



Livingston City Commission Minutes

November 19, 2024 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83569125068?pwd=VHF0eEJUMIQ2QkxQRXR3a2IDTU5VZz09>

Meeting ID: 835 6912 5068
Passcode: 543430

1. Call to Order

Chair Kahle call the meeting to order at 5:32 PM

2. Roll Call

Commissioners Present

- Chair Kahle
- Vice-Chair Nootz
- Commissioner Schwarz
- Commissioner Willich

City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- City Attorney Jon Hesse
- Chief of Police Wayne Hard
- Planning Director Jennifer Severson

3. Public Comment

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)

Chair Kahle invited public comments on non-agenda or consent items and reminded speakers of the time limit and relevant rules



- Leslie Feigel: Discussed businesses and ribbon-cutting events, including the DeYoung Studios opening on November 22, and Mountain Rose Med Spa and The Blend Smoothie Shop on December 12.
- Dale Wood: Expressed support for the garage setback variance request at 604 N. L Street.

4. Consent Items

- A. APPROVAL OF MINUTES FROM NOVEMBER 06, 2024, REGULAR MEETING (PG. 4)**
- B. APPROVAL OF CLAIMS PAID 10/31/24 - 11/13/24 (PG. 11)**
- C. APPROVAL OF SPECIAL EVENT EXCEPTION TO ALCOHOL POSSESSION AND CONSUMPTION RESTRICTIONS FOR THE LIVINGSTON HISTORIC CHRISTMAS STROLL DECEMBER 6, 2024 (PG. 23)**
- D. RATIFICATION OF EMERGENCY PURCHASE ORDER 20134 WITH XYLEM (PG. 29)**

Chair Kahle pulled item D.

Commissioner Lyons motioned to approve items A – C seconded by Commissioner Willich. Approved unanimously.

Chair Kahle pulled item D for a math correction on page 31 referencing the line support unit

The City Manager explained the purchase order that is in question and clarified the unit cost as missing a 3.

5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISISON OF THE CITY OF LVINGSTON MONTANA, DECLARING NOVEMBER 30, 2024 AS SMALL BUSINESS SATURDAY IN LIVINGSTON MONTANA (PG. 33)**

Chair Kahle read the proclamation.

The City Manager stated he will shopping locally on that day this year.

Commissioner Willich added that 43.5% of the USA gross domestic product is created by small businesses. 45.9% of the total workforce in the USA is employed by small businesses. 35% of total exports from the USA are operated by small businesses. He finished by saying they are a significant portion of our economic engine.

6. Scheduled Public Comment

- A. UPDATE FROM FOUR RANGES COMMUNITY RECREATION FOUNDATION ON WELLNESS CENTER PROJECT**



The City Manager introduced Chase Rose from Four Rangers Foundation.

Chase provided an update on the Wellness Center project. Key points included:

- **Guaranteed Maximum Price:** A guaranteed maximum price for construction was secured from Swank Enterprises after working with LPW Architects. Chase emphasized the importance of accepting the bid promptly to avoid potential cost increases if rebid in the spring.
- **Fundraising Milestone:** \$2.3 million was raised in three months, equating to approximately \$40,000 per business day, showcasing significant philanthropic support from Livingston and Park County residents.
- **Groundbreaking Ceremony:** Scheduled for November 21, 2024, at Katie Bonell Park. Chase extended an invitation to the commission and the public to attend.
- **Facility Funding:** A total of \$22.5 million has been raised to fund the facility, with an additional \$1 million targeted for equipment, landscaping, and other features. Fundraising efforts will continue to secure a \$5 million operational endowment.
- **Community Input:** Chase outlined ongoing opportunities for public input on features such as the kids' pool, outdoor play areas, fitness equipment, and interior design elements.

Chase expressed gratitude to the community for its support and highlighted the foundation's ongoing commitment to fundraising and community engagement.

Commissioner Schwarz expressed enthusiasm for the project and stated he will be attending the groundbreaking on the 21st.

Vice-Chair Nootz suggested for future events potentially have a family-friendly time to allow greater community accessibility. She asked for clarification on what the community input was that he listed in his presentation. She also inquired about a public comment portal for the community who want to reach out directly about the project.

Chase Rose stated the community can reach out through the website www.4ranges.org

Chair Kahle stated she will be attending the groundbreaking and appreciates the update

7. Action Items

- A. RESOLUTION 5150: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN PROPERTY AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE DONATED, SOLD OR DISPOSED OF (PG. 36)**

The City Manager stated that this resolution addresses surplus city property, including three decommissioned police vehicles and a 1950s Chevrolet truck. These items were identified as no longer necessary for city operations. Mr. Gager explained that the city recently acquired new police vehicles, which justified the



decision to surplus the older vehicles. The surplus property would be listed for sale on the www.publicsurplus.com platform.

Commissioners jokingly discussed the 1950's Chevrolet truck and where it was and if the city has used it in the past.

Commissioner Willich asked about bidding on this vehicle.

The City Manager clarified that city employees are prohibited from bidding due to internal policies. However, Commissioners, as non-employees, are allowed to participate in the bidding process.

Commissioner Schwarz motioned to approve the resolution seconded by Vice-Chair Nootz. Unanimously approved.

B. ORDINANCE 3056: 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, SECTION 30.41, SECTION 30.43 AND SECTION 30.51 AS THEY RELATE TO ACCESSORY DWELLING UNITS AND TWO (2) FAMILY DWELLINGS (PG. 40)

The City Manager began by introducing the ordinance, explaining that it was necessary to bring the city's zoning regulations into compliance with recent state legislation. He outlined two key state laws passed during the last legislative session Senate Bill 323 and 528 related to ADU's and duplexes. He noted that the city had already started making progress on some of these changes earlier in the year before a legal injunction temporarily delayed implementation. Since the injunction has been lifted, the city is now resuming efforts to align its regulations with the law. He emphasized that while the ordinance is a legal requirement, it also reflects some of Livingston's priorities, such as encouraging housing options. He concluded by inviting Director Severson to present the technical details of the ordinance.

Director Severson provided a detailed presentation of the ordinance's content and its impacts. She outlined:

- Proposed amendments to the zoning table.
- Clarifications to density allowances for duplexes and ADU's.
- Changes to terminology within the ordinance.
- Removing requirements for matching architectural designs between ADU's and primary residences.



Director Severson also addressed the need to monitor how the ordinance implementation might affect infrastructure and public services over time.

Commissioner Lyons asked if neighborhood commercial allows for a single family residential.

Director Severson stated it would have to have a commercial use as part of that structure.

Vice-Chair Nootz asked for clarification on if there are existing older residential units in neighborhood commercial.

Director Severson stated over on Sun Ave. there is neighborhood commercial in that area.

Vice-Chair Nootz stated she is thinking of an area on the Northside between and 5th and Main.

The City Manager stated those would be called existing but non-conforming.

Director Severson stated if they have a residence that is legally non-conforming they could have and ADU.

Commissioner Lyons motioned to approve the first reading of ordinance 3056 seconded by Commissioner Schwarz.

Public Comment was offered by:

- Leslie Feigel: Expressed support of the ordinance, emphasizing the cost-effectiveness of duplexes and their potential to create affordable housing options. She also brought up about parking concerns related to ADU development.

Commissioner Willich agreed with concerns that parking will be an issue along with water and sewer capacities. He would like it to remain on their radar for future.

Commissioner Lyons advocated for clarity in the ordinance language, particularly regarding the ADUs. He proposed amending the ordinance to include asterisks and footnotes to clarify these points.

Commissioner Schwarz expressed disappointment in removal of the parking requirement and the loss of impact fees.

Vice-Chair Nootz asked if they needed to amend the motion to include the clarity points.

Director Severson explained options to do so.

The City Manager suggested it would be good process to amend the motion.

Vice-Chair Nootz touched on the parking situation hoping builders are including conversation about parking. She would like to know how many ADUs have been permitted in the past couple years.

The City Manager estimated that fewer than 15 city wide every year.

Vice-Chair Nootz asked to be notified if ADUs really start to take off.



The City Manager stated he would do that, and touched on the work the city is doing to review LMC regarding connections to the main for sewer and water to be able to maintain ADUs.

Chair Kahle stated that parking and impact fees are decided by the state and the city has to come in compliance with state rulings, and it was not the city making these changes.

The City Manager gave the wording for the amended motion stating "I move to amend the underlying motion to add an asterisks on the accessory dwelling line to anywhere where there an existing N and also to revert the CBD designation back to N"

Vice-Chair Nootz motioned to amend as stated by the City Manager seconded by Commissioner Lyons. Unanimously approved.

Unanimously approved the amended motion.

C. CONSIDERATION OF REQUEST FOR ZONING SETBACK VARIANCE AT THE PROPERTY LOCATED AT 604 N. L STREET (PG. 70)

The City Manager introduced Director Severson to present on this item

Director Severson expressed that her job, ultimately, is to enforce the zoning code. The presentation included the following key points:

- Property Details: The property consists of four and a half platted lots totaling 15,750 square feet. The site includes a main residence, a smaller second residence, a gazebo, gardens, trees, and walkways.
- Variance Request: The applicant proposes placing the garage 15 feet from the front property line along North L Street to avoid moving an existing gazebo or altering other site features.
- Criteria for Variances: Director Severson outlined the five criteria used to evaluate variance requests, explaining that while the variance would not harm public interest or safety, it may confer a special privilege on the applicant since alternative configurations could comply with the required setback.
- Staff Recommendation: Based on her analysis, Director Severson recommended denial of the variance request.

Commissioner Lyons asked if we received feedback from adjacent properties relating to notification of this variance.

Director Severson stated notice is required to be sent out to every property owner within 300 feet.

Vice-Chair Nootz inquired about the width of this road and whether future road improvements, such as sidewalks and paving, might be impacted by the reduced setback.



Director Severson stated the platted right-of-way is 60 feet wide, the actual road surface is narrower. She noted any future sidewalks or pedestrian improvements would be outside the property and feels there is adequate room for these in the future.

The City Manager stated we have not received the in favor letters from every neighbor in the area. He also stated that L Street currently dead ends and there may be a pass in place in the future.

Vice-Chair Nootz motioned to deny the requested variance from the required 25 foot front to back distance for the purposed of constructing two car garage 15 ft. from the front property line on the property located at 604 N. L Street seconded by Commissioner Schwarz.

Public Comment was offered by:

- Dale Wood: Expressed support for the variance, describing the road as a dead-end street unlikely to be further developed. He felt the variance would not negatively affect the neighborhood.
- Dale Pressley (Applicant): Noted that a neighboring property was granted a 7 ft. setback variance last year for an RV. He argued that his request should be treated equally and emphasized the importance of fairness in the process.

Commissioner Schwarz clarified how the motion was made and stated just because that is how it was written to them in the staff report doesn't means that they are necessarily against it. He stated generally he is opposed to variances and does research each time they are proposed and with this one he feels there is no reason to deny this request.

Vice-Chair Nootz recalled details of a variance on the Southside that was denied. She is in favor of the denial and feels it is consistent with applying the law, and expressed feelings of fairness and it should be applied across town and not have different rules for the Southside and the Northside. She reminded it is not personal and they do have to follow the laws set in place, and repeated she is in favor of the staff recommendation to deny.

Commissioner Lyons expressed appreciation of the staff report and presentation. He feels that the staff recommendation was taken seriously and looked at in detail and does agree with the staff recommendation. He feels that granting the setback variance would have minimal impact, but also feels consistency in approval or denial of these variance requests is important for the overall community. He does support the staff recommendation.

Commissioner Willich understands these need to be looked at individually and understand the impact and risk are low, and acknowledges that they have not heard any negative feedback from surrounding neighbors.

Chair Kahle recalled the variance that Mr. Pressley was referencing for his neighbors, which was intended to be used for additional housing units, which is why that was approved. She reminded this variance before them is for a garage not a housing unit. She feels there are other ways to position this garage on the property without the variance. She does agree with staff recommendation.

Chair Kahle reminded the motion is to deny the variance.



Chair Kale, Vice-Chair Nootz & Commissioner Lyons voted to deny this variance

Commissioner Schwarz and Commissioner Willich voted to not deny this variance

The motion carries and the variance is denied.

7:03 PM Vice-Chair Nootz motioned for a break seconded by Commissioner Schwarz. Unanimously approved

D. DISCUSSION REGARDING ADVISORY BOARDS (PG. 94)

The City Manager introduced the item, noting that this discussion stemmed from a request made when the Parks and Trails Committee and Tree Board were disbanded a year ago. The intent of the discussion is to evaluate whether the current structure—replacing these boards with direct public engagement and administrative oversight—has been successful in meeting community needs. Key points include:

- Staff has conducted robust public engagement efforts over the past year, including surveys, public events, and participation at farmers markets.
- Major projects, such as the Parks Master Plan and the Reservoir Park geodesign project, have facilitated community input from hundreds of residents.
- Feedback from the Parks Superintendent and other staff indicates that engagement has become more efficient and productive under the new structure.
- Staff believes the change has reduced operational risk by aligning responsibilities appropriately within the administrative structure, rather than relying on advisory boards to oversee what are primarily executive functions.

Chair Kahle asked about level of public input.

The City Manager stated they are receiving more public engagement and reminded that on average the disbanded boards had 1 member of the public in attendance.

Commissioner Schwarz expressed that he likes the new structure since the boards have been removed.

Vice-Chair Nootz inquired about outreach and feedback about trees.

The City manager stated outreach was done at Farmers Market over the summer and reminded of the tree inventory project that the Parks Division is working on.

Vice-Chair Nootz asked about the status for Tree City USA and Bee City USA.

The City Manager confirmed the Parks Division now oversees these designations.



Vice-Chair Nootz asked for examples of how public input has directly influenced administrative decisions under the new system.

The City Manager cited community feedback that informed the Reservoir Park design process and ongoing input collected for the Parks Master Plan.

Vice-Chair Nootz asked how this new process had impacted staff.

The City Manager stated he is pleased with this outcome and also welcomed input from the Commission about areas they are missing with the community. He stated the Parks Superintendent is receiving direct communication from the community.

Commissioners expressed excitement that community engagement has improved and are happy to hear the results of this change.

Vice-Chair Nootz thanked Policy Analyst Greg Anthony on his hard work around informing the public of city policy.

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

E. CLOSED SESSION PURSUANT TO 2-3-203(4)(a)

8. City Manager Comment

The City Manager thanked the commission for their hard work tonight and wished everyone happy Thanksgiving.

9. City Commission Comments

Commissioner Willich: Expressed gratitude for working with commissioners and city staff.

Commissioner Lyons: no comment

Commission Schwarz: no comment

Vice-Chair Nootz: no comment

Chair Kahle: Wished everyone happy Thanksgiving.

10. Adjournment

8:51 PM Commissioner Lyons motioned to adjourn seconded by Commissioner Willich. Unanimously approved.

Calendar of Events



Supplemental Material

Notice

1. 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 Chair. 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).
2. 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.
3. 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.
4. felis.