



Livingston City Commission Minutes

December 20, 2022

5:30-8:30 PM

Via Zoom & City Hall Conference Room
220 E. Park St. Livingston

<https://us02web.zoom.us/j/89086499909?pwd=NDIxcXMxazNKMjdzYkFQV3ZTMUIwZz09>

MEETING ID: 890 8649 9909 **PASSCODE:** 955296 CALL IN: (669) 900-6833

1. Call to Order

2. Roll Call

In attendance: Chair Nootz, Vice-Chair Kahle, Commissioner Schwarz, Commissioner Lyons, Commissioner Friedman excused. Staff in attendance: City Manager Grant Gager, City Attorney Courtney Lawellin, Fire Chief Josh Chabalowski, and Recording Secretary Faith Kinnick.

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)

- None

4. Consent Items

A. APPROVE MINUTES FROM DECEMBER 6, 2022, REGULAR MEETING.

B. RATIFY CLAIMS PAID 11/29/2022-12/13/2022.

C. ACCEPT CITY COURT FINANCIAL REPORT FROM OCTOBER AND NOVEMBER 2022.

D. APPROVE APPLICATION FOR SPECIAL PARKING SPACE FOR DISABLED RESIDENT S. COUNTS.

- Nootz noted edits from the December 6, 2022 meeting.
- No other edits
- Kahle motioned to approve consent items A-D to include the edits made by Nootz, second by Lyons, passes 4-0.

5. Proclamations

6. Scheduled Public Comment 5:40 p.m.

A. MORGAN SCARR OF AMATICS CPA GROUP, PRESENTS THE ANNUAL COMPREHENSIVE FINANCIAL ANALYSIS REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2022, AVAILABLE AT <https://www.livingstonmontana.org/finance/page/annual-comprehensive-financial-report-acfr>

B. SHANNON HOLMES, PUBLIC WORKS DIRECTOR PRESENTS THE 2023 DOWNTOWN CIP PROJECT. 5:46 p.m.

- Nootz asked clarifying question
- Gager answered

7. Public Hearings

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)

8. Ordinances

9. Resolutions 5:56 p.m.

A. RESOLUTION NO. 5076: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH MONTANA HEALTH NETWORK AND DPHHS FOR A TWO-YEAR GRANT FOR A COMMUNITY-INTEGRATED HEALTH PROFESSIONAL, ALSO KNOWN AS A COMMUNITY PARAMEDIC.

- Gager introduced item
- Chief Chabalowski gave overview
- Lyons asked clarifying questions
- Chabalowski answered
- Kahle asked clarifying questions
- Chabalowski answered
- Nootz asked clarifying question
- Schwarz motioned to approve Res. No. 5076, second by Kahle
- Schwarz made comments
- Lyons made comments
- Kahle made comments

- Nootz made comments
- All in favor, passes 4-0.

B. RESOLUTION NO. 5077: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING LIMITS ON ASSESSMENTS FOR BENEFITTED PARCELS OF PROPERTY LARGER THAN ONE ACRE LOCATED WITHIN THE STREET MAINTENANCE DISTRICT NO. 1 AND STREET LIGHTING DISTRICT NO. 20 FOR THE FISCAL YEAR 2023, AND AMENDING RESOLUTION NOS. 4161, 4148, 4149, AND 4150. 6:10 p.m.

- Gager introduced item
- Schwarz asked clarifying question
- Schwarz motioned to approve Res. No. 5077, second by Lyons
- Todd Quisel gave public comment
- Patricia Grabow gave public comment
- Schwarz gave comments
- All in favor, passes 4-0.

10. Action Items 6:20 p.m.

A. DISCUSS/APPROVE/DENY: THE FISCAL YEAR 2022 ANNUAL COMPREHENSIVE FINANCIAL REPORT AND ACCOMPANYING LETTER OF GOVERNANCE.

- Gager introduced item
- Paige Fetterhoff gave overview
- Kahle motioned to approve the fiscal year 2022 annual comprehensive financial report and accompanying letter of governance, second by Lyons.
- Schwarz gave comments
- Kahle gave comments
- All in favor, passes 4-0.

B. DISCUSS/APPROVE/DENY: VARIANCE REQUEST TO ALLOW NORTHTOWN SUBDIVISION PHASES 4A. 4B. AND 5 TO BE PLATTED WITHOUT ALLEYS

AND CONSIDERATION OF PRELIMINARY PLAT APPROVAL, AS RECOMMENDED BY THE CITY PLANNING BOARD. 6:24 p.m.

- Gager introduced item
- Garret Schultz of Headwater's Engineering gave presentation
- Nootz asked process questions
- Schwarz motioned to approve the requested variance to allow the Northtown Subdivision phases 4A, 4B and 5 to be platted without alleys as recommended by the Planning Board, second by Lyons
- Patricia Grabow gave public comment
- Nootz made comments regarding variance, provided photo slideshow
- Lyons made comments and asked clarifying questions
- Gager deferred to Holmes for answer
- Kahle made comments
- Schwarz made comments
- Motion passes, 3-1 Kahle against.

10-minute recess 7:23 p.m. back in session 7:33 p.m.

- Nootz welcomed discussion on 2nd portion of this action item
- Gager made comments
- Garrett Schultz of Headwater's Engineering gave additional comments
- Patricia Grabow gave public comment
- Garrett Schultz made additional comments regarding items in the staff report
- Jim Woodhull made comment
- Lyons asked clarifying question
- Shannon Holmes answered
- Kahle made comments
- Nootz made comments
- Schwarz made comments
- Nootz made comments
- Lyons made additional comments
- Kahle made additional comments
- Nootz made comments
- Gager called on Holmes for clarification
- Schwarz made comments
- Nootz made additional comments

- Kahle asked Holmes for additional comments regarding storm water pond capacity.
- Holmes made additional comments
- Nootz made comments and asked clarifying question of Garrett.
- Kahle expressed desired change in the covenants section 12.09.6 as a restricted activity that appeared on page 330 of the packet (xi), on page 327 adding additional language pertaining bear proof trash can or in garages to reduce conflicts with wildlife.
- Lyons had no additional restrictions
- Nootz stated she has found more restrictions in the covenants that are more restrictive than we have in city code and the Growth Policy, and not allowable, they shall not be more restrictive than currently in code, and add the covenants not require attached garages.
- Schwarz asked clarifying question.
- Nootz stated she would add additional conditions pertaining to trees, pets in section 11.08.

Lyons motioned to extend, second by Kahle, all in favor, 4-0 at 8:34 p.m.

- Commissioners continued to deliberate
- Lyons asked Gager clarifying question
- Nootz reviewed the list
 - #10- Additional snow storage will be provided 30' easement
 - #12- an additional 5% volume will be added
 - #13- all language preventing Zoning shall be removed
 - Adding trash can language, enclosed in garages or bear proof trash can
 - Adding the building requirements and allowed uses shall not be more restrictive than the current R2 zoning code set out by the City of Livingston.
- Lyons shared concerns about getting too specific regarding zoning and building height, roof pitches etc.
- Nootz noted final the project will comply with R2 zonings, and the covenants cannot be more restrictive than the allowed R2 zoning including height, setbacks, and roof pitches. The covenants shall not require attachment of 2 car garages. The tree planting list with HOA should be updated regularly. The tree caliper planting should be removed, and allowed pets shall not be more restrictive than those allowed within City Code.

- Gager requested to open the conversation to the developer, for input and possibly continue the conversation at the next meeting.
- Schwarz made comments prefers time to consult with legal, and additional staff input.
- Motion for 5-minute recess for developer to confer.
- Back in session 9:12 p.m.
- Jeremy May of Headwater's Engineering, made comments regarding previously noted conditions of approval, and offered rebuttal.
- Gager made comments garbage containers shall be stored in an enclosed space or alternatively bear proof can.
- Developer is agreeable to terms and conditions as outlined by Commission.
- Lyons made additional comments regarding the plat approval.
- Kahle made additional comments
- Bill Mullenfield developer made comments
- Kahle made additional comments
- Nootz made comments
- Motion to conditionally approve the preliminary plat of the Northtown Subdivision with the conditions outlined by the Chair, seconded by Lyons, passes 4-0.

11. City Manager Comment 9:33 p.m.

12. City Commission Comments 9:36 p.m.

13. Adjournment 9:42 p.m.

Faith Kinnick

From: Faith Kinnick
Sent: Monday, December 19, 2022 10:05 AM
To: Karrie Kahle; Lisa Lowy ; Mel Friedman ; Melissa Nootz; Quentin Schwarz ; Torrey Lyons
Cc: Jim Woodhull; Jennifer Severson; Grant Gager
Subject: FW: dear commissioners: concerning the agenda for tomorrow i would like to comment on action item 10 part B, the need for a variance to eliminate alleyway in northtown. our neighborhoods have appeal because of such distinctions. piling houses on top of ea

Good morning Commissioners,

Please see the public comment below concerning the Northtown Subdivision.

Sincerely,

Faith

From: Dennis Downing [mailto:dbopalubop@gmail.com]
Sent: Monday, December 19, 2022 10:03 AM
To: Faith Kinnick <fkinnick@livingstonmontana.org>
Subject: dear commissioners: concerning the agenda for tomorrow i would like to comment on action item 10 part B, the need for a variance to eliminate alleyway in northtown. our neighborhoods have appeal because of such distinctions. piling houses on top of eac...

other examples of developers leaving someone else holding the bag are abundant around here eg, green acres, the wineglass, and inadequate roads in the 5 acre tracts, and unpaved streets on the north side of town. it is your job to make these guys play by the rules. for the sake of our residents, please do your job and turn down the request for a variance. please don't shortchange our town for a dollar. thanks for listening dennis downing 406 222-7656

12/19/20

RECEIVED
12/19/20
SW

Dear Commissioners:

Concerning the agenda for tomorrow I would like to comment on action item 10 part B and the need for a variance to eliminate the alleyways. Please do not grant such a variance. Alleys help make neighborhoods more desirable.

If you let developers get away with it you will perpetuate problems that need to be addressed later by someone else. This is evident in Green Acres annexation, lack of streets and sidewalks up by the soccer fields, roads too narrow to drive on in 5 acre tracts, lack of access to the wineglass, and someone had to sign off on all these problems. Do your job and make Northtown play by the rules and keep our town as a nice place to live.

Thanks for listening
Dennis Downing 222-7656

LIVINGSTON CITY COMMISSION REGULAR MEETING

Public Comment

DATE: 12/20/2022

If you would like to speak to the Commission, please note your name and address will be recorded here. This document is an official public record. Thank you!

PRINTED NAME

AGENDA ITEM

1. Todd Quisel 5077
2. Kathy Quisel 5077
3. Garrett Schultz 10B
4. Jeremy MAY 10B
5. Bill Muhlendorf 10B
6. MATT FAURE 10.8
7. Tom McNamee 10B
8. _____
9. _____
10. _____