



# Livingston City Commission Agenda

**May 06, 2024 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/86300235731?pwd=lo98iZZ9yIlwdDBLYvtn0Bivplybhn.1>

**Meeting ID: 863 0023 5731**

**Passcode: 811650**

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## 1. Call to Order

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

## 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
- Assistant Chief of Police Andrew Emanuel
- Sergeant Kevin Engle
- Officer Bob Crank
- Officer Rita Holbrook
- Public Works Director Shannon Holmes
- Wastewater Superintendent Trace Tidwell
- Wastewater Department J Taylor
- Wastewater Department Nate McClure



- 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)*

Public Comment was offered by:

- Linda Maher expressed concern regarding the Ferguson smart water meters and smart meter harm.
- Ann Fuller expressed concern about the smart water meters and opposed to using them. She also expressed noise concerns about jake breaks coming into town on the East end.
- Melody Mount spoke on behalf of the Legion and asked to be allowed to replace the flag pole down at Sacagawea Park.
- Arlene Roemer da Feltrae expressed concern about the smart water meters.

The City Manager stated they are moving in the direction of smart meters, and associated infrastructure, so these can be remotely read from the tower. He stated it does increase the efficiency of our operations in a number of ways. He said this is not his first deployment of Sensus smart meters, and he expressed that he has not seen any of the issues brought forward first hand. He stated this is currently the standard of technology and there are more than 3 million of these installed nationwide, so we are following industry standard. He stated they'd be interested in looking into an opt out program if that is something the City Commission would be interested in.

The City Manager addressed jake breaks and reminded that piece of right-of-way is owned and managed by MDT. He stated that if the City Commission is interested, he would write a letter to MDT to see about putting a sign there.

Commissioner Willich stated he did a little research into these meters and the lithium sodium battery does not mix well with water, but stated they are pretty well secured in their housing, so there is not direction battery to water connection. He stated he doesn't know much about the health effects, and he thinks an opt out program would help people that don't want them in their house.

Commissioner Kahle asked how meters are read now.

The City Manager stated they are read remotely by an individual driving around with a laptop.

Commissioner Kahle agreed with Commission Willich that it would be good to have some kind of opt out program.



Vice Chair Nootz stated that jake breaks don't seem necessary in town and asked that the City Manager please reach out to MDT. She asked if residents get noticed right now if their meters need changed.

The City Manager stated yes.

Vice Chair Nootz expressed that she would be interested in learning more about the concerns that folks brought up today in public comment, and would be interested in hearing about an opt out program.

The City Manager stated he will report back on that after review with the City Water Division.

Chair Schwarz agreed it would be nice to hear the report back to hear the differences, and would like to see a letter sent to MDT.

#### 4. Consent Items

- A. APPROVAL OF MINUTES FROM APRIL 15, 2025, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 4/10/25 - 4/30/25 [PG.56](#)**
- C. JUDGES MONTHLY REPORT FOR MARCH 2025 [PG.72](#)**
- D. AGREEMENT 20171 WITH NORTHERN ROCKIES AGENCY, INC. FOR STREET LIGHT POLES AND BALLAST [PG.74](#)**
- E. AGREEMENT 20172 WITH FERGUSON WATERWORKS FOR METERS [PG.77](#)**
- F. AGREEMENT 20173 WITH TD&H ENGINEERING [PG.80](#)**
- G. AGREEMENT 20174 FOR A RIGHT-OF-WAY ENCROACHMENT [PG.124](#)**
- H. APPROVAL OF AGREEMENT 20176 WITH WESTERN MUNICIPAL CONSTRUCTION [PG.138](#)**
- I. AGREEMENT 20177 WITH ALYNEA INC. [PG.200](#)**

Commissioner Kahle pulled A and E

Commissioner Lyons pulled H

Vice Chair Nootz motioned to approve Consent Items B-D, F, G & I seconded by Commissioner Kahle. Unanimously approved.

Commissioner Kahle acknowledged the addition to the end of the minutes that didn't make it into the packet and would like to see a note added that they did not enter closed session in the last meeting.

Vice Chair Nootz motioned to approve Consent Item A with amendments noted by Commissioner Kahle seconded by Commissioner Lyons. Unanimously approved.



Commissioner Kahle pulled Consent item E to see if there was additional discussion that needed to be had about this item.

The City Manager stated that his recommendation is to move forward with this and reminded that several months ago they did buy base station equipment to be installed on the tower, and reminded that 250 out of 4,000 meters is a very small portion of the City.

Vice Chair Nootz expressed she is fine with waiting to vote on this item until she has more information. She stated real concerns were brought forward and would like to address those concerns before voting on this item.

Commissioner Willich expressed he would like to wait on this Item E as well until they receive a report.

The City Manager stated that no action on that item will be fine and he will gather information from the manufacturer for a later meeting.

Commissioner Lyons pulled Consent Item H and was hoping for background information on how this agreement fits into the project and the grant that is funding it.

The City Manager stated this project is funded by an ARPA grant and stated this is the construction contract. He stated they had bids several weeks ago and have gone through the responsibility and responsiveness review on the bids. Awarding this contract does allow us to get into the contractor's schedule and otherwise plan the work as they move forward.

Commissioner Lyons asked which proportion of the total budget is covered by the ARPA grant and how that fits into the timeline.

The City Manager invited Public Works Director Shannon Holmes up to discuss.

Public Works Director Holmes stated in on 11/29/23 the City received an award letter from the State of Montana, and that grant was for \$1.354 Million and did require a match of \$571,279 for the City. He stated they have a little over \$1.9 Million allocated for the project, and that is funding that is promised by the state.

Commissioner Lyons asked if those funds have been distributed to the City yet.

Public Works Director Holmes stated no, but there is a deadline of 12/31/25.

Commissioner Lyons motioned to approve Consent Item H seconded by Commissioner Willich. Unanimously approved.

## 5. Proclamations

### **A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING MAY 11 - 17 AS NATIONAL POLICE WEEK IN LIVINGSTON, MONTANA. [PG.208](#)**

Chair Schwarz read the proclamation.



The City Manager expressed thanks to the Police Department stating they always go above and beyond. He stated they are a great group of people and we are lucky to have them.

Commissioner Willich recognized how hard they work and gave respect to the department.

Vice Chair Nootz expressed that she gets a lot of positive feedback about Chief Hard and his team and how they show up for the community.

6. Scheduled Public Comment

7. Action Items

**A. UPDATE ON WATER RECLAMATION FACILITY OPERATIONS [PG.210](#)**

The City Manager introduced Trace Tidwell from Wastewater to present slides.

Commissioner Willich asked how long it took to hand haul waste out.

Wastewater Superintendent Tidwell stated it took weeks to do because they still had to operate the facility with the same number of staff. He reminded how great it was to have other staff come in and help as well as AE2S coming in for a full day to help out with that part. He stated the real challenge was how to get it out and there was not real plan for that, and they were able to create a bucket system that was the most effective.

Commissioner Kahle expressed thanks for their diligence and hard work they do out at the plant.

Vice Chair Nootz asked when they have to go down and do things manually.

Wastewater Superintendent Tidwell stated the plant max design flow is 2.7 million gallons, so wouldn't have to go down for normal high time spring event, and he reviewed some math that goes into determining this as well.

Vice Chair Nootz expressed appreciation to the WRF team for their hard work and commitment.

6:45 PM Vice Chair Noot motioned for a 10-minute break seconded by Commissioner Kahle. Unanimously approved.

**B. CITY OF LIVINGSTON BOARD AND COMMISSION HANDBOOK UPDATE [PG.224](#)**

The City Manager stated this item is a draft of the updated board and commission handbook for the City. This is being brought forward in response to a recent adoption of a conflict of interest policy by the City Commission, and it is applicable to boards and committees of City. There have also been procedural updates since this was updated five years ago.

Commissioner Willich clarified that the blue version is the new one.

Commissioner Kahle thanked the City Manager for a cleaner version of the handbook. She stated on pg. 232 at 7a please get rid of the gender reference.



Vice Chair Nootz listed edits starting with clarification on page 228 adding the word Municipal to the handbook reference, adding Board of Appeals to the list of boards, noting that the public comment procedure has changed, on page 237 disciplinary action requirements include grievance procedures, which she stated were not added into the City Commission handbook, and she asked about possibly including an accountability piece when looking at the disclosure form.

The City Manager stated the City does now go through a board orientation where documents associated with that board are reviewed, and he envisions the disclosure form would be part of that process, and same for the City Commissioners when new ones come on board.

Commissioner Kahle added an idea that yearly this form be updated.

Vice Chair Nootz expressed concern with advisory boards communicating directly with staff about certain things and wondered if there was a way to add in that they could or should go through the City Commission as to not take up staff time.

The City Manager stated on page 228 he has worked in what Vice Chair Nootz is trying to achieve in describing their roles. Then it flows in page 229 where it describes their relation to City Staff, then moving into page 230 where it is described again under actions of boards and commissions.

Vice Chair Nootz pointed out in the Relation to City Staff section she would like to see something saying boards may not direct the City Manager as well as City staff. She stated board members are not official representatives of the City, and would like to see this added somewhere. She stated she would like to see a process for boards when a few members of the board want to go out into the community and represent the City in any capacity, and wants to see some type of process before things like that can happen.

The City Manager stated he does recognize a few sections where these things can be added.

City Commissioners asked about formation of subcommittees from these boards.

The City Manager stated that these boards, as it is, are so narrowly focused, that it is not necessarily reasonable and would not be a power granted to those boards, and is something that should sit with the City Commission.

Vice Chair Nootz expressed interest in talking more about a grievance section in the handbook.

The City Manager stated he can bring an update to an enforcement section. He reminded that the City Commission will have different enforcement and penalty since they are elected and not appointed.

### **C. CONSIDERATION OF A REQUEST FOR A ZONING VARIANCE AT 312 S. 9<sup>TH</sup> STREET PG.272**

The City Manager stated this is a variance request and introduced Planning Director Severson to present slide for this request.

Planning Director Severson gave a brief presentation for this variance request, and stated she received comment from both neighbors stating they do not have an issue with this variance.



Commissioner Lyons expressed knowing this property and realizes space is limited and they are doing the best they can with a small amount of space, and he does not see a reason to deny this.

Commissioner Kahle thanked Planning Director Severson for her presentation as she understands it is smaller and is just talking about a couple of inches on either side.

Vice Chair Nootz thanked Planning Director Severson for her consistency in bringing variance requests to the City Commission.

Chair Schwarz expressed being for this variance and thanked Planning Director Severson for her work.

Commissioner Kahle motioned to approve the variance request seconded by seconded by Commissioner Lyons. Unanimously approved.

#### 8. City Manager Comment

The City Manager stated thanked the City Commission for their support of City staff and operations.

#### 9. City Commission Comments

Commissioner Willich thanked the City Manager for keeping the City team running.

Commissioner Lyons – no comment

Commissioner Kahle expressed good luck to the school board candidates who are running and congrats to those who win.

Vice Chair Nootz reminded the City Commission election is open and 3 seats are open.

Chair Schwarz gave a shout out to City staff for their hard work.

#### 10. Adjournment

7:47 PM Commissioner Lyons motioned for adjournment 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.