



# Livingston City Commission Minutes

April 19, 2022

5:30 PM

VIA ZOOM

<https://us02web.zoom.us/j/84005139268?pwd=M1c0SXF0cnJECFcxYzFjUUNUNIZ4UT09>

Meeting ID: 840 0513 9268 Passcode: 817826 Call-In (669) 900-6833

## 1. Call to Order

## 2. Roll Call

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

## 3. Public Comment 5:36 p.m. (00:01:10)

- Leslie Feigle made public comment
- Patricia Grabow made public comment

## 4. Consent Items 5:41 p.m. (00:10:23)

**A. APPROVE MINUTES FROM MARCH 30, 2022, SPECIAL MEETING.**

**B. APPROVE MINUTES FROM APRIL 5, 2022 REGULAR MEETING.**

**C. RATIFY CLAIMS PAID 03/04/2022-03/31/2022.**

**D. ACCEPT DECEMBER AND MARCH PLEDGED SECURITIES REPORTS FROM CITY FINANCE DIRECTOR.**

**E. ACCEPT CITY COURT FINANCIAL REPORT FROM FEBRUARY 2022.**

**F. APPROVE APPLICATION FROM JOEL BOREN TO SERVE AS ECONOLOGGE REPRESENTATIVE ON LIVINGSTON TBID.**

**G. ACCEPT LBID'S RECOMMENDATION FOR THE RE-APPOINTMENT OF BRIAN MENGES, AND TYLER ERICKSON TO THE LBID AND WELCOMING JAMES LANGTEUX TO LBID.**

- Motion by Kahle to approve A-G, second by Friedman.  
All in favor, passes 5-0.

5. Proclamations

6. Scheduled Public Comment 5:42 p.m. (00:11:24)

**A. ADMINISTRATIVE SERVICES DEPARTMENT SPRING NEWSLETTER.**

- Kardoos shared on behalf of Lisa Lowy.

7. Public Hearings 5:50 p.m. (00:20:19)

*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)*

**A. ORDINANCE NO. 3030: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CITY ORDINANCE NO. 2041, 2049, 2055, 2098, AND 3024 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR CORE CONTROL AT 116 EAST GEYSER STREET AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.**

- Kardoos gave presentation
  - Motion by Schwarz, second by Friedman
  - No public comments
  - No Commissioner comments
- All in favor, passes 5-0.

**B. RESOLUTION NO. 5030: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF THE NORTH 12TH STREET RIGHT-OF-WAY ADJACENT TO LOTS 1-16 OF BLOCK 22 AND LOTS 17-32 OF BLOCK 23 OF THE PALACE ADDITION. 5:55 p.m. (00:24:56)**

- Kardoos gave presentation
  - Motion by Schwarz, second by Friedman
  - Brooke Weimer made comments
  - Lyons made comments
  - Kahle made comments
  - Schwarz made comments
  - Nootz asked clarifying questions
- All in favor, passes 5-0.

8. Ordinances 6:15 p.m. (00:44:46)

**A. ORDINANCE NO. 3031: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESCINDING ORDINANCE 3015, AMENDING ARTICLE II OF THE LIVINGSTON MUNICIPAL CODE ENTITLED CITY COMMISSION AND CHAIR BY AMENDING SECTIONS 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.**

- Kardoes gave presentation
  - Lyons asked clarifying questions
  - Nootz asked clarifying questions
  - Motion by Kahle, second by Lyons
  - No public comments
  - No additional commission discussion
- All in favor, passes 5-0.

**B. ORDINANCE NO. 3032: 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 SECTIONS 2-12 AS IT PERTAINS TO THE LOCATION OF CITY COMMISSION POSTING BOARD, AMENDING 2-13 AS IT PERTAINS TO THE TIME OF MEETINGS, AND AMENDING SECTION 2-16 AS IT PERTAINS TO THE PROCESS FOR SETTING AGENDA, 2-21 AS IT PERTAINS TO PUBLIC HEARINGS, AND 2-23 AS IT PERTAINS TO ORDINANCES AND RESOLUTIONS. 6:23 p.m. (00:52:27)**

- Kardoes gave presentation
  - Schwarz made motion to approve, second by Friedman
  - Patricia Grabow made comments
  - Schwarz gave his preference of minority only 2 Commissioners required
  - Lyons concurs with Schwarz
  - Kahle concurs with Schwarz
  - Nootz concurs with Schwarz, likes improvements, calls for amendment to the motion to approve with changes.
  - Kardoes offered simple solution, Commissioners concur.
  - Lyons made motion to amend Ordinance 3032, with suggestions offered by City Manager, Second by Kahle.
  - Nootz asked for roll call on original motion.
- All in favor, passes 5-0.

9. Resolutions 6:43 p.m. (01:12:59)

**A. RESOLUTION NO. 5028: RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INTENT TO APPROVE THE TRAILS AND ACTIVE TRANSPORTATION PLAN.**

- Kardoes gave presentation
- Nootz asked quick clarifying question
- Don Kostelec, of Vitruvian Planning gave presentation and update
- Lyons asked clarifying questions
- Nootz asked clarifying questions
- Kahle asked clarifying questions
- Schwarz made comments
- Motion by Lyons second by Kahle
- Robin Barker, of Livingston Bike Club made comments
- Patricia Grabow made comments
- Connor Cavigli, Parks & Trails Committee made comments
- Tim Stevens made comments
- Mathieu Menard made comments
- Erica Lightheiser made comments
- Lyons made comments, suggests amending resolution per Kardoes & public's recommendation to incorporate as an appendix to the Livingston Growth Policy.
- Kahle concurs with Lyons and city manager recommendation
- Schwarz concurs, would like to see it as appendix to Growth Policy
- Friedman made comments
- Nootz made comments, calls for an amendment to the original resolution.
- Lyons makes motion to amend the resolution to add the edit that it is incorporated in the Growth Policy, second by Kahle. Nootz asks Kardoes if that will suffice?
- Kardoes states yes, will add to Chapter 8 Transportation.  
All in favor, passes 5-0.  
Roll call on the original motion, all in favor, passes 5-0.

**B. RESOLUTION NO. 5029: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH MOUNTAIN AIR, FOR A TERM BEGINNING MAY 1, 2022, AND ENDING JUNE 30, 2025. 7:43 p.m. (02:08:35)**

- Kardoos reminded Commission of amendment with corrected lease was provided before giving presentation.
  - Lyons pointed out missing end date in Resolution
  - Schwarz made motion, second by Friedman
  - Johnathan Hettinger made public comments
  - Schwarz made comments
  - Lyons made comments
  - Friedman made comment
  - Kahle made comments
  - Nootz made comments, would like to remind commission to look at this topic during the Strategic Planning Meetings.
- All in favor, passes 5-0.

**C. RESOLUTION NO. 5031: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO ANNEX BY PETITION, CERTAIN LAND OWNED BY DAVID AND MARY HAUG. 7:56 p.m. (02:21:11)**

- Kardoos gave presentation
  - Nootz asked clarifying question
  - Lyons asked clarifying question
  - Lawellin answered
  - Kahle asked clarifying questions
  - Motion by Schwarz, second by Friedman
  - No public comments
  - Nootz asked additional question
  - Schwarz made comments
  - Lyons made comments
  - Friedman made comments
  - Kahle made comments
  - Nootz asked additional clarifying Zoning questions
  - Kardoos answered
- All in favor, passes 5-0.

10. Action Items 8:23 p.m. (02:48:00)

**A. DISCUSS/APPROVE/DENY: DRAFT CITY OF LIVINGSTON COMMISSIONER ACCEPTABLE USE TECHNOLOGY POLICY.**

- Kardoos gave presentation suggested adding language about Zoom
- Kahle asked clarifying questions regarding confidentiality and email systems
- Kahle made motion to approve, second by Schwarz

- Patricia Grabow gave public comment
- Kahle made suggested edits
- Nootz called for motion to extend the meeting by Schwarz, second by Kahle all in favor passes 5-0.
- Schwarz made comments
- Friedman made comments
- Lyons made comments
- Nootz made suggested edits
- Kardoes reviewed suggested edits, commission concurred.
- Schwarz would like to see final version come back before them.
- Kahle concurred.
- Kahle made motion to replace her original motion by making motion to postpone item for consideration with Kardoes suggested edits, and bring final version back to May 3<sup>rd</sup> meeting. Second by Lyons.
- Roll call on original motion, all in favor, passes 5-0.

11. City Manager Comment 8:43 p.m. (03:08:20)

- Shared update on Annual Joe Brooks Yellowstone River Clean-up
- Will bring update on Library to the next meeting
- Shared update on Municipal Code re-write.

12. City Commission Comments 8:45 p.m.

13. Adjournment 8:46 p.m. (03:12:00)

Public in virtual attendance

- |                           |                    |
|---------------------------|--------------------|
| 1. Leslie Feige           | 17. Jennifer Boyer |
| 2. Brooke Weimer          | 18. Davyd Rees     |
| 3. Tim Stevens            | 19. Jack Luther    |
| 4. Don Kostelc            | 20. Christina      |
| 5. Erica Lightheiser      | 21. Bike Shop      |
| 6. Mark Lightheiser       | 22. "A.K.W."       |
| 7. Jeanne Marie-Souvigney | 23. "Na"           |
| 8. Johnathan Hettinger    |                    |
| 9. Robin Barker           |                    |
| 10. Mathieu Menard        |                    |
| 11. Nicole                |                    |
| 12. Vicki Petry           |                    |
| 13. Mike Petry            |                    |
| 14. Rusty Trzpuć          |                    |
| 15. Connor Cavalli        |                    |
| 16. Andy Mitchell         |                    |