are included in the packet. The highlights include that the City is expected to be awarded about \$582,000 dollars for infrastructure projects. They must be for infrastructure and not personnel or equipment, and funds must be expended by December 31st of 2027. The City is responsible for any cost overruns. He reminded there was a public hearing in December to solicit project ideas and there was a majority of ideas that involved work on pedestrian and non-motorized vehicle improvements. Included are 2 projects and one is a pedestrian related project related to Park St crossing improvements, and the other is a staff recommendation that will use about 3/4 of the funding to work on the unpaved streets in the City. He reassured the Commission that staff is not ignoring their and community comments related to pedestrian and non-motorized improvements. The City internally discussed and decided they wanted to use the money expeditiously and to improve the situation of some Livingston residents as quickly as possible.

Commissioner Willich asked if completion of these projects will happen in 2025.

The City Manager stated there is a very good chance that they will start to schedule the unpaved roadwork for this construction season and 2025. The crossing work would at the latest be handled in 2025.

Vice-Chair Nootz asked if the chip seal in Green Acres has gone through weather where they can see how it holds up.

The City Manager stated they installed the road work in August of last year and have been monitoring it.

Commissioner Willich moved to approve the item and Commissioner Lyons seconded the motion

Public Comment was offered by:

- Joann Vasallo expressed thanks for the projects being worked on.

Vice-Chair Nootz feels these street upgrades are pedestrian improvements. She stated in these neighborhoods most areas don't have sidewalks, and it will give kids an opportunity to play on a form of paved road.

Commissioner Willich heard from community members in Green Acres about the amount of excess chip seal that seems to be pushing up into their front yards. He wondered if there was a way to correct this issue for the folks that live out there.

The City Manager stated he appreciates the input. He clarified that some of those roads were chip sealed, but some just had gravel applied to the roads without sealing them. He stated some of those roads with excess gravel are from the roads that were not fully chip sealed. He is hopeful the full chip seal of those roads will correct that issue as the chips become adhered to the undersurface.

Vice-Chair Nootz expressed excitement for the Park St. crossing improvement and will make it safer for the public.

Chair Kahle stated she is excited for the rapid flashing beacons on the Park St. crossing because as a driver it's very hard to see people when they are walking out from behind a car. She thanked the City Manager for working with MDT to get to the point of installment of these.

Commissioner Lyons stated that road infrastructure can affect pedestrian safety. He brought up the topic of traffic calming and he feels its best brought when its citizen initiated. He pointed out that maybe at an admin level if staff or the City Manager are hearing safety concerns that is something he would be interested in hearing about.

The Commission discussed past road calming work that had been done on Callender Street.

The item was approved unanimously by the four commissioners present

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

B. CLOSED SESSION PURSUANT TO MCA 2-3-203(3) TO DISCUSS A MATTER OF INDIVIDUAL PRIVACY

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

(Starts at Video Mark 1:46:25)

8. City Manager Comment

The City Manager stated his awareness of an incident of hateful speech that occurred in the City over the weekend. The Manager stated that he and staff are committed to adhering to the Commission's proclamation of Livingston as a welcoming City. The removal of hateful stickers has already started as has an investigation into the actions.

The Commissioners each separately offered comment.

9. City Commission Comments

10. Adjournment

8:49pm Commissioner Lyons motioned to adjourn the meeting seconded by Commissioner Willich. 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.