



Livingston City Commission Minutes

April 01, 2025

5:30 PM

City – County Complex, Community Room

Join Zoom Meeting

<https://us02web.zoom.us/j/84061574771?pwd=ORX9bo4XrJeo23QJ66bu7RQ2yPKjZo.1>

Meeting ID: 840 6157 4771

Passcode: 585214

1. Call to Order

Chair Schwarz called the meeting to order at 5:36pm

2. Roll Call

Commissioners Present

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

City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- Chief of Police Wayne Hard
- City Attorney Jon Hesse
- Public Works Director Shannon Holmes
- Solid Waste Superintendent Van Garrick

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)

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

Public Comment was offered by:

- Linda Maher asked for a consideration on how the utility bill is generated regarding the real rates vs. the average rates for the summer months and would like to see the month range change.

Vice Chair Nootz asked for this to be visited during the budget cycle and would like feedback from the Arborist to see if they feel the water cycle would be accurate.

Vice Chair Nootz motioned to see this topic in upcoming agenda conversations this spring seconded by Commissioner Kahle

4. Consent Items

A. APPROVAL OF MINUTES FROM MARCH 18, 2025, REGULAR MEETING [PG.4](#)

B. APPROVAL OF CLAIMS PAID 3/13/25 - 3/26/25 [PG.36](#)

C. CONTRACT 20165 WITH TD&H FOR CONSTRUCTION MANAGEMENT SERVICES [PG.52](#)

D. CONTRACT 20166 WITH ASKIN CONSTRUCTION FOR DOWNTOWN CAPITAL IMPROVEMENT PROJECT [PG.68](#)

Vice Chair Nootz pulled item D

Vice Chair Nootz motioned to approve consent items A – C seconded by Commissioner Kahle. Unanimously approved.

Vice Chair Nootz asked for clarification if the motion includes the contingency percentage for the project, or do they need to amend the motion as written in the packet.

The City Manager stated the motion includes the contingency language.

Vice Chair Nootz is in favor of the contingency, but would like to see this more clearly defined in the staff report in the future for the Commission and the public.

Vice Chair Nootz motioned to approve consent item D seconded by Commissioner Kahle. Unanimously approved.

5. Proclamations

A. PROCLAMATION OF THE CITY COMMISSISON OF THE CITY OF LVINGSTON MONTANA, DECLARING APRIL 13 - 19 2025 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK IN LIVINGSTON MONTANA [PG.103](#)

Chair Schwarz read the proclamation.

The City Manager expressed appreciation for the Dispatch team, and reminded the public we have opening in this department.

Vice Chair Nootz recalled that a dispatcher helped a laboring mom deliver a baby over the phone, and they thanked her for her service.

Chief Hard stated they had another dispatcher deliver a baby over the phone as well.

Vice Chair Nootz expressed a proud and cheerful thanks to the dispatch team for all of their hard work.

Chair Schwarz thanked the team as well as they were able to help his wife who was in a pretty serious car accident on the interstate and delivered a quick response to the accident.

B. PROCLAMATION OF THE CITY COMMISSISON OF THE CITY OF LVINGSTON MONTANA, DECLARING APRIL 2025 AS FAIR HOUSING MONTH IN LIVINGSTON MONTANA [PG.106](#)

Chair Schwarz read the proclamation.

Commissioner Kahle thanked the City Manager for bringing these types of proclamations before the Commission, and feels that fair housing is very important.

Chair Schwarz gave a shout out to Deb Kelly who brought this to his attention for the agenda.

The City Manager thanked Deb as well and stated that the County Commission read something similar at their meeting.

6. Scheduled Public Comment

7. Action Items

A. RESOLUTION NO. 5157: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING THE PARCEL AT 38 LOVES LANE. PG.109

Chair Schwarz expressed concern and disappointment regarding comments made on social media from the community and city employees.

The City Manager stated this item is a continuation from an item at the last meeting and it is a requested annexation on Loves Lane. He gave a brief presentation on annexations and this specific annexation request. He invited the applicant to include any details or comments they had.

Eric Garberg stated they believe the notary has been corrected, produced trip generation data, and believes they are in compliance with the annexation policy to be an extension of the city.

Commissioner Lyons asked where the data was for the trip generation.

Eric gave a brief description of the data from the trip generation. He stated this data was sent to the City Manager.

Commissioner Lyons asked about the 7 annexation guidelines,

The City Manager briefly ran through the guidelines ensuring they are met in this application.

Commissioner Lyons asked about process for extension of utilities.

The City Manager stated it is the applicant's responsibility for connection to utilities.

Commissioner Willich asked for clarification on which corner of the property has water and sewer, and wondered how it got there.

The City Manager stated it is the Southeast corner, and referenced his map from his presentation stating the adjacent property to the Southeast corner is part of City limits and does have utilities.

Commissioner Willich asked if this will be a dead end or be part of a loop.

The City Manager stated that there will be a loop that will be created with this project.

Commissioner Kahle asked what the contemplated zoning designation for this property.

The City Manager reminded that the zoning is at the discretion of the municipality, and with discussions with the applicant that this location will have professional offices, and he said the city will select a zoning designation congruent with that type of use. He and the Planning Director have discussed Highway Commercial or Mixed Use.

Vice Chair Nootz asked about certainty of the project.

Eric Garberg simply stated this is what his client does, they build federally occupied buildings, and it's the only type of development they do.

Vice Chair Nootz what opportunity this new space will allow? Will in included expansion or increased services for the public.

The City Manager stated that they know this building is roughly two times the size of the existing facility that they are operating in. The site plans do lead to believe there is an expansion in operations.

Vice Chair Nootz asked the City Manager to share why certain decisions are made in a public meeting, and some made at staff meetings.

The City Manager gave a brief description of MCA and LMC lay out these rules for governing bodies and for administrative functions.

Vice Chair Nootz motioned for a 10 minutes break seconded by Commissioner Kahle. Unanimously approved.

Commissioner Kahle asked for an explanation about the roads around this property.

The City Manager stated that Loves LN to Miller Dr. is City, and Miller to the North of Loves out to the interstate is not currently City.

Commissioner Lyons asked what the property tax revenue might be yearly for this property.

The City Manager stated the property tax value per year will be approximately \$2000 year.

Commissioner Willich asked if the Loves Lane one way will change to two ways.

The City Manager stated that they do not know the answer to that at this time.

Vice Chair Nootz motioned to approved Resolution 5157 seconded by Commissioner Willich

Public comment was offered by:

- Patricia Grabow expressed being an advocate for smart growth and in support of the current City Manager, but overall expressed disagreement with this annexation.
- Joseph Copenhaver expressed disagreement with the annexation of this property.
- Jamie Adams brought forward question about ownership of this property.
- Rita Rozier asked about landscaping including trees and if it will be included in the requirements.
- Patsy Carter expressed disagreement for this annexation due to traffic and negative impact to this neighborhood.
- Leslie Feigel expressed concern about the annexation process with following code and including the County in the process.
- Linda Maher expressed that it would be good for the public to hear about how they plan to deal with the road being a one way.
- Dave Carter expressed disagreement with this annexation due to traffic and will negatively impact surrounding area and neighbors

- Randy Carpenter representing Friends of Park County expressed disagreement with this annexation reading a list of reasons.
- Lisa Garcia expressed thoughts about gateways in this area and that this annexation goes against the growth policy.

Vice Chair Nootz asked for clarification on public works standards

The City Manager clarified that the public works standards are maintained by the Public Works Director, and he follows the guidance from standard road sections as they coincide with state requirements.

Public Works Director Shannon Holmes clarified that public works standards were approved 3 years ago, and he is currently working on an addendum.

Vice Chair Nootz asked for clarification on the property owner.

The City Manager stated during the current meeting he was able to check Montana State Cadastral and verified the owner listed is not the applicant, then has been in email contact with the applicant during the meeting where it was confirmed there is a signed purchase and sale agreement on the property and are in the process of having their information added to sites such as Cadastral.

City Attorney Jon Hesse stated he would like to see the Buy/Sell agreement to see what the conditions are for closing. He clarified that the statute is clear that they have to be the owner for annexation. He would like to know more about the LLC and the conditions for closing.

Vice Chair Nootz asked to clarify if the storage units in the area are in the city, and clarify landscaping.

The City Manager stated landscaping will be taken care of during the site plan review process.

Vice Chair Nootz asked for clarification around emergencies in this area, road maintenance, and development of properties that are in the city and what the process looks like.

The City Manager stated when a building permit and site plan permit are issued they are issued with requirements by the city, and before certificate of occupancy those requirements will need to be met. He expressed that the city is confident in their ability to provide emergency services to this area. He stated it is on and MDT urban route and it is an area that is routinely plowed.

Vice Chair Nootz asked about the relationship with the county in regard to annexation.

The City Manager stated referenced parts of his presentation that discuss this and clear up this topic and question.

Vice Chair Nootz asked about traffic solutions.

The City Manager reminded that the traffic part is not typically addressed during annexation, and brought up a rough site plan for the project that would indicate better traffic flow.

Commissioner Lyons asked about landscaping requirements and compliance.

The City Manager stated the property that is in question from the public is a project that has not yet been completed, and is considered to be still under construction, and a letter of credit is in place to make sure the work is completed and meets requirements.

Commissioner Willich asked about the Livingston ditch in reference to this property.

The City Manager stated the ditch is a private piece of infrastructure and they have a number of agreements with property owners where the ditch may run through. He stated the ditch will be reviewed during site plan review.

Vice Chair Nootz expressed concern about the buy/sell agreement and asked the City Manager if there is a recommendation for the Commission based on that information.

The City Manager stated he chatted with the City Attorney and he would like time to review the agreement, and stated it may be best to continue this at a future meeting.

Vice Chair Nootz motioned to withdraw her previous motion seconded by Commissioner Willich. Unanimously approved.

Commissioner Willich motioned to bring this item back on April 15, 2025 seconded by Chair Schwarz. Unanimously approved.

B. SECOND READING OF ORDINANCE 3057: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, GOVERNMENT AND ADMINISTRATION, OF THE LIVINGSTON MUNICIPAL CODE, BY CREATING A CONFLICT OF INTEREST POLICY. [PG.146](#)

The City Manager stated this is the second reading of Ordinance 3057 and it based on comments made and received at the January 7th meeting and has been through a first reading on March 4th.

Commissioner Willich motioned to approved Ordinance 3057 seconded by Commissioner Lyons.

Commissioner Kahle pointed out a typo that will need corrected.

Vice Chair Nootz pointed out on page 148 where she would like to see a language change, and pointed out inconsistency with big c vs. little c, and pointed out on page 151 a stronger language change.

Vice Chair Nootz motioned to amend the original motion with changes stated seconded by Commission Lyons.

Unanimously approved the amendment.

Unanimously approved the amended motion.

Vice Chair Nootz motioned for a 10 minutes break seconded by Commissioner Kahle. Unanimously approved.

C. DISCUSSION AND DIRECTION REGARDING SOLID WASTE HAULING PG.155

The City Manager stated this item has been a 2 year process that started in January of 2023 when the Commission approved to have a technical evaluation of the City's current and long-term solid waste disposal options. This was done to ensure what we were doing was the best option for the best value for taxpayers and ratepayers. The City worked with Herrera and had them evaluate alternative strategies to the City's solid waste operations. He said he is looking for direction from the Commission on how to move forward. The City Manager gave a brief presentation on this topic.

Chair Schwarz asked about the life expectancy of the landfill.

The City Manager stated he believes for a hundred years or so.

Commissioner Lyons asked about some net present values listed in the packet.

The City Manager clarified that net present value involves a discounting of cash and flows back from future to present day, and the net present value is greatly impacted by the time at which different cash flows occur. If there is larger savings in the future as discounted back to present day that ends up with a different number than if there are savings in the first couple of years.

Commissioner Kahle asked if we would be able to offer more or different services to residents.

The City Manager stated starting in May they will offer full Saturday Transfer Station availability, and possibly food waste composting and construction waste drop off and recycling.

Vice Chair Nootz expressed interest in staff feedback on this topic including the ability for the Transfer Stations ability to stay open if we go this route.

The City Manager introduced Van Garrick the Solid Waste Superintendent.

Van stated that within the last 6 months the City Transfer Station has had to close 6 or 7 days due to Republics inability to pick up, and if we do this ourselves we can manage when we can get trailers in and out of there on our schedule.

Public Works Director Holmes stated they would like to purchase a third trailer so they are able to accommodate this and maintain the City Transfer Station in all times of the year. He stated that Logan is 45 minutes away and they would easily be able to drive 3 trailers over a day, so shutting down really would not be an issue any longer.

Vice Chair Nootz thanked Van and his Division for their hard work during a challenging past couple of years. She asked the City Manager if staff would need to be expanded for this to work.

The City Manager stated that no additional staff will be needed.

All Commissioners expressed excitement about this transition and decision.

D. PURCHASE ORDER 20162 WITH TOM BANDSTRA FOR 2008 PETERBILT 389 TRUCK [PG.162](#)

The City Manager stated this item is to purchase the piece of equipment that would allow us to do self-hauling. This City opened this up for bid and received this bid which is included in the packet. The Solid Waste team has reviewed this piece of equipment and believe it would work well in their fleet.

Commissioner Willich asked how many more years we can get out of this piece of equipment.

Solid Waste Superintendent Garrick estimated about 20 more years.

Vice Chair Nootz asked what average price is for this type of truck.

Public Works Director Holmes stated this truck could easily go for \$110,000 to \$120,000

Commissioner Kahle motioned to approve this item seconded by Commissioner Willich.

Public comment was offered by:

- Linda Maher asked about who might take care of the maintenance and estimate for work.

Solid Waste Superintendent Garrick clarified he has reviewed those issues and found 3 mechanics around town who could take care of them.

All Commissioners expressed excitement about this piece of equipment and thoughtfulness in looking for deals on large items like this.

Unanimously approved.

8. City Manager Comment

The City Manager recognized Public Works Streets Superintendent Mike Stordalen for 25 years of services to the City.

9. City Commission Comments

Commissioner Willich gave a brief April fool's Day presentation

Commissioner Lyons expressed that the annexation discussion shows that they need to update the annexation policy

Commissioner Kahle agreed with Commissioner Lyons and thanked Public Works for attending tonight.

Vice Chair Nootz asked where the annexation policy update will fit in, and thanked the public and City Staff for attending tonight.

Chair Schwarz expressed concerns about threats made on social media and would like everyone to be more mindful about the things they say.

10. Adjournment

9:37 PM Commissioner Lyons motioned to adjourn seconded by Commissioner Kahle. 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.