



Livingston City Commission Minutes

August 03, 2021

5:30 PM

City – County Complex, Community Room
414 E. Callender St.
Livingston, MT 59047

1. Call to Order

2. Roll Call

In attendance: Chair Hoglund, Vice-Chair Schwarz, Commissioner Friedman, Commissioner Mabie in attendance, Commissioner Nootz absent. Staff in attendance: City Manager Michael Kardoes; Deputy Planning Director Mathieu Menard, Finance Director Paige Fetterhoff; and City Clerk Faith Kinnick.

3. Moment of Silence

4. Pledge of Allegiance

5. Public Comment (00:01:32)

- Cody Wood gave public comment

6. Consent Items (00:05:53)

- A. APPROVE MINUTES FROM JULY 20, 2021, REGULAR MEETING.**
- B. RATIFY CLAIMS PAID 07/09/2021-07/26/2021**
- C. ACCEPTING BOARD RECOMMENDATION TO FILL A VACANCY ON THE CITY ZONING COMMISSION FOR A MEMBER WITH AN UNEXPIRED TERM ENDING 12/31/2021.**
- D. APPROVE APPLICATION FOR ADDITIONAL HANDICAP PARKING TO SERVE RESIDENTS OF THE SHERWOOD APARTMENT BUILDING.**
- E. ACCEPT LIVINGSTON CITY COURT FINANCIAL REPORT FROM MAY 2021.**
- F. ACCEPT PLEDGED SECURITIES REPORT FROM JUNE 2021.**
 - Motion by Mabie, second by Schwarz.
All in favor, passes 4-0.

7. Proclamations

8. Scheduled Public Comment (00:06:54)

- A. SCHEDULED PUBLIC COMMENT: MATT FETTIG OF NORTHWESTERN ENERGY PRESENTS INFORMATION REGARDING NORTHWESTERN ENERGY'S LED RETROFIT PROJECT.**
 - Hoglund asked questions
 - Mabie asked questions

9. Public Hearings (00:16:10)

A. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES.

- Kardoes gave opening statement
- Chuck Tanner gave public comment (00:18:17)
- Hogleund asked clarifying questions
- Kardoes answered
- Mabie asked questions
- Paige Fetterhoff answered
- Motion by Schwarz, second by Friedman
All in favor, passes 4-0.

B. PUBLIC HEARING: ORDINANCE NO. 3012: 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 PARCELS GENERALLY KNOWN AS 1014 AND 1016 W. PARK STREET AND LEGALLY DESCRIBED AS SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #502, 120 BRONSON COSMIC ENTERPRISES INC (IMPT ON #28000), AND SECTION 24, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #500664 MELIN & ASSOCIATES INSURANCE AGENCY (IMPT ON #27950), AS HIGHWAY COMMERCIAL (HC). (00:23:40)

- Kardoes turned meeting over to Mathieu Menard
- No public comment
- Hogleund asked clarifying questions
- Menard answered
- Motion by Schwarz, second by Friedman
All in favor, passes 4-0.

C. ORDINANCE NO. 3014: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE V, ARTICLE VII, ARTICLE VIII, and ARTICLE IX, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING. (00:29:02)

- Kardoes turned meeting over to Mathieu Menard
- No public comment
- Hogleund made comments
- Motion by Mabie, second by Friedman
All in favor, passes 4-0.

D. ORDINANCE NO. 3015: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II OF THE LIVINGSTON MUNICIPAL CODE ENTITLED CITY COMMISSION AND CHAIR BY AMENDING SECTION 2-12 AS IT PERTAINS

TO LOCATION OF CITY COMMISSION POSTING BOARD, AMENDING SECTION 2-16 AS IT PERTAINS TO THE PROCESS FOR SETTING AGENDA, AMENDING SECTION 2-19 BY PERTAINING TO THE PROCEDURE TO CONDUCT BUSINESS. (00:33:22)

- Kardoos gave opening statement
- No public comment
- No Commissioner comments
- Motion by Schwarz, second by Friedman
All in favor, passes 4-0.

E. ORDINANCE NO. 3016: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND CHAPTER 27 OF THE LIVINGSTON MUNICIPAL CODE SECTION 27-3 ENTITLED MEMBERSHIP OF THE PLANNING BOARD, TERMS OF OFFICE AN QUALIFICATIONS, BY ADDING TWO (2) ADDITIONAL MEMBERS TO THE CITY PLANNING BOARD. (00:36:33)

- Kardoos gave opening statement
- No public comment
- Schwarz made comments
- Hoglund made comments
- Motion by Friedman, second by Hoglund
All in favor, passes 4-0.

10. Ordinances

11. Resolutions (00:40:05)

A. RESOLUTION NO. 4983: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.

- Kardoos gave opening statement
- No public comment
- Hoglund asked clarifying questions
- Motion by Friedman, second by Mabie
All in favor, passes 4-0.

B. RESOLUTION NO. 4984: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8TH STREET AND 72 NORTH 9TH STREET. (00:47:46)

- Kardoos gave opening statement
- Carrie Baliz made public comment
- Schwarz asked clarifying questions about property being grandfathered in.
- Kardoos & Menard answered
- Motion by Schwarz, second by Friedman
All in favor, passes 4-0.

C. RESOLUTION NO. 4985: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST. (00:51:48)

- Kardoes gave opening statement
- No public comment
- No Commissioner comments
- Motion by Mabie, second by Schwarz
All in favor, passes 4-0.

D. RESOLUTION NO. 4986: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE PROPERTY BETWEEN ARBOR DRIVE AND BENNETT STREET BOUNDED BY MILES LANE/CHESTNUT LANE, THE CITY TRANSFER STATION AND THE YELLOWSTONE RIVER IN SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST. (00:53:30)

- Kardoes gave opening statement
- No public comment
- Hogleund asked clarifying questions
- Motion by Schwarz, second by Friedman
All in favor, passes 4-0.

E. RESOLUTION NO. 4987: A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF ESTABLISHING A CHARTER FORM OF GOVERNMENT FOR THE PURPOSE OF CHANGING THE GENERAL POWERS FORM OF GOVERNMENT TO A SELF-GOVERNMENT FORM THROUGH A CHARTER. (00:58:10)

- Kardoes gave opening statement
- Rick VanAken gave public comment (01:05:33)
- Hogleund asked clarifying questions
- Schwarz made comments
- Mabie made comments
- Friedman made comments
- Motion by Friedman, second by Mabie
All in favor, passes 4-0.

F. RESOLUTION NO. 4988: A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF THE ISSUANCE OF A GENERAL OBLIGATION BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF ONE OR MORE SEPARATED GRADE RAIL CROSSING AND RELATED INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO. (01:13:26)

- Kardoes gave opening statement
- Beth O'Neil gave public comment (01:18:17)
- Rick VanAken gave public comment (01:20:28)

- Hogle made comments
- Mabie made comments
- Friedman made comments
- Schwarz made comments
- Hogle asked clarifying questions
- Mathieu Menard answered
- Motion by Schwarz to amend to include the updated mill levy information received, second by Friedman
All in favor, passes 4-0.

G. RESOLUTION NO. 4989: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN ANNUAL LEASE AGREEMENT WITH THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, FOR A TERM BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022.

- Kardoes gave opening statement
- Mabie made comments
- Schwarz made comments
- Motion by Schwarz, second by Mabie
All in favor, passes 4-0.

Recording stopped & restarted

12. Action Items C moved to beginning to allow Thomas to leave meeting early.

C. DISCUSS/APPROVE/DENY: REQUEST FROM THOMAS STORY OF MENDING THE LINE, LLC. FILM PRODUCTION, FOR TEMPORARY WAIVER OF 2-HOUR PARKING ORDINANCE ENFORCEMENT FOR FILM CREW BEGINNING AUGUST 31-SEPTEMBER 4TH.

- Kardoes gave opening statement
- Thomas Story made additional comments
- Leslie Feigel made public comment
- Schwarz made comments
- Motion by Schwarz, second by Mabie
All in favor, passes 4-0

A. DISCUSS/APPROVE/DENY: ACCEPTING CITY MANAGER'S RECOMMENDATION TO APPOINT KARILEE VALERIANO TO FILL VACANCY ON THE CITY POLICE COMMISSION.

- Kardoes gave opening statement
- Schwarz made comments
- Motion by Schwarz, second by Mabie
All in favor, passes 4-0

B. SCHEDULE A SPECIAL MEETING TO DISCUSS THE CITY'S GROWTH POLICY, STRATEGIC PLAN, FOCUSING ON PRIORITIES AND FUNDING.

- Kardoes gave opening statements
- Commission discussed and scheduled meeting for October 14, 2021 at 5:30 p.m.

13. City Manager Comment

14. City Commission Comments

15. Adjournment 8:00 p.m.