



Livingston City Commission Minutes

September 19, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83690208904?pwd=c3Y1ay9Rc3puWis2MG5laDd4dINRQT09>

Meeting ID: 836 9020 8904

Passcode: 399814

1. Call to Order

Chair Nootz called the meeting to order at 5:33pm

2. Roll Call

City Commission in attendance at start of meeting: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, and Commissioner Lyons.

Staff in attendance: City Manager Grant Gager, Interim City Attorney Jon Hesse, City Clerk Emily Hutchinson, Chief of Police Dale Johnson, Planning Director Jennifer Severson, Public Works Director Shannon Holmes, Project Manager Martha O'Rourke, Fire Chief Josh Chabalowski

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)

Jesse Kula expressed his thoughts about food trucks and rules within City Code.

Leslie Feigel discussed street camping and the issue in Bozeman asking City Commission to look at making rules or ordinances about street camping.

Patricia Grabow discussed homelessness and healing in the community.

Ashea Mills gave big thanks to Commission and shops downtown for the event of Lovington, she said it was great to see a large turnout at this really fun event.

4. Consent Items

- | | |
|---|--------------|
| A. APPROVAL OF MINUTES FROM SEPTEMBER 5, 2023, REGULAR CITY COMMISSION MEETING | PG.4 |
| B. CLAIMS PAID 8/31/23 - 9/12/23 | PG.13 |
| C. AGREEMENT 20034 WITH PARK COUNTY FOR WASTEWATER TESTING. | PG24 |
| D. AGREEMENT 20035 REGARDING THE PARK COUNTY BEHAVIORAL HEALTH AND CRISIS RESPONSE COALITION | PG.29 |
| E. AMENDMENT NO. 1 TO AGREEMENT 20024 WITH AFSCME | PG.35 |

Motion to approve all consent agenda items was made by Vice Chair Kahle and seconded by Commissioner Lyons.

The motion passed unanimously by the five members present.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON DECLARING SEPTEMBER 19TH AS INFORMATION TECHNOLOGY PROFESSIONALS DAY IN LIVINGSTON. PG.38

Chair Nootz read the proclamation and the City Manager gave thanks to the two IT Professionals Erica and Liz for their hard work.

Chair Nootz thanked the IT department for all their hard work and their support of the City Commission.

6. Scheduled Public Comment

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)

A. CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS FOR 2023

Chair Nootz called on the City Manager to introduce the item. The City Manager stated this is the second public hearing for this project. Applications are due in the coming months and there are both planning and construction grants. Public Comment was offered by:

- Danielle Maiden is the Cooperative Housing Director for NeighborWorks Montana expressed a wish to pursue a grant for the View Vista Community.
- Jon Gass with WGM Group has prepared a PER and reviewed water and sewer system at the View Vista Community and feels this is much need project.
- Jan Buckner expressed thanks to the City for helping look at this and trying to help the View Vista Community
- Patricia Grabow loves the project that NeighborWorks is doing.
- Terry Woodhull lives at View Vista expressed concerns about the leaks and feels the whole thing needs redone.

Vice Chair Kahle asked the City Manager what the next step is. The City Manager stated a Resolution of support for the grant application.

Commission Lyons feels the NeighborWorks proposal makes sense and hears the public comment from folks that live there and supports this project.

Chair Nootz thanks Jan and Terry for sharing their personal stories and thanks City Staff, Commission and NeighborWorks for their work to push this project forward.

8. Ordinances

A. ORDINANCE 3045: AN ORDINANCE OF THE CITY OF LIVINGSTON MONTANA REMOVING FEES FROM THE MUNICIPAL CODE PG.40

Chair Nootz called on the City Manager to introduce the item. The City Manager stated the City is removing fees from Ordinances that will be later codified in a City wide Fee Resolution. This

Ordinance removes fees from 27 different sections and stated the Fee Schedule will be a more user friendly way to access and manage fees.

Vice Chair Kahle moved to approve the Ordinance and Commissioner Friedman seconded the motion

The item was approved unanimously by the five commissioners present.

9. Resolutions

10. Action Items

A. MOUNTAIN VIEW SUBDIVISION PRELIMINARY PLAT

PG.58

Chair Nootz called on the City Manager to introduce the item. The City Manager stated this is a preliminary plat for a major subdivision in the wester gateway of the City located by Antelope Dr. and PFL Way. This application went before the Planning Board in August and was approved with 19 conditions.

The City Manager reminded the Commission that although this is similar to a previous application that we are only to discuss this application in front them tonight.

Chair Nootz asked everyone present to keep their comments about this application before them tonight.

Planning Director Severson introduced this item as a total of 44 acres broken down into 24 lots, 2 are open space, and 2 are permanent storm water facilities. The property is zoned as highway commercial and based on the future land map used in the approved Growth Policy this area is community commercial. The City Planning Board indicated 19 condition for this application to be approved by City Commission. MCA – Sec 76-3-608 requires the decision by a governing body to approve, conditionally approve or deny a proposed subdivision to be based on the specific documentable, and clearly defined impact on the following primary criteria:

- A. Effect on Agriculture – No concerns for this topic
- B. Effect on Agricultural Water User Facilities – No concerns for this topic
- C. Effect on Local – The Planning Board concerns include:
 - increase traffic in this area
 - impact fees to fund future water main to tie into the subdivision would not be enough and the City would ultimately be responsible for meeting the funding short fall
 - Additional reliance on Emergency Services and it was suggested to have a waiver of protest for future special improvement district for water and sewer capacity improvements necessitated by future development within the subdivision
- D. Effect on the Natural Environment – The Planning Board concerns include:
 - Run off from development would adversely impact existing wetlands located at the North East corner of the subdivision
- E. Effect on Wildlife and Wildlife Habitat – The Planning Board concerns include:
 - Potential harms from fence
 - Poorly stored solid waste could attract bears
 - Leashing dogs in public space
- F. Effect on Public Health and Safety – The Planning Board concerns include:
 - Traffic concern

- Train derailment
- I-90 with concerns around fire and wind kicking up fire

Chris Namann an associate and Senior Planner with Sanderson Stewart presented the application. Chris stated the public hearing intent is for a preliminary plat application and purpose of that is to place lines on a map and formally subdivide the applicant's property. The proposed lots will create a place for development. The subdivision will include paved roadways, sidewalk improvements, and public access to open space which will be dedicated a parkland. A condition that the applicant supports is a waiver of rights to protest special improvement districts. A traffic study has been provided. Mr. Namann feels when or if the lots are developed it is in line with the City of Livingston's Growth Policy.

Applicant's Attorney Bill Fanning gave brief legal perspective stating this is the just the beginning of the process and if approved they still have phases of regulatory compliance including DEQ water permitting, state building codes, and municipal codes all these additional phase are done to ensures that the development is done safely and responsibly and in line with the law.

Chair Nootz asked if there were clarifying questions from Commissioners.

Commissioner Schwarz asked what our deadline is for approval or denial. The City Manager answered that is has to be decided on by October 15th 2023.

Commissioner Lyons stated per the subdivisions regulations there is a requirement for a preliminary plat that blocks must be wide enough to allow for two tiers of block unless, or 2 lot deep blocks and he doesn't see that in the application. The City Manager discussed the section of subdivision regulations and its implications.

Vice Chair Kahle asked about the loop system for water and sewer and is wondering about a quote if it's needed. The City Manager stated the cost of loop is unknown as it has not been designed, but regardless of the cost it's unlikely that the impact fees will cover cost for the loop.

Commissioner Friedman stated a lot of work was done with Printing For Less was built to expand usage in the area. Commissioner Friedman stated it was amazed at all the negative talk surrounding this application, and feels like this project is a good one.

Chair Nootz questioned if the way the development is developed would be allowed in future subdivisions to create parcels that were constrained in this way. The City Manager stated the application before them the is the first subdivision for this parcel of land or any of the parcels of land out there and the previous development occurred without subdivisions and were owner developed properties. It could be possible if there was a large portion of land that was subjected to partial development before the subdivision process, and yes it is possible that this situation could occur on another parcel.

Vice Chair Kahle asked if they are bound to decisions that were made in the past. The City Manager's response was no we are not bound the City Commission has the ability to approve, reject or approve with conditions.

Commissioner Lyons asked about process for deciding internal capture rates in the traffic study. The applicant explained that they calculated this with guidelines from the Montana Department of Transportation and Institute for Transportation Engineering manual.

7:01PM Vice Chair Kahle motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

(Starts at Video Mark 1:29:42)

Public Comments were offered by:

- Tom Blurock a board member of Friends of Park County expressed concerns that this was originally zoned for light industrial since that time it was rezoned to highway commercial and feels it's scary what that area could become with it being zoned highway commercial. He stated it is around 100 acres out there that is completely separate from the City and could be competition for the City if developed out there. He feels this application should be rejected tonight.
- Patricia Grabow understands the Commissioners have the ability to say yes or no to this project and feels it was a big mistake to annex this property years ago. Safety is a concern for people with kids that live out there and how they will safely get into town on HWY 10. She feels this type of growth and development stands in the way of historic downtown survival and is asking the Commission to vote no.
- Suzie Barnett has lived her 10 years and is a real estate broker in Livingston. Gave appreciation to the Planning Director and staff for their hard work on this project. She stated inventory of housing is low and it there is not much to sell in Livingston and there is no place for people to go to move here and many younger people cannot afford to live here. The project for development sounds like a good one and asked the Commissioners to vote yes.
- Manny Goetz presented information and facts on economic development. New mandate is how to create more housing. Builders cannot build here due to high cost of land and utilities to the properties. He feels this project is a good one and gives housing to Livingston which is much needed, and a great location for multi-family and affordable housing. Without an over/under pass it's the only place to develop in Livingston for growth.
- James Willich compared this project to Kennewick Washington which was developed along the highway there, and stated the development killed the downtown area of Kennewick. He would like us to keep that in mind if they approve this development and feels there could potentially be competition with our own historic downtown.
- Stacy Jovick is the Chair of Planning Board reiterated the passing of this application with conditions by the Planning Board. She feels the planning board worked hard to meet needs and placed conditions they felt were helpful, and expressed that the applicant is just trying to follow the rules for development in that area.
- Frank Schroder is the Co-Founder and former Board Chair of Friends of Park County. Wondered what has changed from when the Growth Policy was created. Would like the Commissioners to deny this application.
- Dennis Glick agrees with Frank Schroder's comments. He was recently in the North East part of town and was surprised by the residential growth in that area. He does not feel this project is part of the Growth Policy and would like Commissioners to vote no for this project.
- Dave Miller is very upset about this project and the ugliness, and feels it will make the town look bad. He doesn't want suburban sprawl and would like the Commissioners to vote no.
- Randy Carpenter is speaking on behalf of Friends of Park County and feels that based on health and safety risks the Commissioners should not vote for this project. He expressed concerns around fire safety and high winds around I-90.

Chair Nootz asked the City Manager to set up a pro and cons list and discussed pros first, starting with Commissioner Friedman. Commissioner Lyons, Vice Chair Kahle, and Commissioner Schwarz agreed with Commissioner Friedman's 1-4 pros. Chair Nootz added pro number 5.

Positive Attributes

1. Property Tax Growth
2. Existing Infrastructure
3. Possibility for Housing
4. Readiness for Businesses
5. Influence on Future Development in Area

Commissioner Schwarz expressed concerns about traffic and lack of comment from MDT. Commissioner Lyons feels 25 for internal capture is very high and how that internal capture will play into downtown. He is concerned that the uses provided for the estimates may have been selected in a way to diminish the potential impact on traffic. Commissioner Lyons stated he studies land use and transportation and would look at the best analog and the closest thing we could compare this situation to, and to him the best location is Exit 333 in Livingston. Looking at the size of lots there are very close to what is being proposed with this application. Effects on natural environment and potential impacts to wetland and just because the wetlands are not developed doesn't mean that will not be an impact from the development on the wetlands. Potential health and safety risks around disaster evacuation is concerning. Commissioner Lyons expressed thoughts that the preliminary plot and the proposed development does not comply with subdivision regulations citing a portion of the regulations stating; blocks must be wide enough to allow two tiers of lots, unless a narrower configuration is essential to provide separation residential development from traffic arteries, or to overcome specific disadvantages of typography and orientation, or unless the governing body approves a design consisting if a regularly shaped blocks invented by cul-de-sacs. Ultimately Commissioner Lyons does not feel this application complies with the subdivision regulations based on the cited material he read. The application is stated to be in support of Growth Policy but Commissioner Lyons feels this project has certain conflicts with the Policy.

Vice Chair Kahle expressed great concerns for fire risk at this location, and feels there is not a sufficient alternate route in and out of this property. Commissioner Kahle also noted the lack of sidewalks is an issue because base on the application the sidewalks are only put in when the subdivide piece of property is developed, an example looking at lots 3, 4 and 5 have no sidewalks and if someone develops lots 4 then there would be no sidewalk at 3 and 5. Vice Chair Kahle also expressed concerns about wetlands and felt there was a spring right where a road would be put in which will be hard to maintain later on if developed. Concerns around the sewer and water loop that we would not have enough impact fees to pay for, and feels this would force them to encourage more growth in a way that is not in line with what the Commission would want. In thinking about downtown Livingston Vice Chair Kahle feels that people stopping at this subdivision for a hotel or restaurant will prevent them from venturing into the downtown area of Livingston and ultimately hurting local business. Commissioner Kahle also feels that there are issue with the compliance with the Growth Policy.

Chair Nootz and the Commission listed out challenges with the project including:

Challenges

1. Traffic from Development
2. Uncertain level of Traffic Impact

3. Potential Impacts to Downtown
4. Uncertainty of Development Pattern (uses)
5. Impact to Wetlands
6. Impact to Disaster Response (evacuation)
7. Compliance with Subdivision Regulations (block configuration)
8. Compliance with Growth Policy (infill, smart growth, develop in existing communities, enhance air/water quality, support existing local businesses, gateways celebrating character)
9. Fire Risk (limited evacuation, resistance/resilience)
10. Lack of Sidewalks (Lots 3-5, existing issues at PFL)
11. Water in ROW of PFL Way Extension
12. Sewer/Water Loop Construction Costs
13. Initial Development Constricts Remaining Land Use
14. Annexation Pattern of Past
15. Zoning Changes from Light Industrial to Highway Commercial
16. Future Land Use Map: Area is Commercial (not LI or else)
17. Existing City Infrastructure
18. Incompatible Adjacent Uses, limited tools
19. No public access road to Open Space Lot 21
20. No wildlife corridor (FWP Suggestions)
21. No Community Postal Box Unit (USPS Suggestion)
22. No Mitigation of Noise or Wind
23. Public Health/Safety from Traffic Within Development (#10)
24. No Bus Pull-out Locations (School)
25. Parkland Development
26. Covenants Compliance/Conflict with LMC (ADUs, Pets, Building Stds.)
27. Pedestrian Access to Site
28. Gateway Overlay Zone

8:33PM Commissioner Friedman motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

(Starts at Video Mark 2:50:12)

Chair Nootz lead the group into evaluating Creative Solution for the challenges they've listed. Commissioner Lyons expressed thoughts on process and would like to move away from conditions and stay with solutions to challenges. Chair Nootz stated that some Commissioners might want to approve this with additional conditions and that it's good process to work through solutions and conditions. Chair Nootz asked fellow Commissioners if they would like to work through conditions starting with Commissioner Schwarz who expressed agreement with Commissioner Lyons, but understands some Commissioners could potentially want more conditions.

Commissioner Friedman stated that the conditions he would like to discuss are related to sidewalks and he envisions they will be needed for any housing that is developed in the area.

Vice Chair Kahle expressed her thoughts around the large amount of negatives and felt unsure they would be able to find solutions to all them.

Commissioner Lyons believes some of the Challenges are able to be conditioned, but a large amount he feels cannot be conditioned specifically ones related to geography and transportation infrastructure.

Chair Nootz expressed frustration about inheriting problems then having to make the best out of a situation that this Commission did not create, and feels past decisions of annexation and the development itself put the current Commission in a difficult spot. Chair Nootz feels the Commissioners can either improve subdivision proposals and can attempt to influence the outcome, or be left with letting development just happen without any Commission input. Chair Nootz stated most everything in the challenges column she has at one point discussed with staff, and recognizes the work staff is doing with site visits for the Commissioners, and feels to not go through the creative solutions process would be a disservice to the City Staff that worked on this project. Chair Nootz stated if they skip the Creative Solutions they won't know what is possible for future subdivisions and developments.

Commissioner Lyons reiterated his thoughts that preliminary plat does not conform to the subdivision regulations related to blocks, and feels they should not disregard the existing regulations because this will lead developers to think believe the rules are more like suggestions rather than requirements.

Vice Chair Kahle asked that they review the Challenges list, running through quickly stating if they can mitigate or not. Chair Nootz suggested speaking to Project Manager Martha O'Rourke about wetland and the storm water system. The City Manager did clarify the Property Owners Association is proposed to retain ownership of the permanent storm water facility and liability is resolved by the ownership structure. Martha O'Rourke stated the storm water proposed for the subdivision is to take into account the effects of the increase hardscape from roads and sidewalks. It was also clarified that the development on each lot will have to look at it's own storm water impacts so that the proposed retention ponds are going to mitigate any impacts the proposed road is going to have on the wetlands. Each lot will have to meet City standards and DEQ standards. Wetlands were decided to be taken care of elsewhere in the application process and not conditions were placed by City Commission.

Chair Nootz asked to speak with Fire Chief Chabalowski about evacuation with limited access point, and heavy traffic on HWY 10. Chief stated for this location concerns around access in and out of the subdivision is good on a normal day with HWY 10 and 1-90 so close, the challenge comes when HWY 10 is blocked with traffic on those particularly windy days, but did feel they have adequate access to get in and out of for evacuation or disaster. Overall Chief had no major concerns for disaster relief. Chief was invited to discuss Fire Risk touching on fire resistance and fire resilience. It was stated that the development will reduce the fire risk in this area with more hardscape, more industrialization, and more fire resistant construction will reduce the fire risk in this area. Chief also stated there would be adequate fire hydrants to combat fire at the location.

Possible Conditions discussed by the Commission included:

1. Developer Installation of ADA-compliant Sidewalks throughout Subdivision as Streets are Created - #10 Challenge
2. Where possible, large trip generating activities should have access off HWY 10 - #1 Challenge
3. Future Development Shall be Subject to Gateway Overlay Zoning when enacted - #8 Challenge
4. Inclusion of Fire-breaks, native plants and fire resistant building materials - #9 Challenge
5. Update Screening/buffering to include all differing uses(include native planting requirement) - #18 Challenge
6. Developer shall create a trail along northside of Lot 20 to provide access to the Open Space in Lot 21 and also work with the City and Community to vision and develop a trail into Lot 2 - #19 & #25 Challenge
7. Lot 24 be retained as open space for a wildlife corridor - #20 Challenge
8. Installation of Community Postal Box in accordance with USPS direction - #21 Challenge

9. Residential and Commercial Buildings shall be built to withstand wind, have noise reducing windows and building materials - #22 Challenge
10. Include bus pull-outs in Street by lots 3-5 and 15-20 - #24 Challenge
11. The Development must comply with City Code requirements for pets, building standards and AUD's. - #26 Challenge

Other Actions, related to this application, that the Commission identified that the City needs to progress solutions on include:

1. DTMP Team focus on assistance to DT, strengthen DT - #3 Challenge & #8 Challenge
2. Growth Policy Update: Future Land Use Map Update (allowed uses in Zones) - #16 Challenge
3. Initiate Conversation on Multi-use trail - #27 Challenge
4. Start Gateway Overlay District Zoning - #28 Challenge
5. Include Entry signage in Gateway Overlay Districts

Chair Nootz checked in with fellow Commissioners about their thoughts after having worked through challenges and solutions. Commission Friedman stated Highway Commercial terminology seems to be a hang up for him. Commissioner Lyons expressed concerns about what the open market will do with the 22 Lots, and stated they could condition this as much as they want but it will be undeniably untenable. Vice Chair Kahle agrees with Commissioner Lyons and feels by allowing this project to go through shows others that yes, we have rules, but not everyone has to follow them.

Chair Nootz asked the City Manager if staff has talked with the applicant about deed restricting this land, the City Manager stated no it was not discussed with the applicant. Chair Nootz indicated she feels an obligation to apply conditions that will protect the community and wildlife.

10:56pm Vice Chair Kahle motioned for a 5 minute break and to extend the meeting and seconded by Commissioner Friedman. Unanimously approved.

(Starts at Video Mark 5:00:14)

Chair Nootz would like clarification on the deed restriction. The City Manager talked briefly with the applicant about deed restriction, and the applicant would like conditions in writing if approved with conditions.

Commissioner Lyons moved to deny the application.

Commissioner Schwarz questioned that they have to motion in the affirmative. Chair Nootz asked for clarification. The City Manager stated the Livingston Municipal Code does not touch on this issue, but with having done the research, any motion from the Commission is a valid motion. Commissioner Schwarz asked to clarify in the Commissioners Handbook if a motion has to be made in the affirmative. A consultation of the Handbook did not reveal that requirement.

Vice Chair Kahle seconded the motion.

The application was denied 3-2 with Commissioners Friedman, Kahle and Lyons voting in favor of the denial. Chair Nootz and Commissioner Schwarz voted against the denial.

11. City Manager Comment

The City Manager gave a brief thanks the Commission, Community and the applicant.

12. City Commission Comments

Commissioner Lyons thanked the applicant, community and fellow Commissioners and stated this meeting this was tough and passionate meeting tonight.

Commissioner Friedman stated they could not make the application work to guarantee housing in that area. Vice Chair Kahle thanked fellow Commissioners and stated this was a hard decision.

Chair Nootz thanked the Commissioners for good process and feels there are some things in the list that could be addressed regardless of the vote tonight. Thanks to City Manager about the packet for tonight, and to City Staff for all their expertise and answering questions on the project.

Chair Nootz also brought up hearing some negative comments throughout the community and wanted to remind the community of a proclamation that was put in place in May 2023 as a Proclamation of the City Commission declaring Acceptance and Openness Among All our Citizens.

13. Adjournment

11:24pm Commissioner Friedman motioned to adjourn the meeting seconded by Commissioner Lyons. 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.



This is REALLY Livingston....

Q jesse kula

Posts You've Seen

Most Recent

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Jesse Kula

Darby High School · Lives in Bozeman, Montana · 93 followers

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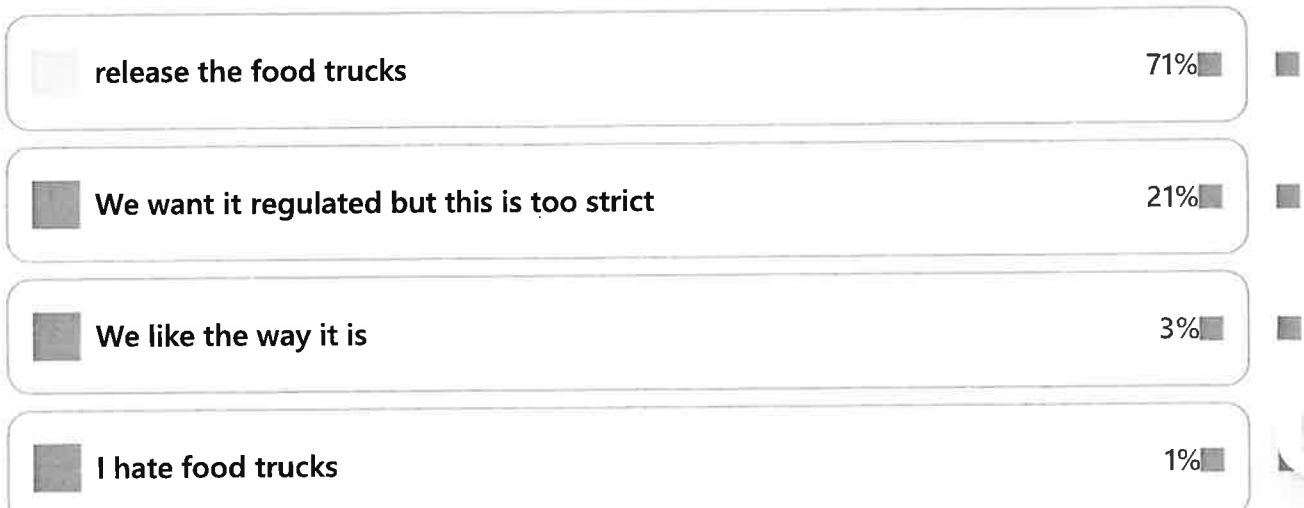


Jesse Kula

2d · 🌐



Currently city code says regardless private property or not food trucks or street vendors must move every 4 hours at least 300 ft you cannot return to a location within 24-hour time. I've talked to some of the restaurants in town as well as some of the food vendors. Now I'm trying to get your opinion before the city council meeting on Thursday! Please keep it civil so we can actually get valid data from the poll





Let people taste buds decide.

Added by Jo Ellen McHugh

some regulations can help with food safty and dangerous sites for people to stop at. 3%

Add poll option...

10

499 Votes 2 comments

Like

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An admin turned off commenting for this post.



Jesse Kula

September 4 at 5:37 PM · 🌐



Anyone going to Crazy Mountain Carnival



Jessica Drange, William John Moore and 6 others

8 commen



Proclamation

A Proclamation of the City Commission declaring Acceptance and Openness Among All Our Citizens

WHEREAS, it is the policy of the City of Livingston to prevent “harassment and discrimination based upon race, color, sex, gender identity/expression, sexual orientation, religion, national origin, disability or housing status;” and

WHEREAS, the City of Livingston seeks to continue to become a more equitable, welcoming and connected community, and is dedicated to protecting all residents from hate crimes and seeks to end bigotry in all forms; and

WHEREAS, the FBI has defined a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity;” and

WHEREAS, data from the FBI reports in 2019, 15,588 law enforcement agencies participated in the Hate Crime Statistics Program. Of these agencies, 2,172 reported 7,314 hate crime incidents involving 8,559 offenses 1,395 offenses were based on sexual-orientation bias reports indicate:

- 62.2 percent were classified as anti-gay (male) bias.
- 24.5 percent were prompted by anti-lesbian, gay, bisexual, or transgender bias.
- 10.2 percent were classified as anti-lesbian bias.
- 1.9 percent were classified as anti-bisexual bias.
- 1.2 percent were the result of anti-heterosexual bias.

WHEREAS, the Human Rights Campaign reported that 2021 was the deadliest year on record for trans and gender- non conforming people across the nation; and

WHEREAS, the City Commission of the City of Livingston wishes to publically support and stand in solidarity with all members of our community by: condemning hate activity; opposing hateful and hurtful actions; and supporting the LGBTQ+ community for the purpose of establishing a City that is safe, welcoming and embraces all members.

NOW, THEREFORE, the Livingston City Commission pledges to stand firmly with our community members and support the efforts of our allies by condemning hate crimes, challenging bigotry and discrimination, supporting marginalized people and advocating for policies and legislation that honor everyone’s basic human rights so that all are valued and accepted in our community; and

BE IT FURTHER RESOLVED, I, Melissa Nootz, Chair of the City Commission do hereby encourage other municipal leaders across our state and nation to join us to strengthen our fight against all forms of discrimination, intolerance and hateful activity.

DATED this 16th day of May, 2023

Signed: _____
Melissa Nootz, Chair

Signed: _____
Grant Gager, City Manager

Attest: _____
Faith Kinnick, Recording Secretary