Livingston City Commission Agenda

September 16, 2025

5:30 PM

City – County Complex, Community Room

Join Zoom Meeting

https://us02web.zoom.us/j/88068182839?pwd=CQRm2CARdwFLQkLRHbf8kCl2c8jimH.1

Meeting ID: 880 6818 2839

Passcode: 023522

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1. Call to Order

5:33 PM Chair Schwarz called the meeting to order

2. Roll Call

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

City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- Chief of Police Wayne Hard
- Water Superintendent Ryan Townsend
- Public Works Director Shannon Holmes
- Project Manager Adam Balew

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)

Public comment was offered by:

- Leslie Feigel expressed willingness to work with the City and stated there are members of the community that don't understand how meetings work and how to address the Commission. She stated there is a petition going around about the Parks Master Plan survey deadline.
- Jay Keifer expressed concern about records requests and would like the Commission to stated what the Consent Items are that they vote on. He expressed concern about expenses.
- Lindie Gibson expressed that the bulb outs were a bad idea, she noticed the skate park was left out of the survey and would like to see a sign there, she doesn't like the idea of a bike path. She would like to see Livingston stay the way it is and stop improvements.
- Tom Kits asked about the noise ordinance and wondered why LPD doesn't have noise meters.
- Josh Congleton asked about the purpose of proclamations and impact of them. He wishes some of the Commission would have been at the Town Hall meeting. He questioned fees/rates for Wellness Center. He asked why the City is pushing the bulb outs.
- Phalle Colvin expressed concern about all the changes happening in Livingston and wondered about who pays for parks.
- Linda Maher expressed concern about the Parks Master Plan and would like to know more about it. She would like more time for the survey.
- Ginger expressed really liking Livingston the way it is and the kindness she receives here.
- Bob expressed not liking the bulb outs and would like the community to have more say in the Parks Master Plan.
- Patricia Grabow stated she thought the Town Hall meeting was really good.
- Rebecca Bird thanked the City Commission for their last meeting and discussion about the Wellness Center and the rail crossing. She expressed the importance of the Wellness Center for aging adults, and wants everyone to know it's a health generator.
- Jackie Feigel expressed that it is important to fix the sidewalks in residential areas.
- Katie Weaver expressed appreciation for the City Managers Newsletter and was also happy to have a response from Planning Director Severson.

Chair Schwarz asked about the records request Jay was referring to.

The City Manager stated he recalls the request and there were not records to provide and staff member was going to follow up with him, and he will check into this. He also stated that invoices are part of records that can be requested.

Vice Chair Nootz asked for clarification on the difference between consent items and action items.

The City Manager stated MCA states that the City Manager is responsible for setting the agenda for City Commission meetings, so the items more routine in nature and expect to get a unanimous vote for are placed on the Consent agenda, but reminded that Commissioners are empowered to question or remove any items from the Consent agenda.

Vice Chair Noot recalled that the Commission requested that items more administrative go on the Consent agenda.

The City Manager stated that LPD does have appropriate devices for noise readings, but will double check to make sure.

The City Manager stated the value of proclamations has been hashed out in a previous meeting and is on the website. He stated the proclamations related to employees are on the agenda because they work very hard and deserve the recognition and he will keep adding them to the agenda unless he is told otherwise.

Commissioner Kahle expressed that they do enjoy the ability to recognize City staff for what they do.

Vice Chair Nootz stated under this administration the current City Manager does make the effort to recognize staff publicly and she really appreciates that.

The City Manager talked about the brick structure in Bozeman Park and stated it is a historical marker. In regards to the Town Hall he was not invited to the Town Hall, nor were the City Commissioners. Several members of the public walked into City Hall looking for an agenda, and at that time is when he decided it was time to communicate with the public and let them know it was not a City sponsored event. Under MCA we did not have the ability for the City Commission to attend. He stated as City Manager it is disrespectful to go into a space where he has not been invited especially a space where community members are having a conversation about the City. He respects people's ability to congregate and to have conversations about the City without him present out of respect. He is always happy to attend an event when invited.

Vice Chair Nootz asked for an explanation on the temporary installation downtown.

The City Manager stated bulb outs were something brought up in the Parks Master Plan in late 2023 and early 2024, and they had over 600 participants in the downtown master plan process. They had surveys and focus groups and design cheret. The input received from the community during that process was distilled into the Downtown Master Plan. Bulb outs were one of many factors that were included in the Downtown Master Plan as items that the community wished to see. He stated that he and staff are action oriented and worked to identify several improvements form the Downtown Master Plan as well as the Trails and Active Transportation Plan, and implement them into a pilot project. He reminded that this round of feedback is not the first feedback they have received on the Parks Master Plan, and that the concepts presented to the public this round were base don the feedback received in the original surveys.

Commissioner Kahle reminded this is still in the draft process, so the final concepts have not gone out yet.

Vice Chair Nootz asked how folks can communicate their survey to City Hall.

The City Manager stated they can use PublicComment@LivingstonMontana.org or CityManager@LivingstonMontana.org or can be submitted on the website in the Contact Us link, or folks are welcome to stop in at City Hall.

Chair Schwarz expressed the bulb outs are not the greatest roll out, but he would like to see it done how it is at Callendar and 3rd and remain permanent.

The City Manager answered a commenters question about who pays for parks, and he stated the general fund is the primary funding source for parks. He stated about 14 months ago we started receiving public comment and public input on the Parks Master Plan and how the community would like to see the park's function, and current concepts are based on that. He clarified that sidewalks in residential areas are the responsibility of the property owners, and that is established in LMC.

Chair Schwarz asked what does someone do if they do have issue with sidewalks on somebody's property.

The City Manager stated they should notify the City so it can be inspected.

Vice Chair Nootz asked how much more time is there for the survey.

The City Manager stated it is intended to be closed at the end of the week. He stated folks can email him comments, or there are printed copies at City Hall.

4. Consent Items

A. **APPROVAL OF MINUTES FROM SEPTEMBER 02, 2025, REGULAR MEETING**

B. **APPROVAL OF CLAIMS PAID 8/28/25 - 9/10/25**

C. **JUDGES MONTHLY REPORT JULY 2025**

D. **LETTER OF SUPPORT PERTAINING TO NATIONAL HISTORIC REGISTER CORRECTION**

E. **APPROVAL OF AMENDED AGREEMENT 20144 WITH DISCOVERY VISTA LLC**

F. **CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR DONKEY DAYS EVENT ON SEPTEMBER 28, 2025**

Commissioner Willich motioned to approved Consent Items A-F, seconded by Commissioner Kahle. Unanimously approved.

5. Proclamations

A. **A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING SEPTEMBER 16, 2025 AS IT PROFESSIONALS DAY IN LIVINGSTON, MONTANA.**

Chair Schwarz read the proclamation.

The City Manager thanked the IT team for their hard work to keep things running.

6. Scheduled Public Comment

A. **COMMUNITY CLOSET INC. UPDATE ON ARPA GRANT-FUNDED PROJECT**

Karen Cooper gave a brief presentation.

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

7. Action Items

A. APPROVAL OF PRELIMINARY ENGINEERING REPORT FOR REGIONAL WATER PROJECT

The City Manager stated this item is the acceptance and review of the regional water projects preliminary engineering report. This report covers and area in the Northeastern corner of the City, primarily composed of Montague and Green Acres Subdivisions. The report helps to satisfy the requirement in MCA that a city may develop a plan to deliver services within 5 years of annexation. The report has been discussed with community members in the affected neighborhoods over the course of 5 different meetings. The project was mostly funded by a Montana Coal Endowment Program Grant. The report with be presented by Nicole from TD&H Engineering.

Nicole from TD&H gave a brief presentation.

Vice Chair Nootz asked about valving and the relationship between Green Acres water and the demands for the Wellness Center. She wondered if the Wellness Center infrastructure is tied to the Green Acres community.

Water Superintendent Ryan Townsend stated yes, currently where Green Acres is being fed from under the Wellness Center. He reminded of a water shut off they did to put in valves in the area that affected around 100 homes.

Vice Chair Nootz asked if every time the Wellness Center has issues that all of Green Acres will have to be shut off.

Public Director Holmes stated they are working on the Bennett Street water loop with BN, and he feels once this is done it will solve a lot of water issue between the Wellness Center and Green Acres. He stated the Commission has voted on the engineering, but it has not gone to bid for the project. They do have DEQ approval and it is in this year's budget.

The City Manager clarified that Green Acres is a private system that was constructed in 1959 and sits at the end of the system away from the wells and reservoirs.

Public Works Director Holmes stated they have no records to show how it was put in, but they do know there is asbestos cement pipe out there.

Vice Chair Nootz asked who pays for what in these kinds of projects.

The City Manager stated typically in a new development the cost of infrastructure is paid by the developer. In this situation when Green Acres and Montague were created, no public water was installed because they were outside of City limits. This area, in many ways, is a new development within the City by virtue of the annexation. The cost of development in those situation falls to the developer and ultimately the property owners.

Vice Chair Nootz asked about cost offsetting.

The City Manager stated that the presentation included several funding sources, and in his years of working in government show that large infusions of money from grants or things similar come every few years, and our last large sum came about 4 years ago, so he thinks it's possible to get more grant funding soon. He stated if this is approved the next step for staff is to identify funding for the construction of the project.

Vice Chair Nootz asked about timeline.

The City Manager stated it is impossible to imagine that this project would go to construction before the summer of 2027, and very likely it would be after that unless they find a lot of funding.

Vice Chair Nootz asked about the roads being put back to same or better condition.

The City Manager stated they have done some road improvements in Green Acres recently and as a result of a community meeting where there heard some comments. The cost estimate that was provided this evening is for the water work, so curb and sidewalks that don't currently exist would come as an additional and separate cost.

Vice Chair Nootz asked about the abandoned main.

Water Superintendent Townsend stated that the 10-inch water main was put in the area of the rear garages of Brookstone, and part of the problem is they do not have any plans or drawings for that area and because it's asbestos cement there is no way to locate it. The engineering plans for the development were going off of our best guess, which was off of the County's best guess.

Vice Chair Nootz asked if this City just doesn't have records for this because it wasn't in the City at the time. She also wondered if we typically do have to location maps for mains and things like that.

Public Works Director Holmes stated anything in the City we find the records, but because this was in the County none of the plats had any sort of dedicated water main easement.

Vice Chair Nootz asked if this will come before them again for rights-of-way and easements.

The City Manager stated no, because they are going to place the new main in the City's existing right-of way.

Water Superintendent Townsend stated in Brookstone development where it 90's to Maple is where they will be connecting the two mains.

Vice Chair Nootz asked how assessments compare to sewer project.

The Manager stated they are very similar. They are larger because it is a larger project. The Regional Sewer project was about $4 million and this one is about 50% larger. That is why the City has a heavy focus on finding external grant and loan funding.

Vice Chair Nootz asked about who decides what affordable is for folks that live out there.

The City Manager stated the City Commission is responsible for creating a special improvement district, so the project cannot move forward without City Commission approval. It is staff's responsibility to create a funding plan for any project going to the Commission and for this project they would do so in consultation with the residents of the affected neighborhood.

Commissioner Kahle asked if there is another timeline in place to start construction by a certain date.

The City Manager stated there is no statutory requirement to begin construction. When a project is fully designed and engineered and has DEQ approval to proceed, that approval is valid for 3 years. We are not precluded from seeking reapproval for another 3 years, but that is the only other clock that he is aware of.

Commissioner Kahle asked if all this work being done to Green Acres is because the Wellness Center is going in.

Public Works Director Holmes stated that decision was made when the Commission annexed this area. He stated that the Bennett Street water loop was in our Water PER back in 2015. It's been a project that would benefit everyone in that area.

The City Manager stated the shutdown that occurred related to the Wellness Center would have occurred for any other large development along the Bennett Street main.

Vice Chair Nootz clarified that that ultimately this is a function of a development that happened in the County, and if this had originally been built in City limits a lot of these safeguards would have been put in place.

Public Works Director Holmes stated yes, safeguards would have been put in place. Their goal is to not have more than 1 block of homes being out of water in any water main situation.

Public comment was offered by:

- Jane Gardner proposed a change to the draft PER and would like to stay on wells.
- Josh Congleton wondered if the City knew about all these projects before the annexation of this area. Does the Wellness Center get gain from the payments made from Green Acres. He aske about new development and their payments.
- Tracy Pelock stated she lives at the very end on Willow and heard she may have to pay more than other because there is not much there to work with system wise.

The City Manager stated the decision to stay on wells a question for the Commission if they would allow this. He stated at the time of annexation he was not an employee of the City, so he is not certain if it was known that these projects would being coming to the area. The Wellness Center falls outside of the project area, so is not be responsible for impacts in that area. He stated it is much to early to determine a cost per month on this project because we do not know the level on grant funding that will be received. He stated that placement on the line is not one of the 6 approved assessment methodologies in MCA.

Commissioner Willich noticed a lot of existing wells on the map and wondered if there a method from the state to allow pre-existing wells to be used for a period of time after annexation to save up for cost of connect to City water. He wondered about a 20-year plan or well testing requirements.

The City Manager stated it is the policy of the City in LMC that residential and commercial users receive their drinking water from the system.

Chair Schwarz expressed doing that for one or few people really open's it up for everybody else in town to be able to do something like drill a well for domestic water.

Commissioner Kahle expressed understanding that these are big bills. She recognizes that approving this preliminary report is something they have to do per state statute. She understands that they have a huge responsibility to find funding and a lot of it. She wants to be able to look to see if there are other options for residents for funding from organizations that help with that.

The City Manager stated that grant funding often comes with requirements to hook up to the system as it did with the regional sewer project. It is difficult to exempt people from the social connection.

Vice Chair Nootz answered the question about if they knew all of the things at the time this was annexed. She stated there was some known things, and some surprises, event to staff who are experts at this work. She expressed there were some things communicated clearly from the beginning, and also things that could have been communicated more clearly. She is glad to see that many things have improved in the process with Green Acres over the years. She understands there is more trust to be built, and doesn't blame folks for being nervous about what is to come. She expressed agreement with Commissioner Kahle about the importance of acquiring funding to support members of the community. She stated she would be willing to go to a public meeting with staff again because it can be helpful to hear things before, they make it to Commission meetings.

Vice Chair Nootz motioned to approve this item, seconded by Commissioner Kahle. Unanimously approved.

B. UPDATE ON CITY STORMWATER UTILITY

The City Manager introduced the item.

Commissioner Kahle motioned to take a 10-minute break, seconded by Commissioner Willich. Unanimously approved.

The City Manager gave a brief presentation.

Vice Chair Nootz asked for population clarification and with hotel bed numbers included we are closer to 9600. She asked about the 5% sample of residential properties and how it was representative.

The City Manager stated that looking at the 5% sample, the hope is that they will have a general understanding of the average impervious surface area of a single-family home.

Public comment was offered by:

- Michelle Lami spoke about the flood waters that occur on K Street and she expressed concerns about flooding of her home. She supports development plan of stormwater utility system.
- Jay Keifer asked where Headwater Economics receives their funding.

The City Manager stated there is a non-profit associated with Headwater Economics and they receive their funding from a number of different donors. They are a non-profit regulated by the Internal Revenue Service so they are required to file a form 990 that will detail their revenue. He encouraged community members that have questions to start with the 990.

Commissioner Willich stated this is something they should do and we have a responsibility to the river that we live on the banks of.

Commissioner Kahle expressed agreement with Commissioner Willich and stated she has experienced this flooding over the years. She stated this is something they have to move forward with, and she thanked Headwaters Economics.

Vice Chair Nootz expressed being happy that the numbers were lower than expected for the amount of service we will get.

Chair Schwarz stated he would rather get this going sooner than later.

C. DISCUSSION REGARDING POWERS AND DUTIES OF HISTORIC PRESERVATION COMMISSION

The City Manager stated in the 2025 session the Montana State Legislature made certain changes which removed the HPC's ability to review applications for work within the designated district. City staff is working through an update to the zoning provision of the LMC. As they work through the zoning code update, one of the steps that is being proposed internally by staff is to merge Chapter 31 into Chapter 30 as it makes sense for all things zoning to be in 1 chapter. In doing this they notice that Chapter 31 related to HPC is no longer in conformance with state requirements. He stated there is recommended language in the packet and have developed it to retain HPC as a body that exists to provide guidance to building owners, the City and other on matters of historic preservation. Two changes occur in 31.05 of LMC subsection F points 3 and 4 will be changed.

Vice Chair Nootz expressed that the appointment process seems fine as is, but wondered if they need a quorum because nothing goes to vote, its just recommendations.

The City Manager stated if HPC remains enshrined in LMC it is regulated by the open meetings law, which does require quorum.

Vice Chair Nootz asked about the 1 regularly scheduled meeting a month, she stated it says "shall" and thought it should be changed.

The City Manager stated they envisioned that to be that meetings will be held if there are applications, so they will change the word "shall".

Vice Chair Nootz asked about requirements for notice of meetings and the process and she thought it could be amended. She also asked about updated bylaws.

The City Manager stated yes, if there are changes related to the meeting schedule, like suggested, there would very likely be bylaw changes.

Vice Chair Nootz asked with the new state law if there are time constraints for staff about decision making.

The City Manager stated no. He stated he appreciates the updates and will include them in the Zoning update for Chapter 30.

D. RESOLUTION 5176: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING UTILITY AND ACCESS EASEMENTS GRANTED BY SUN MOINTAIN LUMBER INC. AND AUTHORIZING CITY MANAGER TO SIGN ASSOCIATED DOCUMENTS.

The City Manager stated a little over 1 year ago the City annexed the Sun Mountain property at the request of Sun Mountain Inc. As part of that process, water mains were installed on the property to provide fire protection and water service. The installation of water mains allowed the facility to reopen and save a number of jobs in the community. This is the last portion of this project. He stated City Attorney Jon Hesse worked with them to come up with an agreement that both parties agree on for the easement.

Commissioner Kahle thanked City Attorney Hesse for his work on this.

Commissioner Kahle motioned to approve this item, seconded by Commissioner Willich. Unanimously approved.

E. ORDINANCE 3063: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 14-92 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "USER CHARGE BASIS" TO CLARIFY THE BILLING METHODS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SEWER USERS.

The City Manager stated this seeks to change the winter billing period in LMC. This item is before the Commission in response to several requests of City residents to evaluate the period to more closely align the winter billing period with irrigation practices in the City. The Finance team engaged in a review of customer billings over the last 3 years, and the change will positively impact approximately 2100 residents, there is not expected to be an over all material degradation in revenue to the sewer fund associated with this because the overall usage will not change and the majority fall in the commercial or industrial class.

Commissioner Kahle asked if this ordinance is falling in line to make this all happen this year.

The City Manager stated yes.

Public comment was offered by:

- Josh Congleton asked for clarification on the numbers for benefit. He also wondered if there is a drop with this will the City later need to make up for it and charge higher somewhere else.

The City Manager stated it would be very difficult to pinpoint the reason for any rate action and really tie it to one specific cause because on the revenue and expense sides of that equation there are a great many changes that occur such as inflation or policy changes.

Commissioner Kahle stated this Commission changes and it's impossible for them to make promises for what other Commissioners might make decisions on.

Commissioner Willich expressed that it was pretty cool seeing something come before them from a community member and watching it move forward into policy for the whole City.

Vice Chair Nootz stated we can't predict what is going to happen in the future, but we know we can lower rates now, so why wouldn't they do it now.

Vice Chair Nootz motioned to approve this item, seconded by Commissioner Kahle. Unanimously approved.

8. City Manager Comment

The City Manager stated agreed with Commissioner Willich about good local government happening and expressed it's nice to see the Commission engaging with residents and making changes for the community.

9. City Commission Comments

Commissioner Willich he has not heard about the Town Hall prior to the event when he saw it in the paper, and stated he would have gone if he knew about it. He joked about the snow falling and winter coming.

Commissioner Kahle stated she also did not receive and invitation to the Town Hall. She reminded that it is important as Commissioners, who have to notify of quorum, that invites to such events are made official. She reminded that the Commissioners do have full time jobs and it is hard for them to be everywhere at all events happening. She thanked the public for the discussions this evening,

Vice Chair Nootz reminded that meetings are scheduled a year in advance, and it takes a lot to get Commissioners to meet outside of those scheduled times. She noted that she was not invited to the Town Hall either. She asked that events be sent to the City Manager so he can coordinate the dates with the Commission. She expressed excitement about the public turnout on certain topics.

Chair Schwarz stated he was also not invited to the Town Hall meeting.

10. Adjournment

9:56 PM Commissioner Willich motioned for adjournment, seconded by Commissioner Kahle. Unanimously approved.

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.