



Livingston City Commission Agenda

March 05, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/84047525983?pwd=VmJqdHVJbG0wU2lWajdLempxTU1jQT09>

Meeting ID: 840 4752 5983

Passcode: 64415

1. Call to Order

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

2. Roll Call

City Commission in attendance at start of meeting: Chair Kahle, Vice-Chair Nootz, Commissioner Schwarz, and Commissioner Willich

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Police Chief Wayne Hard, Public Works Director Shannon Holmes, Planning Director Jennifer Severson

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)

- Leslie Feigel announced the Chamber has four new members and she will send something over to the City so they know who the new members are. She stated that she reached out to the Commission and City Manager about Western Sustainability Exchange related to Farmers Market.
- Rusty Trzruc expressed concerns about lack of a school Resource Officer and would like to see this issue addressed.

The City Manager stated the lack of a school Resource Officers has nothing to do with budget issues, and stated they have had some staffing challenges. The previous Resource Officer lost housing and had to move away and was brought back for the beginning of the school year, but left after making a career move. Currently the only Resource Office we have is the Chief, and they have identified Resource Officer candidates that they will train and move into the position. He stated they are actively working on this and reminded there are always resources available to respond to the schools if needed.

4. Consent Items

The City Manager stated that in the staff report for item G the fiscal impact section states this was not included in the budget and wanted to clarify there is \$390,000 included in the solid waste budget, so this purchase is completely funded in the fy24 approved budget.

A. APPROVAL OF MINUTES FROM FEBRUARY 20, 2024, REGULAR MEETING. PG.4

B. APPROVAL OF CLAIMS PAID 2/15/24 - 2/28/24 PG.31

- C. APPLICATION FOR SHARON HORVATH FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET PG.41**
- D. AGREEMENT 20068 WITH LIVINGSTON HEALTHCARE PG.48**
- E. AGREEMENT 20069 WITH JON M. HESSE PC FOR CIVIL CITY ATTORNEY SERVICES PG.54**
- F. PURCHASE ORDER 20070 FOR A SEWER CAMERA PG.58**
- G. PURCHASE ORDER 20071 FOR A GARBAGE TRUCK PG.64**
- H. MONTANA STREET STPU PROJECT LOCAL AGENCY GUIDELINES (LAG) REQUEST PG.70**

Motion to approve consent items B-F & H was made by Vice-Chair Nootz and seconded by Commissioner Schwarz. The motion passed unanimously by the four members present.

Commissioner Willich pulled consent item A and wanted to edit page 12 line 3 and would like to see it read "Commissioner Willich expressed to the City Manager that the Finance Director should be involved in this item"

Motion to approve consent item A with correction to page 12 line 3 was made by Commissioner Willich and seconded by Commissioner Schwarz. The motion passed unanimously by the four members present.

Vice-Chair Nootz pulled consent item G and asked if the City has a plan in place so this is not an ongoing issue of having so many trucks down and non-operational.

The City Manager stated that he and the Finance Director work through capital improvement plan developments and or update each year as part of the budget process. As the staff report notes there was a truck ordered in 2022 and one thing that has come up is that they are all struggling to get specialized equipment. He stated this is a result of supply chain issues that started in 2020 and it is taking 1-2 to get specialized equipment.

Vice-Chair Nootz publicly recognized the solid waste department and its team and how much they are doing for the community.

The City Manager stated the whole solid waste team does a great job serving the community.

Commissioner Schwarz expressed that it is nice that we have control over this rather than an outside contractor.

Commissioner Willich asked if the freight liner M2 is 200 or 360 horsepower.

Public Works Director Holmes stated it is over 300 horsepower.

Motion to approve consent item G made by Vice and seconded by Commissioner Schwarz. 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 12, 2024 AS NATIONAL GIRL SCOUT DAY IN LIVINGSTON MONTANA. PG.77

Chair Kahle recognized the Girl Scout Troops 2004 and 2565 represented in the room and invited them to the front of the room while she read the proclamation.

Vice-Chair Nootz recommended the girl scouts head to City Hall to sell some cookies, and also offered if the girls need help obtaining their government badge they could reach out to the City Manager to help with this.

6. Scheduled Public Comment

7. Action Items

A. ORDINANCE 3046: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT. PG.79

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

The City Manager stated this is the second reading of the ordinance and reminded this came from the 2023 legislative session with the State of Montana. He stated Senate bill 245 is the bill which allowed the development of multi-unit housing in commercial zones of five or more units. Previously we allowed one unit to be constructed in Neighborhood Commercial and through Commission discussion they City is allowing that gap of 2, 3, and 4 units to be constructed in a commercial building in the Neighborhood Commercial.

Commissioner Schwarz moved to approve the ordinance and Commissioner Willich seconded the motion

Vice-Chair Nootz stated she is looking forward to when they can distinguish between all of these codes because they are becoming more and more similar therefore more and more meaningless.

The item was approved unanimously by the four commissioners present.

B. ORDINANCE 3049: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PROPERTY LOCATED AT 5284 US HWY 89 S, RECENTLY ANNEXED AND GENERALLY KNOWN AS RY TIMBER, AS LIGHT INDUSTRIAL (LI). PG.94

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

The City Manager stated this is the second reading of this ordinance. He stated this is to apply zoning to the property of RY Timber, now known as Sun Lumber Company. Staff has recommended this to be zoned as Light Industrial and that zone is consistent with the use that is currently on the parcel as well as allows for future uses, and aligns with the Growth Policy.

Commissioner Schwarz moved to approve the ordinance and Commissioner Willich seconded the motion.

Vice-Chair Nootz asked if the City Manager had a chance to follow up with DEQ about debris from this facility affecting neighbors down wind.

The City Manager stated he submitted and inquire to DEQ about air quality testing related to sawmills in the State of Montana and has not heard back from them on that. He has been reviewing the air quality monitors in town and those monitors don't seem to be picking up anything more than when the mill was operational.

Vice-Chair Nootz asked what PMs those monitors pick up.

The City Manager stated around 2.5.

Vice-Chair Nootz asked the City Manager to ask DEQ about nuisance dust impacting neighboring communities because if the particles are too big the monitors won't pick them up, but it could still be impacting the community. She would also like to know what other things they regulate.

The City Manager stated he will ask about the fugitive dust in an additional inquire to DEQ.

The item was approved unanimously by the four commissioners present.

C. ORDINANCE 3050: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE PROPERTY ADDRESSED AT 1 VIEW VISTA DRIVE AND LEGALLY DESCRIBED AS PARCEL 1 IN SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), CERTIFICATE OF SURVEY 984, RECENTLY ANNEXED AND GENERALLY KNOWN AS THE VIEW VISTA COMMUNITY, AS MIXED USE (MU). PG.119

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

The City Manager stated this is the second reading of this ordinance. He stated this action will be another step in the City and Community's joint efforts to review the water and sewer that currently serves the property and take care of some issues with the old system there.

Commissioner Willich moved to approve the ordinance and Commissioner Schwarz seconded the motion.

Vice-Chair Nootz expressed that she is grateful for this and is happy it is moving forward.

Chair Kahle expressed agreement with Vice-Chair Nootz and is happy to see this as a resident owned community.

The item was approved unanimously by the four commissioners present.

D. RESOLUTION 5127: A RESOLUTION OF THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO FEMA - ASSISTANCE TO FIREFIGHTER GRANT, COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRANT FUNDS TO PURCHASE A NEW LADDER TRUCK. PG.136

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

The City Manager stated this item is support for a City submission of a grant to the FEMA assistance to Firefighter Grant Program. This specific application is a request for funding to replace the City's current aerial tower truck with a similar aerial tower quint type vehicle. The program pays approximately 95% of the cost of the equipment. A recent quote estimates the truck is \$1.84 Million and the City's share would be approximately \$92,000.

Commissioner Schwarz asked how old our current truck is.

The City Manager stated the current ladder is 23 years old. He stated the manufacturer recently did some repair to the tower, so it could be properly and safely used by the department.

Commissioner Willich moved to approve the resolution and Commissioner Schwarz seconded the motion.

Commissioner Schwarz expressed this looks like a good deal and a great savings to the tax payers of the Livingston, and really hopes we get it.

Vice-Chair Nootz recalled the trucks are named after the horses that use to pull the trucks, and asked the City Manager to ask if that is true.

The City Manager stated he will definitely follow up on this.

Chair Kahle asked when we would find out if we got the grant.

The City Manager stated he thought by August.

The item was approved unanimously by the four Commissioners present.

8. City Manager Comment

The City Manager stated the phase 2 soil testing results for the Wellness Center came back and the results have been posted on the City website. He is happy to report there are no issue associated with the BNSF complex that is adjacent to the site. A soil vapor barrier and mitigation system was recommended because there was some chloroform levels that were detected in one the three test pit locations.

9. City Commission Comments

Vice-Chair Nootz clarified in the soil testing report there were low or below action level limits of metals in the report and not none. She reminded that the Commission voted to have the community have they say on what happens, and stated it is not their decision to make on what happens next. She feels like the community is feeling very divisive right now, and realizes that many folks are having big feeling right now.

Chair Kahle also reminded that the Commission made the decisions that they could which was to put the Wellness Center on a ballot for the community members to decide.

10. Adjournment

6:25pm Commissioner Schwarz 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.