



Livingston City Commission Minutes

March 18, 2024 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/81057506712?pwd=9unGTZ3aQgHpJQAEjwplUQ4YnisyTn.1>

Meeting ID: 810 5750 6712

Passcode: 735504

1. Call to Order

Chair Schwarz called the meeting to order at 5:35pm

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
- Planning Director Jennifer Severson

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:

- Leslie Feigel expressed excitement to have a brand new board at the Livingston Chamber. She reminded of a venue change for family days that is usually held at the museum, it is now at the Library.

4. Consent Items

- A. APPROVAL OF MINUTES FROM MARCH 04, 2025, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 2/27/25 - 3/12/25 [PG.9](#)**
- C. APPROVAL OF LETTER OF SUPPORT FOR PARK COUNTY MONTANA TRANSPORTATION ALTERNATIVES GRANT PROGRAM APPLICATION [PG.22](#)**
- D. PURCHASE ORDER 20161 WITH ENVIRO-CLEAN FOR 2024 VAC-CON COMBINATION VAC/JET TRUCK [PG.27](#)**
- E. AGREEMENT 20163 WITH PARK COUNTY FOR PLACEMENT OF COMMUNICATIONS EQUIPMENT ON AN ANTENNA TOWER [PG.35](#)**
- F. AGREEMENT 20164 RIGHT-OF-WAY ENCROACHMENT LICENSE [PG.39](#)**
- G. AUTHORIZATION TO DESTROY CERTAIN MUNICIPAL RECORDS [PG.54](#)**

Commissioner Kahle motioned to approve consent items A – E & G seconded by Commissioner Lyons. Unanimously approved.

Commissioner Willich disclosed a conflict of interest with consent item F and removed himself from the conversation and table.

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

5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING MARCH 20, 2025 AS SPRING EQUINOX DAY IN LIVINGSTON MONTANA [PG.64](#)**

Chair Schwarz read the proclamation



6. Scheduled Public Comment

7. Action Items

A. PRESENTATION OF RESERVOIR PARK GEODESIGN WORKSHOP REPORT [PG.67](#)

The City Manager introduced Aleck Gantick to present slide on the Reservoir Park Geodesign.

Aleck gave a brief presentation.

Commissioner Willich motioned to receive and file the design workshop report seconded by Commissioner Lyons.

Public comment was offered by:

- Rachel Jones, the Executive Director for Farm to School, who also served on the former Parks and Trails Committee, expressed being surprised not to see any community garden features in the report and would like that to be considered.
- Hayes Goosey expressed thanks to the City Manager and consulting team for putting this together. He offered to be on a steering committee for Reservoir Park.

Commissioner Willich expressed liking this park and likes the report.

Commissioner Lyons stated this has been a thorough process. He wondered if in this process, for this specific park, would be the best fit for a community garden.

Commissioner Kahle expressed appreciation for this process and final report, and also agreed with Commissioner Lyons on the point of the community garden.

Vice Chair Nootz expressed thanks to the Parks and Trails Committee that previously existed in the City for pushing to have work done on this park. She recalled that the City has set aside funds for this park specifically. She feels there is support for the community gardens and is excited to see how this will develop with the Growth Policy.

Chair Schwarz expressed liking the idea of another community garden.

Action item A was unanimously approved.



B. ORDINANCE 3058: 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 REZONING PROPERTY LOCATED ON ALPENGLOW LANE AND LEGALLY DESCRIBED AS PARCEL 5B, ACRES 31.29 AND PARCEL 1D, ACRES 80.71, IN SO8, TO2, R10 E, P.M.M. COUNTY OF PARK, STATE OF MONTANA, COS 2907RB, FROM LIGHT INDUSTRIAL (LI) TO MIXED USE (MU). [PG.83](#)

The City Manager stated this item is a rezoning requested by the owner. The ordinance has been reviewed by the Consolidated Land Use Board. Planning Director Severson was introduced to talk more about this item.

Vice Chair Nootz disclosed an ex parte conversation in 2023 that was attempted with her and she quickly referred the folks to the City Manager to discuss in detail.

The City Manager stated that is how he remembers that going and the folks having that conversation at the event in 2023 are not currently involved with the application currently.

Planning Director Severson presented slides related to this ordinance.

Commissioner Lyons asked about protections from flood waters at this location.

Planning Director Severson reminded that the staff report covers flood waters.

Commissioners, City Manager and Planning Director Severson discussed and clarified adult foster care and personal care center definitions.

Vice Chair Nootz asked when the Zoning Code rewrite to be completed.

Planning Director Severson stated an early draft would come out in late May or early June, it would go to Land Use Board in September and would come to the City Commission in November.

Vice Chair Nootz asked about an estimate of tax revenue of the property.

The City Manager stated the current tax revenue of these parcels is less than \$200.00 in total, and without understand the full construction value for project it's hard to determine a taxable value of tax revenue.

Commissioner Kahle motioned to approve Ordinance 3058

Commissioner Kahle rescinded the motion

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

Public comment was offered by:

- Leslie Feigel stated that this parcel of land is a great location for assisted living facilities and housing.
- Dennis Glick expressed being against developing these parcels.



- Amanda Garrett empathized with needing housing, but expressed concern with developing these parcels.
- Patricia Grabow recalled when these parcels were annexed and expressed thoughts about cluster zoning and floodplain concerns.
- Linda Maher asked for explanation on the 500 year flood criteria.
- Rick Ogala has been helping the hospital evaluate the land and he expressed understanding about flooding, but those two large parcels are not affected per the flood map. He stated that the hospital is looking at development in the best way possible and has been working with others such as Freshwater Partners. He reminded that they are required to meet all codes for development.

The City Manager explained flood year criteria stating a flood event that has a 1% chance of occurring is what's known as the 100-year flood, and a 500-year flood is a flood that has a .2% chance of occurring.

Commissioner Lyons and Chair Schwarz stated it is not a running clock it is just the probability within each year.

Commissioner Willich broken down zoning percentages by acre. He expressed concerns about jobs by changing this zoning from light industrial, and concerns about needs for housing and if we really need this housing development.

Commissioner Kahle expressed concerns about this location flooding and placing a vulnerable population in that location that are in assisted living.

Vice Chair Nootz stated that mixed use is one of the densest zones that we have housing wise. She recalled what happened during the flood in 2022, and expressed concerns about the evacuation process if that area needs to be evacuated due to flooding.

Commissioner Lyons also expressed concerns about flooding in this area and touched on public comments about mitigating flood impacts. He expressed hesitancy to approve this ordinance.

Chair Schwarz added that he is not comfortable approving this until he sees an updated flood map.

Vice Chair Nootz expressed concerns about tax payers in regards to long-term infrastructure for this, and feels that there is just more information they need, and what is ongoing cost for the City and work for City staff.

The City Manager referenced MCA 76-25-304 5a, b & c regarding approval or denials of zoning maps, and reminded of LMC where a majority vote is needed. He also referenced MCA 76-25-307 regarding Interim Zoning Ordinances.

Commissioner Willich motioned to approved Ordinance 3058

Commissioner Willich rescinded his motion



The City Manager clarified motion language

Commissioner Willich motioned to reject Ordinance 3058 seconded by Commissioner Lyons. Unanimously approved to reject Ordinance 3058.

C. RESOLUTION NO. 5157: A RESOLUTION OF THE CITY OF LIVNGSTON, MONTANA, ANNEXING THE PARCEL AT 38 LOVES LANE. [PG.117](#)

The City Manager stated this parcel is not in city limits, but is adjacent to city utilities and has been proposed as a site of a USDA facility.

Public Comment was offered by:

- Linda Maher expressed concern about size of the street and parcel.
- Jamie Adams expressed concern about the notary signature on this application and stated she lives in the area and questioned the approval of this annexation.
- Leslie Feigel expressed concern about size of this area, water, and neighbors being notified.
- Patricia Grabow expressed disagreement with this annexation and development.
- Eric Garberg is speaking on the behalf of the applicant and addressed the potential for improvements on Miller Dr.
- Randy Carpenter expressed confusion about the application and feels it's premature.

The City Manager reminded that the action for the Commission tonight is for the annexation and development of the parcel would fall under other processes of the city. He stated they are aware of the roadway issues and have talked internally and with the County about it. He addressed that a traffic study would be conducted and reviewed by the City and State. He stated that neighbor notifications were completed in accordance with MCA

Vice Chair Nootz motioned to postpone Resolution 5157 to April 1st and continue public hearing seconded by Commissioner Kahle. Unanimously approved.

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

D. APPEAL OF HISTORIC PRESERVATION COMMISSION DECISION REGARDING A DEMOLITION PERMIT APPLICATION FOR 218 S. 2ND STREET [PG.155](#)



The City Manager stated item is an appeal of decision that was handed by the Historic Preservation Commission regarding a demolition application. The HPC was presented an application for a partial demolition of the structure and the applicant noted the brick façade will be planned to be preserved and incorporated into the new building. HPC voted to approve the demolition with condition that the façade be saved and incorporated into the new building, and if it cannot be saved the applicant must return to the HPC to justify demolition of the façade. Following the meeting the applicant submitted a request to appeal the condition of the HPC. After review he and the City Attorney determined that the condition as stated is no compliant with the requirements of LMC 31.06 C.

There was a brief clarifying discussion on what the approval the appeal means. The City Manager stated it means the project would be able to move forward with certainty and they would be approving the original application with no condition if the motion is read as is in the staff report.

Public comment was offered by:

- Chris is a residential owner in the area and expressed concern about development of this project.
- Bob Ebinger expressed concern about overturning an HPC vote.
- Jack Luther expressed being surprised seeing the appeal about this with the City Commission.
- Patricia Grabow expressed wanting to let this designer develop his building.
- Eli Isaly, who is on the HPC, explained his thought process during the HPC meeting where this application was conditioned.
- Linda Maher expressed confusion about approving demolition without know what will replace it.
- Eric Horn, the applicant, read a statement regarding the demolition of this building and design.
- Susanna Isaly stated that this developer chose to buy a historic building and doesn't agree with him wanting to tear it down and expressed that this is why it is important to have HPC.
- Tom Blurock, Chair of HPC, apologized for the technical error, but would like this project to be taken seriously and façade preserved, and would like to see the condition remain.

Vice Chair Nootz asked for clarification on process for historic district working with HPC.

The City Manager stated all projects to construct, alter, or demolish in the historic district do require review by the HPC before permits can be issued.

Vice Chair Nootz expressed thanks to comments from the HPC board members tonight. She wondered if there is room for process improvement for boards and simplify processes.

Commissioner Willich expressed agreement with Vice Chair Nootz.

Commissioner Lyons recused himself due to potential conflict of interest.



Commissioner Kahle thanked HPC for their time on the board, and agreed that there is room for growth on all boards.

Chair Schwarz reminded he has served on the HPC before and understand the work that goes into making decisions on that board.

Vice Chair Nootz motioned to approve the appeal of the HPC decision regarding demolition permit and approve the demolition permit with the condition that the East façade be retained in place unless deemed infeasible by a structural engineer seconded by Commissioner Kahle. Chair Schwarz: for, Vice Chair Nootz: for, Commissioner Kahle: for, Commissioner Willich: for, and Commissioner Lyons abstained.

8. City Manager Comment

The City Manager thanked the Commissioners for the meeting tonight.

9. City Commission Comments

Commissioner Willich – no comment

Commission Lyons – no comment

Commissioner Kahle – no comment

Vice Chair Nootz stated she believed there is an opportunity to improved board processes and expressed concerned about legal liability. She asked about process.

The City Manager stated there was a training held when the Consolidated Land Use Board was formed and some members from HPC attended, but agrees there could be more training with HPC. He stated that LMC pertaining to HPC reviews is in need of updates, so he will work on that with City staff.

Chair Schwarz – no comment

10. Adjournment

9:44 PM Commissioner Lyons motioned to adjourn seconded by Commissioner Willich. 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.

RESERVOIR PARK

Online Survey & Geodesign Workshop Summary

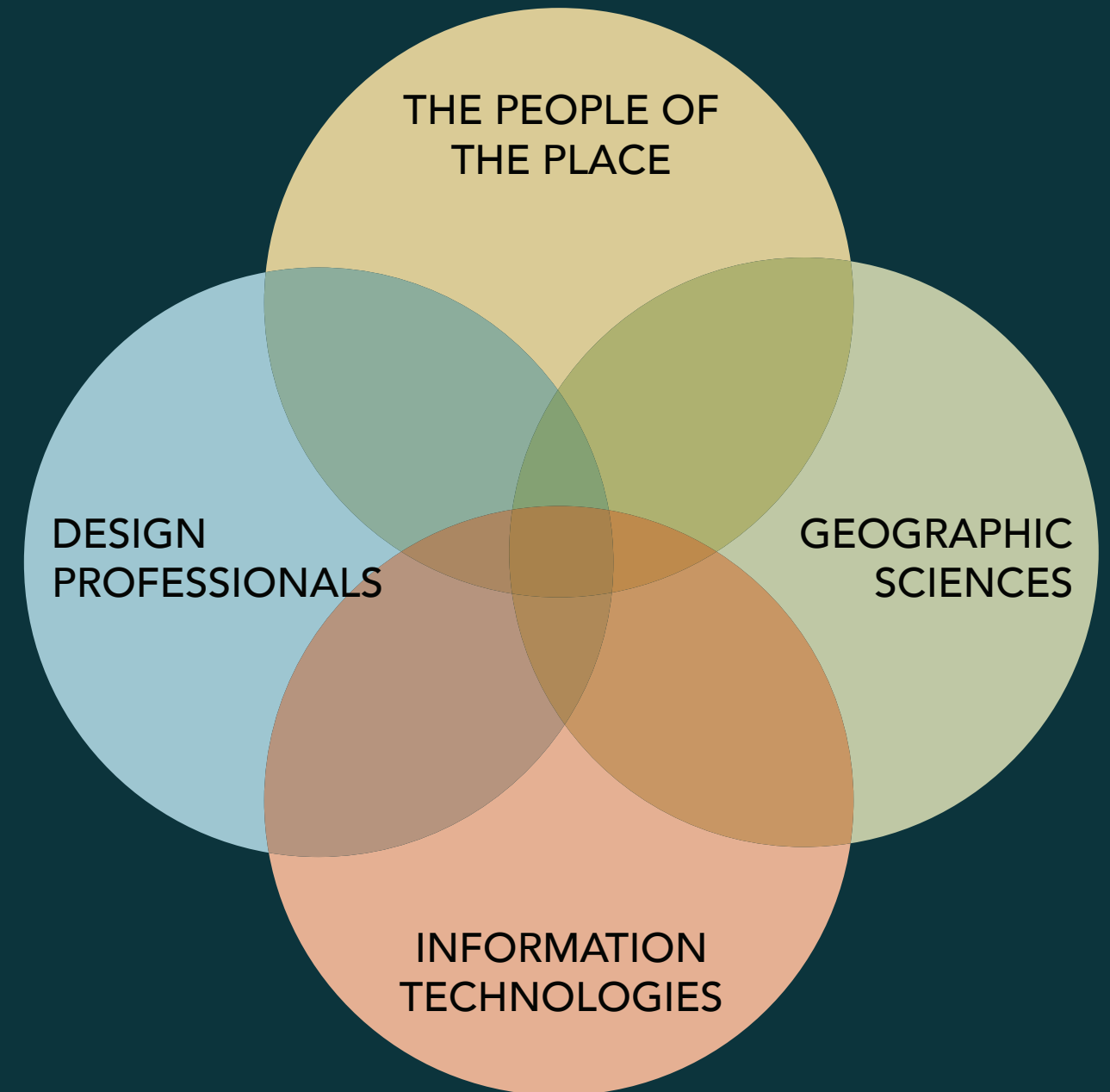


WHAT IS GEODESIGN?

GEODESIGN METHODOLOGY

Geodesign is a collaborative methodology and tool used for the structured discussion of spatial planning and city policies.

The process of geodesign utilizes a series of mapping exercises and stakeholder input to analyze current conditions and the impact of various scenarios on a defined region. The intent is to bring stakeholders together to combine scenarios, have discussion, and work towards finding solutions and building consensus.



INTRODUCTION

PROCESS

Non-binding, pre-planning exercise for Reservoir Park from August 1st, 2024 – November 12th, 2024.

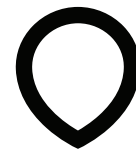
- Online, map-based survey
- In-person Geodesign workshops

GOALS

- Achieve greater community engagement than previous planning efforts for Reservoir Park
- Develop consensus for development in Reservoir Park
- Demonstrate Geodesign as a beneficial approach for future planning and development in Livingston

GEODESIGNHUB

Web based platform that uses maps and map-based negotiations to enable a give-and-take process where agreements can be made between people and groups that hold diverging positions socially and politically.



G E O D E S I G N H U B

RESERVOIR PARK



GEODESIGN WORKSHOPS

WORKSHOP #1 - OCTOBER 23RD

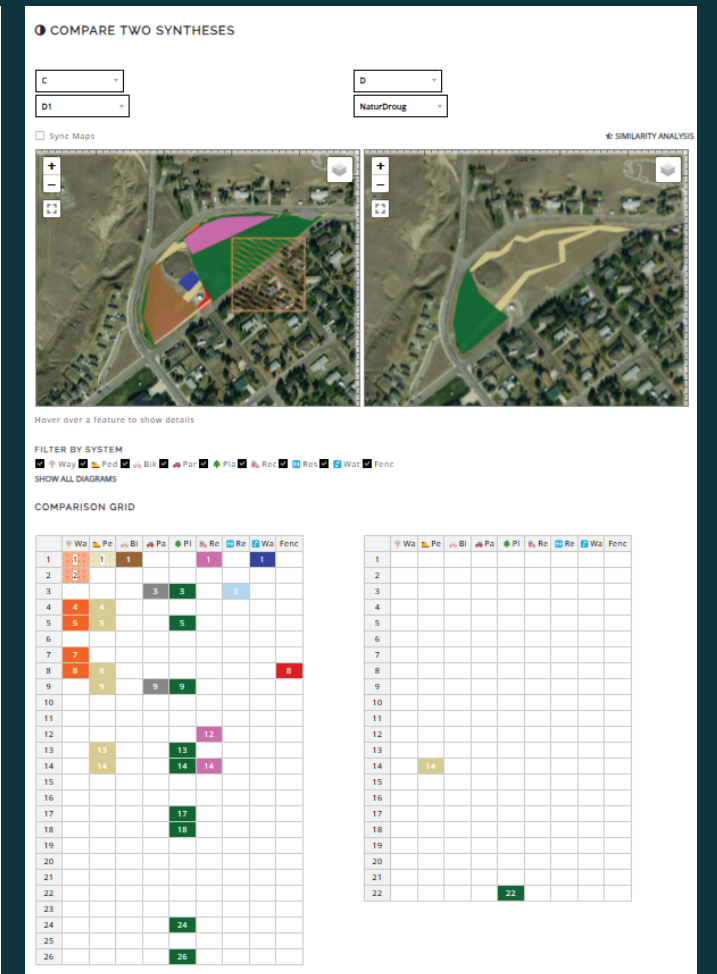
- 16 participants (10 participated for the entire workshop)
- Two groups: Group A (neighborhood residents)
Group B (Livingston community)
- Designs created and presented
- Negotiations continued in workshop #2

WORKSHOP #2 - NOVEMBER 12TH

- 28 participants
- Four Groups (A, B, C, and D)
- Groups A and B negotiated designs
- Groups C and D negotiated designs
- Resulted in two negotiated design proposals



Group A & B design comparison



Group C & D design comparison

NEGOTIATED DESIGN (A & B)



- 1.1** - Park sign, map, rules, dog waste bags, trash
- 1.2** - Signage naming surrounding mountain ranges
- 1.3** - Signs to other north-side trails

- 2.1** - Trail connections to other north-side trails
- 2.2** - Improve trail @ existing trail location
- 2.3** - Trails to B & C streets

- 4.1** - Off-street parking

- 5.1** - Trees for wind protection
- 5.2** - Weed removal, erosion control, native planting and educational signage
- 5.3** - Native plantings

- 6.1** - Picnic Shelter
- 6.2** - Natural play features (boulders, logs, stumps, mounds, etc.)

- 7.1** - Vault toilets

- 8.1** - Drinking water

NEGOTIATED DESIGN (C & D)



2.4 - Walking Path

3.1 - Small bike pump track/ skills park for kids

4.1 - Off-street parking

4.2 - Off-street parking

5.1 - Trees for wind protection

5.4 - Wind and shade trees

5.5 - Native plants and flowers with walking trail, bench, and educational signage

6.2 - Natural play features (boulders, logs, stumps, mounds, etc.)

6.3 - Picnic area & shade structure

7.1 - Vault toilets

SUMMARY

CONSENSUS ITEMS

- Maintain natural features where possible
- Enhance natural vegetation and native plant prevalence with educational signage and demonstration of drought tolerant planting (East side)
- Off-street parking in middle of park accessed from E. Reservoir Street.
- Provide vault toilet
- Natural play features, picnic shelter, trees to provide shade/ wind protection (West side)
- Connectivity to existing and future trails

NEXT STEPS

- Organize steering group for final design and implementation (COL, Non-Profits, Community groups, etc.)
- Define funding and budget
- Define future maintenance requirements and maintenance responsibilities
- Engage design professional to utilize results from workshops as a basis for final park design (aligned with budget and maintenance plans)
- Coordinate Reservoir Park design with new Parks Master Plan



Zoning Map Amendment for Tracts 5B and 1D on Alpenglow Lane from LI to MU

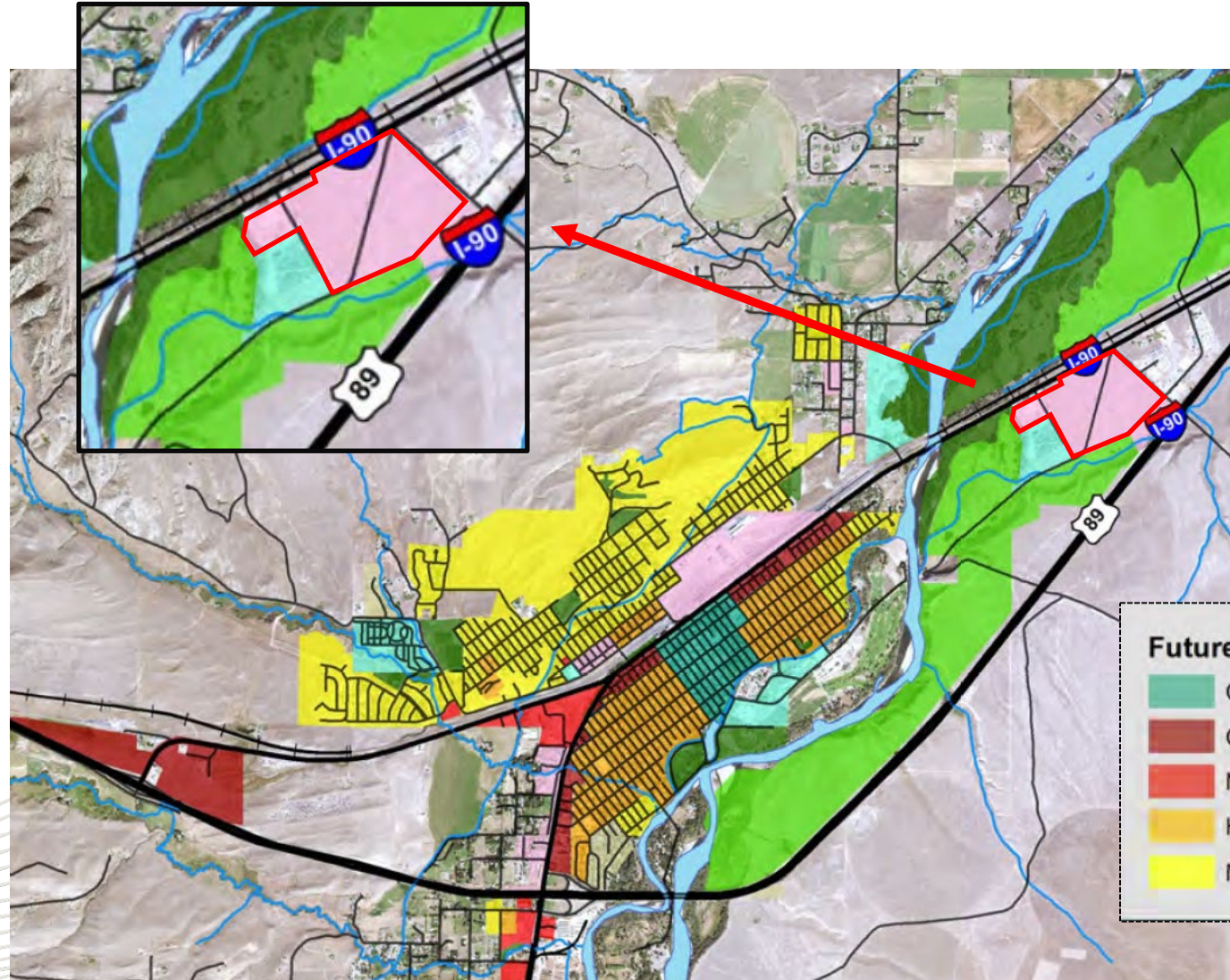
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SUMMARY

- Rezone Tracts 5B and 1D from Light Industrial (LI) to Mixed Use (MU)
- Current Use = Vacant
- Uses NOT ALLOWED in LI that ARE ALLOWED IN MU = Assisted Living, Senior Housing, and Workforce Housing for Hospital Staff



GROWTH POLICY FUTURE LAND USE MAP



Future Land Use	
	Central Business District
	Community Commercial
	Neighborhood Commercial
	High Density Residential
	Medium Density Residential
	Very Low Density Residential
	Community Facility
	Mixed Use
	Natural Area / Open Space
	Parks and Rec

FLOODPLAIN

Portions of the subject **properties are within the non-regulatory (500-year) floodplain**; the **properties are outside the regulatory (100-year) floodplain** as it is currently mapped



ZONING USE TABLE COMPARISON

A = Allowed S = Special Exception Permit Required N = Not Allowed

	<u>MU</u>	<u>LI</u>
One (1) Family Dwellings*	A	N
Two (2) Family Dwellings	A	N
Multifamily Dwellings	A	N
Accessory Dwellings	A	N
Townhouses	A	N
Tiny Homes	A	N
Accessory Buildings	A	A
Mobile Homes	N	N
Modular Homes	A	N
Churches	S	N
Schools, Public, Private and Parochial	S	N
Schools, Trade	S	A
Hospitals/Institutions	S	A
Medical/Dental Clinics	A	A
Adult Foster Care Center ³	A	A
Personal Care Center	A	N
Child Care Center	A	A
Veterinarian Clinics	A	A
Kennels and Catterys	N	A
Laundromat	A	A
Bed and Breakfasts	A	N
Motels/Hotels	N	A
Travel Trailer Parks	N	N
Business and Professional Offices	A	A
Retail	A	A
Large-scale Retail	N	S
Personal Service Stores	A	A
Eating and Drinking Establishments (Sit-Down)	A	A
Drive-Thru Restaurants	N	A
Banks	A	A

	<u>MU</u>	<u>LI</u>
Mortuary	S	A
Wholesale Businesses	N	A
Commercial Greenhouses	S	A
Gasoline Service Stations	N	N
Auto Repair Garage	N	N
Automobile Dealerships	N	A
Auto Salvage and Storage	N	N
Warehouse and Enclosed Storage	N	A
Machine Shop	N	S
Artisan Manufacturing	A	A
Limited Manufacturing	A	A
General Manufacturing	N	A
Intensive Manufacturing	N	A
Cidery	A	A
Microbrewery/ Microdistillery	A	A
Winery	A	A
Bowling Alley	S	S
Theater	S	A
Open-Air Stadiums, Sports Arenas, Amphitheaters	S	A
Lumberyards	N	A
Transportation Terminals	N	A
Radio Stations ⁴	A	A
Utility Substations	S	S
Armory	N	N
Cemetery	N	N
Government Offices	A	N
Public Recreation Facility	S	A
Health and Exercise Establishment	A	A
Marijuana Production Facility	N	A
Sexually Oriented Business	N	A

ANALYSIS

Growth Policy Future Land Use Map Does Not Include LI Uses

Zoning Code LI - intended to accommodate all types of light industry, including those defined as light manufacturing as well as business and professional offices”

Residential Uses NOT ALLOWED per Zoning Code

ANALYSIS (CONT.)

Growth Policy Future Land Use Map = MU intended to “accommodate a mixture of retail, office, restaurant, entertainment, cultural, and residential uses.

Zoning Code MU - intended to accommodate a mix of residential, neighborhood scale commercial services and offices, and small-scale manufacturing

- **Residential Uses ALLOWED** per FLUM and Zoning Code

ANALYSIS (CONT.)

Floodplain intended to “accommodate a mixture of retail, office, restaurant, entertainment, cultural, and residential uses.

Zoning Code MU - intended to accommodate a mix of residential, neighborhood scale commercial services and offices, and small-scale manufacturing

- **Residential Uses ALLOWED** per FLUM and Zoning Code

STRATEGIC ALIGNMENT

The proposed rezoning from LI to MU aligns with the Growth Policy as identified below:

Future Land Use Analysis for Future Residential Land Use (GP, page 102-103) states that “a large tract of vacant land next to hospital is available for development. There is a public preference for denser urban style development near the new hospital with a mixture of residential types to accommodate the workforce”.

Objective 3.1.1.8: Reduce Urban sprawl through the compact development consistent with the Future Land Use Map.

Objective 5.1.5: Create housing programs to retain employees, the elderly, and long-term residents.

Objective 5.1.4: promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.

Objective 7.2.2: Support services that meet the needs of the aging population.

Strategy 7.2.2.4: Collaborate with entities supporting and advocating for older adults’ quality of life such as assisted living providers...and Livingston HealthCare... to promote their services throughout the community.

Strategy 7.2.2.5: Collaborate with entities supporting and advocating for older adults’ quality of life such as assisted living providers...and Livingston Health Care... to assess unmet needs of Livingston’s residents.

Goal 3.4: Encourage the responsible growth of Livingston by evaluating proposed developments against the ten principles of Smart Growth, which include:

1. Mix Land Uses
3. Create a Range of Housing Opportunities and Choices
4. Create Walkable Neighborhoods

CRITERIA FOR ZONING REGULATIONS

MCA 76-2-304

- ✓ Made in accordance with Growth Policy
- ✓ Secure safety from fire/ other dangers
- ✓ Promote public health, safety and general welfare
- ✓ Adequate provision of transportation, water, sewer, schools, parks and other public requirements
- ✓ Reasonable provision of light and air
- ✓ Effect on motorized and nonmotorized transportation
- ✓ Promotion of compatible urban growth
- ✓ Zoning district character and suitability for particular uses
- ✓ Conserve building values and encourage appropriate land uses

RECOMMENDATION

The Consolidated Land Use Board voted unanimously to recommend the City Commission approve the requested rezoning from LI to MU

Staff recommends the City Commission approve the rezoning request from LI to MU as proposed and adopt Ordinance 3058

QUESTIONS?

LIVINGSTON
M O N T A N A