



Livingston City Commission Minutes

February 03, 2026

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89322565172?pwd=eXr6iRzlvaiTtM43chOawd9mhocUjt.1>

Meeting ID: 893 2256 5172

Passcode: 718006

1. Call to Order

5:32 pm Chair Nootz called the meeting to order.

2. Roll Call

- Chair Nootz
- Vice Chair Willich
- Commissioner Daniels
- Commissioner Wilcox
- Commissioner O'Neill

City Staff Present

- City Manager Grant Gager
- Chief of Police Wayne Hard
- Policy Analyst Greg Anthony

3. Pledge of Allegiance

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Chair Nootz asked the room to stand for the Pledge of Allegiance.

4. 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:

- Jay Keifer expressed concern about claims paid reports, and wondered about speed limits around the school and the Sherwood.
- Max Johansen asked for clarification on what Action Item A all involves and whether he should wait to comment.

Chair Nootz stated that his comment will be best fit in action item A.

- Leslie Feigel expressed upset about not seeing an item for America's 250th celebration.

Chair Nootz asked the City Manager for clarification around claims paid and speed limits.

The City Manager stated that the claims topic is about the chart of accounts and that they do operate under a standard chart of accounts in the State of Montana. He stated that the speed limit is 20 mph in front of Winans and Geysler Street is part of the Urban Route, and the speed limit was set when Geysler Street was rebuilt by the state. He stated that they have not ever received a request for a 15-mph speed limit at Main and Geysler, but it is something they could take a look at.

Chair Nootz encouraged community members to get with the City Manager directly about items that they would like to see on the agenda or website.

The City Manager stated yes, that is the most appropriate way to get items on the agenda. He stated his phone number is 406-223-4475 or can be reached via email CityManager@LivingstonMontana.org

5. Consent Items

- A. APPROVAL OF MINUTES FROM JANUARY 20, 2026, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLOSED SESSION MINUTES FROM JANUARY 20, 2026, REGULAR MEETING**
- C. APPROVAL OF CLAIMS PAID 1/15/26 - 1/28/26 [PG.27](#)**
- D. REAPPOINTMENT OF BAILY GOODWINE, FRANK O'CONNOR AND FORREST HUISMAN TO THE CONSOLIDATED LAND USE BOARD [PG.33](#)**

Vice Chair Willich pulled A

Commissioner Wilcox pulled D

Vice Chair Willich motioned to approve Consent Items B & C, seconded by Commissioner Wilcox. Unanimously approved.

Vice Chair Willich gave a name spelling correction in Consent Item A.

Commissioner Wilcox shared that she worked with the 3 Land Use Board members and is happy to seem them want to continue to serve on this board.

Commissioner Wilcox motioned to approve Consent Item A with Vice Chair Willich's amendment and item D, seconded by Commissioner Daniels. Unanimously approved.

6. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING FEBRUARY 16, 2026 AS PRESIDENTS DAY IN LIVINGSTON, MONTANA [PG.36](#)**

Chair Nootz read the proclamation.

The City Manager thanked everyone who showed up tonight to share participation and civic responsibility.

7. Scheduled Public Comment

8. Action Items

A. DISCUSSION REGARDING GRADE SEPARATED RAIL CROSSING [PG.38](#)

The City Manager stated this item is a discussion and to review survey results, and it is on the agenda at the request of 2 Commissioners. He gave a brief presentation on this item.

Commissioner O'Neill expressed thoughts about mailing surveys and did a calculation on mailing these to the community. He wants to do better at communicating these things to the public.

The City Manager stated that he shares the frustration with the lack of response on the survey, and he stated it was also advertised in the newspapers. He stated that a 5% response rates provide them with actionable data and is a good response rate for a community.

Commissioner Wilcox asked if there is money in this budget to help determine location, and if a location is determined, is there money in the budget for an engineering plan. She wondered what the cost would be to do mailings.

The City Manager stated the City Commission did set funding for this reason in FY26. He stated there is over a million dollars that is appropriated in the transportation impact fee fund that could be used for a study. He stated that the next step after determining to proceed would be a request for proposals related to alternative analysis to review possible locations and to evaluate their feasibility, traffic and development impacts, cost, and constructability. The goal would be to arrive at a locally conferred alternative that could be presented to the voters. He stated it is better to present something to the voters before designing it.

Commissioner Wilcox expressed that it would be beneficial to get the voters as much information as they can before voting on it. She asked how it works to get an initiative passed for the City.

The City Manager stated the City will only provide information to the public up until the Commission decides to put it on a ballot, then after that the communications are very limited.

Commissioner Daniels brought up the 2008 location and if it's still possible to use and why it fell apart.

The City Manager stated there were some administrative process issues, including a lost password on a government grants website, and funds were rescinded. He stated the location was at Star Road and that is why the City owns 101 Start Road, it was supposed to be the crossing location and T and HWY 10.

Commissioner Daniels wondered if they are able to review those previous plans.

The City Manager stated yes, he has them on file at City Hall.

Chair Nootz stated that the money set aside in transportation impact fees are not just for a crossing. She asked what other things those funds could be used for.

The City Manager stated impact fees are derived off a list of capital projects that was determined in 2019. In several years they will revisit the list of impact fees and have a list of new projects.

Chair Nootz stated the Commission has been pushing to set money aside knowing they would have to do something with it, and they were able to do that within the budget.

The City Manager stated yes, and recalled there was a negative finding in the audit that showed the transportation impact fees balance was too high. He and the Finance Director communicated with the state the reasoning for this and it was accepted by the state.

Chair Nootz asked about the Crossing by PFL and if we can turn it into a legitimate crossing.

The City Manger stated the crossing referenced by Chair Nootz is not an at-grade crossing that is recognized by the Federal Railroad Administration. In order for us to use that as a crossing, the City would need to do some paperwork and process with FRA, but they are typically moving in the opposite direction and trying to eliminate at-grade crossings.

Chair Nootz asked what the meeting is that is happening on Thursday.

The City Manager stated it is an informational meeting related to Montana Street Reconstruction Project.

Chair Nootz asked if Bennett Street improvements were to happen, would it include a conversation with MDT to alert drivers and improve safety in that area.

The City Manager stated they would be happy to have those conversations and MDT has been very receptive.

Public comment was offered by:

- Steve Koontz stated that he and George Denton worked on this 10 years ago and they put together a 3-ring binder about the project. He gave his opinion as a contractor that this project is easy to do.
- Max Johansen clarified that the project Steve referenced is located at Northern Light BLVD connecting to HWY 10. He expressed thoughts that it would be cost effective and low environmental impact.
- Patricia Grabow expressed that she is advocating for the Northern Lights Blvd crossing.
- Linda Mahr asked about the \$625,000 from 2008 that was going to be collected from property taxes and wondered if any of that was actually collected and is it still available. She added that they wouldn't need to mail the survey, just add it as a statement on the utility bill. She asked about something on the map that was previously shown.
- Linda Tang asked about what construction is going to be happening on Montana Street.
- Laura Maxwell expressed appreciation for this project, but she is concerned about a train blocking both crossings and the underpass being full, and wondered how emergency teams get through.
- Leslie Feigel asked about a north side satellite EMS and Fire Center. She also gave her personal travel data for each crossing, which she expressed would be good communication to the public. She also stated that the Chamber has different mail rates that the City could take advantage of for mailers. She also stated that her thoughts with the Wellness Center going in that Bennett Street will need to be fixed regardless.
- Becky Bird expressed concern about communication from the City and Commission about these things and doesn't feel the responses they received are good numbers, and wants to know why 5% is good return and what happens if they had a larger turn out from survey responses. She would like the Commission to figure out a way to get word out about things to the community whether it is mail, email or text. She would like to see less distinction between north and south side when it comes to community topics or issues.

- Tammy Lewis asked why could only residents of Livingston participate in the survey when the crossing will also be used by resident of the County.

Commissioner Daniels motioned for a 10-minute break, seconded by Commissioner Wilcox. Unanimously approved.

Chair Nootz asked for clarification on the \$625,000.

The City Manager stated that the \$625,00 was levied and collected. The funds were used to do the design and obtain 101 Star Road.

Chair Nootz asked about what is happening on Montana Street.

The City Manager stated the project will not start until 2028 and the first meeting is 2/5/26 at the Field House at 5:30. He stated it will be streamed and there will be additional meetings. He stated the project is reconstruction of the Montana Street.

Chair Nootz asked for clarification on what was shown on the map by PFL.

The City Manager stated that what she was looking at is a private driveway.

Chair Nootz asked about polling vs. statistically significant research.

The City Manager stated he has done survey work prior to working in the City of Livingston, so he is familiar with how survey feedback should look. He stated he would have been happy with 200 responses back, and knows the return on surveys is adequate to pull data from. He stated he has 1,300 subscribers for the newsletter, and he was a little surprised that we only received 300 responses because he thought there would be more. He shared the link to subscribe and view the newsletter <https://www.livingstonmontana.org/citymanager/page/city-newsletter>.

Chair Nootz asked about mailings.

The City Manager stated that from his experience in surveys it is very common that surveys are not sent back without return postage. He stated that postage would be a lot for these mailers, as you pay for outgoing and return postage. He also shared the calculation for printing color copies for the mailers and they are about 10 cents per page, and shared that to do something like the spring flyers it is around \$5000.

Chair Nootz asked for clarification on why only City residents could take the survey.

The City Manager stated he does not view City and County residents differently, but it does come down to taxation, and reminded that taxation inside City limits is the responsibility of the City Commission and they do not have the ability to impose a tax levy for residents outside of City limits.

Chair Nootz asked for clarification on safety.

The City Manager stated that public safety is the number one priority. He stated that they do rely on all services to provide safety in Livingston include Rural Fire. He reminded everyone that calls are responded to in under 6.5 mins. He stated there was a study done in 2024 that shows emergency response data. He also works with the Fire and Police Chiefs to review the emergency response plans, and they are working on evacuation plans. He stated the levy is up in a few years and will have to be looked at during that time, and will be discussed at a City level

and County level. He clarified that a northside station building would be the cheapest part of that thought process, as staffing would be the most expensive part. He recalled for everyone that a lot of our EMS calls are in the County and down 89 S. He stated that they have taken many steps to improve the safety profile in Livingston, and also realizes that in years to come there is room for community conversation around safety.

Chair Nootz asked about some testing Police and Fire did with their ability to respond.

The City Manager stated that in the event that both crossings are blocked and the underpass is flooded, they do have the ability to talk with BNSF to move the trains out of the way, if that does not work, then they would bring out gravel and create their own road across the tracks, and the City Public Works team can do that quickly. He stated that a test was done with traffic in the underpass going on both sides, and emergency vehicles can get through, and the underpass will allow 3 cars wide.

Chair Nootz reassured the public that she has talked with the Fire Chief about some pretty serious scenarios about getting help to places with no road and he was very calm and gave good plans on how to handle situations like that.

The City Manager shared the remainder of the presentation.

Chair Nootz asked if 5th Street applied to the City or was the state funding it.

The City Manager stated that the state is funding the base project, but if features, such as a quiet zone, are added there could be local cost.

Vice Chair Willich asked for clarification on what a quiet zone is.

The City Manager stated that a quiet zone is a stretch of rail where passing trains do not have to sound a horn as they approach a crossing. It would reduce a lot of horn noise that is heard in the community. He clarified that they cannot eliminate all horns because for emergencies horns would still be used.

Chair Nootz asked about the Main/B Street underpass and how it gets paid for, and the same with Bennett Street. She understands there is a tax cost, but wondered if it goes to a ballot.

The City Manager stated those projects could be lumped together and go into a debt funding general obligation bond. It would require approval from voters. He stated that \$1 Million is on the high end for both locations and it is conceivable that both projects could be funded just as one year one time assessments through the street maintenance fund.

Commissioner Wilcox expressed wanting to keep the ball rolling on this project and would like to see the location assessment and figure out what would go on the ballot. She stated that it seems like the project at 5th Street is already in motion and would just like the City Manager to keep them posted. She would be interested in hearing about the relationship with The Depot, as they will be impacted by the crossing at 5th Street. She is in favor of getting things done as quickly as possible, and as quickly as the community will support.

Commissioner O'Neill stated he wanted them move forward with a site location so they can move forward with a crossing. He stated he did check out the Northern Lights location for a crossing and feels like it is a good location. He expressed that Sun Rd. would be a good place for a fire station. He stated that Bennett Street is a priority.

Commissioner Daniels stated that they need to move forward with the assessment for the crossing. She expressed frustration from the past attempts and hearing that funding was lost at one point, and she really wants to see this move forward. She agrees with lumping the 2 projects together, like Commissioner Wilcox explained.

Vice Chair Willich shared some statistics and math and ultimately would like to see another 150 people give responses for the survey in the next round. He expressed thoughts in use for crossing locations and how they benefit certain people in certain locations. He understands that 5th Street is already a work in progress and shared that Bennett Street seems to be a priority in his mind with the Wellness Center going in.

Chair Nootz expressed liking the information from the survey. She also expressed agreement with fellow Commissioners on finding a location. She would like to really consider non-vehicle traffic when looking at the 5th Street crossing. She stated she would like to see what they could do with the underpass. She also expressed agreement to prioritize Bennett Street. She expressed that this topic would be great to incorporate into a Town Hall meeting.

The City Manager reviewed the discussion and stated the 2 highest priorities are to begin the alternatives analysis on the grade separated crossing and to get started on the Bennett Street crossing. He stated they will continue to work on 5th Street.

B. DISCUSSION OF CONGRESSIONALLY DIRECTED SPENDING REQUESTS [PG.44](#)

The City Manager stated this item is for potentially sending a letter to Senator Sheehy's office for congressionally directed spending requests. They can submit up to 3 requests for funding for projects. The funding would be appropriated and included in the federal FY27, which begins on October 1st of this year. Funds may not be available for up to a year after the passage of the appropriations bills. Per the guidelines, the funds cannot be for salaries for benefits for employees, projects for beautification purposes, or provide construction for buildings to conduct local government services. He stated that they do have a call with the Senator's office coming up and will seek some clarification on the guidelines, but based on the guidelines they don't believe these funds could be used on a fire station or similar project. Applications are due by March 15th and require 5 letters of support. The idea tonight is to introduce the possibility of this and get some ideas, then place this item on the agenda for the first meeting in March for finalization.

Commissioner O'Neill asked the City Manager what 3 ideas they are looking at currently.

The City Manager stated at a staff level they have a lot of ideas because they do have the capital improvement plan that directs them, and the Growth Policy that identifies some priorities, and they also have the Commission's priority list.

Public comment was offered by:

- Patricia Grabow expressed priorities as the crossing and land around the Wellness Center.
- Tara Eddy would like to see this money used for the railroad crossing.
- Linda Mahr would like to prioritize escape plans and communicating those to the public.

Commissioner Daniels asked if just 1 out of the 3 would be approved or could all 3 be selected if we win.

The City Manager stated he reads it as we could get 1 or maybe none.

Commissioner Daniels stated a priority for them is a Veterans Memorial, but wondered if that would be considered beautification.

The City Manager stated that this is a question they intend to clear up in their call about the guidelines.

Commissioner Daniels expressed excitement about this item.

Commissioner Wilcox stated she would like to see a small, medium, and large project submitted. The crossing for the large request, stormwater could fit in for medium, and disaster planning for a small project. She wondered if there is anything they can do as Commissioners to advocate for their applications.

Commissioner Daniels expressed agreement with Commissioner Wilcox.

Vice Chair Willich agreed that the railroad crossing is number one on the list, and he would also like to see the Veterans memorial on the list. He would also like to see lagoon work on the list.

Chair Nootz stated they should do stormwater before they do anything with the lagoon since it will likely just get dirty again. She is interested in what staff comes up with for projects, and she also pointed out that there are projects that are more likely to be funded than others. She expressed that she is really interested in stormwater.

Vice Chair Willich clarified he wanted to work on the lagoon as part of stormwater for infrastructure so water goes in cleanly.

Commissioner Daniels reminded everyone that they need to consider when funding will come through for these things, and gave the example of the Veterans Memorial, and if it's a high priority for the Commission do they want to wait for funding to come through for this.

Chair Nootz stated that she saw vehicles funded in the examples, and it would be great to know if the City has expensive vehicles that need upgrades.

C. RESOLUTION 5181: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA UPDATING THE FEE SCHEDULE AND CHARGES FOR ALL CITY DEPARTMENTS [PG.50](#)

The City Manager stated this is the second time they have seen this item and it was brought back for additional discussion of child graves. He stated there is a limited number of child graves in the cemetery, and typically what happens with child graves is they are purchased if a child dies before their parents and they are placed in the children's section, but then are disinterred when their parents pass away and placed with them in a full grave, which then leaves the child grave open for resale. They did adjust the fee schedule to make child graves \$0 for City residents and \$157.50 for non-residents. He also addressed that a topic was brought up at the last meeting about non-profit rates for certain event applicants, and he offered a suggestion of different fee waivers.

Commissioner O'Neill stated that a lot of the fees feel like they are double dipping because they are paying taxes for the services, then collecting fees to perform the service.

Public comment was offered by:

- Leslie Feigel asked for clarification on resident vs. non-resident fees. She doesn't understand why fees are on there for services that people are already on shift for or equipment being used. She stated that other towns do not use a fee schedule like this, so it was hard to find comparative data.
- Patricia Grabow expressed that the fees being charged for events are too high, especially event bringing business to downtown.

Chair Nootz asked for clarification on if this is double dipping and if they taxing folks twice.

The City Manager stated no, they are not charging folks double. He stated fees are enabled by MCA for certain services that the City provides to the private sector. He reviewed some examples of fees they can charge for and why. He stated that other cities do use a master fee schedule, as do various other cities around the state.

Chair Nootz asked for an explanation on the fee schedule for special events and departments such as Police and Fire.

The City Manager stated there is normal duty work the Police and Fire/EMS do, so for events they bring in unscheduled personnel and provide specific detail staff to that event. He reminded that the Police and Fire/EMS presence at larger events where alcohol is consumed is important because those events do pose certain public safety risks. He reminded that for trash collection, that team works from 4 am to 1 pm, so events where trash needs to be collected is over time for them.

Chair Nootz asked why they cannot change the trash collection shift on days of events.

The City Manager stated that alleys are less crowded at 4 am for trash collection, and there are also union work rules and schedules they have to follow.

Chair Nootz asked for clarification on resident vs. non-resident.

The City Manager stated that resident vs. non-resident fees mostly exist the Recreation Department, and that is because rec programming is not 100% cost recovery. They only recover 30% - 35% of costs in the rec department. The rest is covered by the general fund, which is in large funded by property tax, and property tax in Livingston is paid by City residents, so that is why there is a difference in fees for resident vs. non-resident.

Chair Nootz asked about cemetery funding and surplus.

The City Manager stated the cemetery fees are for recovery of labor that is involved, and this is a perpetual need, so there is a perpetual fund, meaning there is a limited time of plot sales, but an unlimited time that that location will need to be taken care of and maintained.

Chair Nootz asked why fees are not waived for the Chamber of Commerce.

The City Manager stated if the Commission wants, they could issue individual fee waivers. He stated that with that will likely come equal treatment issues. He stated they would likely get a fee waiver from every event that is put on.

Chair Nootz asked about the fee waiver idea on page 62 and wondered what the process would be.

The City Manager stated the current process is the fee waiver request comes directly to him, and he denies those because the Commission has not approved fee waivers, with the exception of the

Community Thanksgiving and Christmas dinners. If the Commission were to create a fee waiver process, they could delegate that to the City Manager, and the example listed opens it up for government partners that Livingston residents are taxpayers into. He stated that they could adjust the language to state that the Commission could grant the waivers.

Commissioner O'Neill expressed that his issue with the fee schedule is around special events, and he feels that they may not eventually have a parade because fees are so high. He suggested potential discounts.

Commissioner Wilcox expressed appreciation that the fees were waived for the child graves. She stated that she does not agree with waiving fees for one organization when they have not even heard from other event holders. She wondered if there are other organizations that could help the Chamber offset cost for their events that does not include waiving fees from the City. She likes the language on fee waivers on page 62 and would like to see decision making for fee waivers stay with staff.

Vice Chair Willich thanked the City Manager for the child grave fee being removed. He suggested that for this year the City works with the Chamber for fees that work for both groups.

The City Manager stated that TBID does offer grants for up to \$10,000 for events that bring tourists to Livingston.

Chair Nootz stated that TBID has said that the Chamber is invited to apply for funding for the parade. She asked if they are cutting fees, then where do they make up that cost somewhere else. She also wondered what stipulations would be put around the parade if they are waiving fees. She stated they get a lot of feedback from the community about what goes on in the parade and what control the City has over the parade.

Commissioner Daniels asked if they have to decide all of it right now or if some parts come back later.

The City Manager stated it is possible to approve it tonight and direct him to bring the waiver back at a later date. He stated he does hear feedback after every event, and with events there is risk and liability and legal issues that do come with waiving fees, and ensuring compliance in all aspects would be very important.

Vice Chair Willich expressed understanding of the legal issues that come with waiving fees.

Chair Nootz stated she is in favor of leaving decisions with staff if they leave the waiver for government entities.

Vice Chair Willich motioned to approve this item, seconded by Commissioner Wilcox. For: Chair Nootz, Vice Chair Willich, Commissioner Daniels, Commissioner Wilcox Against: Commissioner O'Neill

9. City Manager Comment

The City Manager thanked the Commission for the meeting tonight.

10. City Commission Comments

Commissioner O'Neill stated, in regards to variances, he would like to see a zoning change from 7000 square foot for a 3 unit dwelling, and reducing to 6400 sq. ft. and wondered how to get it on the agenda.

Chair Nootz clarified that they cannot discuss this item as it is not on the agenda, and asked the City Manager how to get it on the agenda.

The City Manager stated Commissioners can request something be placed on the agenda with a motion and a second. He stated specifically about this item there is a zoning text amendment working its way to the Commission.

Commissioner O'Neill motioned to bring his item back before the Commission, seconded by Commissioner Daniels.

Commissioner O'Neill asked about the Watson subdivision.

The City Manager stated they have had some conversations with the family about reconfiguring some existing roads out there. He stated they do not have any applications in for any development on the Watson subdivision and no conversations being had other than some road configurations and possibly a municipal well site out there.

Commissioner Wilcox thanked everyone for a nice evening.

Commissioner Daniels expressed thanks to the public for their comments tonight regarding the crossing and hopes to get more input from the community in the future.

Vice Chair Willich gave a big shout out to the Water Department and Police Department for responding to a water issue at a place that belongs to his mother-in-law.

Chair Nootz gave thanks to the public for being respectful and polite. She expressed that she feels the new Commission is working well together.

11. Adjournment

9:57 PM Vice Chair Willich motioned to adjourn, seconded by Commissioner O'Neill. 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 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).

The Chair shall have the discretion to solicit comments from the public in the following order: (1) residents of the City, (2) business owners or operators in the City, (3) other organizations conducting operations in the City, and (4) residents, businesses or organizations from outside the City. The Chair may limit each person's comment period to not less than three (3) minutes.

- Meeting Recording: An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Clerk. 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 City meetings, please contact the City Clerk at least 24 hours in advance of the specific meeting you are planning on attending.