



Livingston City Commission Minutes

May 03, 2022

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/83942865702?pwd=UFPVVG8wTDhTczd6UkFCSnk1SzdZd>

Meeting ID: 839 4286 5702 **Passcode: 441921** Call In: (669) 900-6833

1. Call to Order

2. Roll Call:

In attendance: Chair Melissa Nootz, Vice-chair Karrie Kahle, Commissioner Friedman, Commissioner Schwarz, and Commissioner Lyons. Staff in attendance: City Manager Michael Kardoes, HR Director Lisa Lowy, City Attorney Courtney Lawellin, Public Works Director Shannon Holmes, Recording Secretary Faith Kinnick

3. SPECIAL ACTION ITEM: DISCUSS/APPROVE/DENY: ACCEPTING THE CITY MANAGER'S NOMINATION OF JOSHUA CHABALOWASKI TO SERVE AS FIRE CHIEF. (00:01:53)

- Kardoes introduced Chabalowaski to City Commission
 - Chabalowaski made comments
 - Schwarz welcomed Chabalowaski to the City
 - Friedman welcomed Chabalowaski to the City
 - Kahle asked a few questions
 - Lyons welcomed Chabalowaski
 - Nootz welcomed Chabalowaski
 - Motion by Schwarz, second by Friedman
- All in favor, passes 5-0

4. Public Comment 5:44 p.m. (00:10:06)

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)

- Becky Douglass made comments
- Chuck Tanner made comments
- Julie Walker made comments
- Christina Nelson made comments
- Leslie Feigle made comments

4. Consent Items 5:59 p.m. (00:24:12)

- A. APPROVE MINUTES FROM APRIL 5, 2022, REGULAR MEETING.
- B. APPROVE APRIL 22, 2022, SPECIAL CITY COMMISSION MEETING MINUTES.
- C. RATIFY CLAIMS PAID 03/16/2022-04/20/2022.

- Motion by Friedman, second by Kahle
All in favor passes 5-0

5. Proclamations 5:59 p.m. (00:25:00)

- A. NATIONAL PUBLIC WORKS WEEK PROCLAMATION, MAY 15 – 21, 2022, “READY AND RESILIENT”.

6. Scheduled Public Comment (Will reschedule)

- A. RON NEMETZ, CHAIR, OF THE HISTORIC PRESERVATION COMMISSION, PRESENTS THE 2021 ANNUAL REPORT.

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 6:01 p.m. (00:28:00)

- A. RESOLUTION NO. 5032: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT AMENDMENT WITH THE MONTANA DEPARTMENT OF COMMERCE FOR AN EXTENSION OF THE MONTANA MAIN STREET CONTRACT # MT-MMS-20-006.

- Kardoes introduced item
- No clarifying questions by Commission
- Motion by Lyons, second by Kahle
- No public comments
- Lyons made comments
- Kahle made comments
All in favor, passes 5-0

- B. RESOLUTION NO. 5033: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN PROPERTY ABANDONED OR SURPLUS AND DIRECTING THAT PROPERTY TO BE SOLD AT AUCTION. 6:06 p.m. (00:33:53)

- Kardoes introduced item
 - Lyons asked clarifying question
 - Kardoes answered
 - Motion by Kahle, second by Schwarz
 - No public comment
 - Lyons made comments
- All in favor, passes 5-0

C. RESOLUTION NO. 5034: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH WGM GROUP THE VIEW VISTA SEWER AND WATER EXTENSION PRELIMINARY ENGINEERING REPORT (PER), AND AUTHORIZATION TO EXECUTE THE AGREEMENT. 6:13 (00:38:54)

- Kardoes turned the meeting over to Shannon Holmes to introduce
 - Lyons asked clarifying question
 - Shannon dropped off call, Kardoes answered
 - Kahle asked clarifying question
 - Nootz asked clarifying question
 - Kardoes answered
 - Motion by Friedman, second by Kahle
 - No public comments
 - Schwarz made comments
 - Nootz made comments
- All in favor, passes 5-0

D. RESOLUTION NO. 5035: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT THAT GRANTS AN EASEMENT TO THE CITY THROUGH THE PROPERTY OF SCHOOL DISTRICT #4, AT THE HIGH SCHOOL, FOR THE INSTALLATION AND MAINTENANCE OF A SEWER LINE. 6:24 p.m. (00:50:22)

- Kardoes turned the meeting over to Shannon Holmes to introduce
 - No Commission questions
 - No public comments
 - Nootz made comments
- All in favor, passes 5-0

E. RESOLUTION NO. 5036: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH PARK COUNTY, FOR THE RELINQUISHMENT OF CONTROL OVER JOINT-OWNED PROPERTY, FOR THE DEVELOPMENT OF RECREATIONAL TRAILS ON OLD BOULDER ROAD. 6:29 p.m. (00:55:26)

- **Kardoes introduced item**
- **Lyons asked clarifying questions**
- **Motion by Schwarz second by Friedman**
- **No public comments**
- **Kahle made comments**
- **Lyons made comments**
- **Nootz made comments**
- **Friedman made comment**
- **Schwarz made comments**
- **Lyons made additional comments**
- **Kahle made additional comments**
- **Lyons noted edits to exhibit C, removing recital F**
- **Kardoes notified that striking information would make serious changes to insurance requirements**
- **Nootz would like to see the information in a staff report at the next meeting.**
- **Lyons made motion to postpone item to first meeting in June, second by Kahle**
All in favor to postpone, passes 5-0

F. RESOLUTION NO. 5037: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN FEDERAL AVIATION ADMINISTRATION (FAA) APPLICATION DOCUMENTS FOR FEDERAL ASSISTANCE- DESIGNATED FOR MISSION FIELD AIRPORT. 6:53 p.m. (01:19:23)

- **Kardoes introduced item and noted it included additional documents in the addendum, before turning over to County Planning Director Matt Whitman for additional questions**
- **Kahle asked clarifying questions**
- **Motion by Friedman, second by Scharz**
- **No public comments**

- Nootz made comments
All in favor, passes 5-0
- Nootz advised she will turn meeting over to Kahle for the next two items, pertaining to the library and will abstain from voting.

****5-minute recess** Reconvened at 7:03 p.m.**

G. RESOLUTION NO. 5038: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ALLOWING THE CITY TO SEEK PROPOSALS FOR A COMBINATION OF IN-PERSON AND VIRTUAL MEETING ROOMS IN THE LIVINGSTON-PARK COUNTY PUBLIC LIBRARY. (01:24:11)

- Kardoes introduced item
- Motion by Friedman, second by Lyons
- No public comment
- No commissioner comments
- Schwarz made comments
- All in favor, passes 4-0; Nootz abstain

10. Action Items 7:10 p.m.(01:30:53)

A. DISCUSS/APPROVE/DENY: FINAL CITY COMMISSION ACCEPTABLE USE OF CITY-OWNED TECHNOLOGY RESOURCES POLICY AND ACKNOWLEDGEMENT.

- Kardoes introduced item
- Nootz made comments
- No commissioner questions
- Motion by Schwarz, second by Friedman
- Nootz made additional comments
- All in favor, passes 5-0

B. DISCUSS/APPROVE/DENY: APPOINTMENT OF MEMBERS TO THE ARPA VISIONING AD-HOC COMMITTEE. 7:16 p.m. (1:37:05)

- Kardoes introduced item
- Nootz opened to applicant's comments
- Warren Mabie made comments
- Nootz asked for nominations
- Friedman nominates Cooper, Stevens and Mabie
- Schwarz nominates King, Cooper and Mabie
- Kahle nominates Stevens, Stands, and either King or Cooper

- Lyons nominates Mabie, Cooper, and Stevens
- Nootz nominates Stevens, Stands and Cooper
- Stevens received 4, Warren received 3, Cooper received 3
- Schwarz made motion for Stevens, Mabie and Cooper to serve on the Ad-Hoc Committee, second by Lyon
All in favor, passes 5-0

C. DISCUSS/APPROVE/DENY: LIVINGSTON CHAMBER'S REQUEST FOR FEE WAIVER FOR 2022 ANNUAL PARADE. 7:31 p.m. (01:52:05)

- Kardoes introduced item
- Kahle asked clarifying questions
- Motion by Friedman, second by Schwarz
- Leslie Feigle made comment
- Brian Deckard made comment
- Nootz asked Kardoes for clarifying comments
- Schwarz made comments
- Kahle made comments
- Nootz made comments, asked clarifying question about timeline and possibly bringing it back for the next meeting
- Kahle added Chamber could submit application to the TBID by next week and still be considered, Kahle knows this for a work related event
- Schwarz motioned to postpone consideration until the May 17th meeting, second by Friedman.
All in favor, passes 5-0

D. DISCUSS/APPROVE/DENY: LIVINGSTON AREA CHAMBER OF COMMERCE'S FEE WAIVER REQUEST FOR 16TH ANNUAL WHEELS CLUB CAR SHOW. 7:59 p.m. (02:19:34)

- Kardoes introduced item
- Kahle asked clarifying question
- Motion by Friedman, second by Schwarz
- Kathy Martin made comments not relevant to discussion
- Leslie Feigle made comments
- Christina Nelson made comments
- 406-697-7036 tried to comment
- Schwarz made comments
- Kahle made comments
- Kathy Martin interrupted Kahle

- Nootz redirected, and stated if it happens again, will be removed from the meeting.
- Kahle finished
All in favor, passes 5-0

Nootz turned meeting over to Vice-Chair Kahle, due to ethical conflict

E. DISCUSS: NOTICE FROM MMIA REGARDING DISCONTINUATION OF INSURANCE COVERAGE FOR THE LIVINGSTON CITY/COUNTY LIBRARY. (02:36:24)

- Kardoos opened the discussion
- Schwarz asked clarifying question
- Mitch Grady, Library Director made comments
- Lyons asked clarifying questions
- Kahle asked for comments from Library Board
- Jack Longbine, Library Board chair made comments
- Kardoos provided additional information
- Lyons made comments
- Jack provided additional comments
- Lyons asked additional question of Grady
- Motion to extend the meeting by Schwarz, second by Lyons 8:28 p.m. (02:49:24)
- Grady made additional comments
- Lyons asked process question
- Schwarz motioned the City of Livingston seek coverage for the Library that is adequate, second by Friedman.
- No public comment
- Schwarz made comments
- Lyons made additional comments
Passes, 4-0, Nootz abstain

11. City Manager Comment 8:39 p.m. (03:00:00)

12. City Commission Comments (03:00:32)

13. Adjournment 8:45 p.m. (03:06:12)

PUBLIC IN VIRTUAL ATTENDANCE:

1. Elizabeth Douglas
2. Leslie Feigle

11. Jack Longbine
12. Julie Walker

20. 406-839-4143
21. 406-697-1034

- 3. Matt Whitman
- 4. Warren Mabie
- 5. Theresa
- 6. Michael
- 7. Jason Bacaj
- 8. Jacob Nelson
- 9. Christina Nelson

- 13. Paula Flatt
- 14. Mitch Grady
- 15. Sara
- 16. Kathy Martin
- 17. Callie
- 18. Erica Strickland
- 19. 407-697-2265

- 22. 415-297-9105
- 23. 406-223-5921
- 24. 406-224-5315
- 25. 406-697-7036
- 26. iPhone User
- 27. Call in user
- 28. Call in user 2