

**APPROVED**

**The 1452<sup>nd</sup> Regular Meeting of the City Council was held on Monday, August 1<sup>st</sup>, 2016 in the Council Chambers at City Hall.**

**Call to Order:**

The meeting was called to order at 7:00 pm by Council President Brent Teske. Present were Mrs. Williams, Mrs. Desch, Mr. Zimmerman, Mrs. Raines, Mr. Olsen, City Treasurer/Clerk Audray McCollum, City Administrator Jim Hammons and City Attorney Dean Chisholm. Mayor Doug Roll was absent.

Prayer was lead by Roy Roder.

A motion was made by Mr. Olsen to amend the minutes from the May 2, 2016.

Mr. Zimmerman seconded.

Mr. Olsen asked if three letters from the council members were included with the minutes. Ms. McCollum stated they were.

Approval of the minutes passed.

Mrs. Williams and Mrs. Desch abstained from the vote since they were not present.

Mr. Olsen made a motion to approve the minutes from the meeting held on July 5, 2016.

Mrs. Raines second.

Motion passed.

**Announcements:**

**Committee Reports:**

**Cemetery/Parks:** None

**Fire:** Mr. Zimmerman reported there were 13 calls for the month of July, 2 in city, 7 rural and 4 in the county.

**Police:** Sergeant Darren Short reported a total of 265 cases for July, 33 citations issued and 27arrests.

**Resolutions/Ordinances:** Mrs. Williams stated there would be a seconded reading for 6 ordinance updates later in the meeting. Ordinance 1878 will go back into committee for further updates.

**Lights, Streets/Sidewalks:** Mrs. Desch stated the streets have been paved and the chip sealing will now start. There may not be as much chip sealing as planned.

**Water/Sewer:** Mr. Teske said there was a meeting to discuss a billing issue. They are trying to come up with a solution to resolve this.

**Building:** Mrs. Raines stated they have received the truss and flat roof bids for the fire hall. Mrs. Raines asked for a special meeting to discuss options for the roof. That was denied. Mrs. Raines requested this information be placed on the agenda. That was denied. She received an email from Mayor Roll stating he hired Frazier Engineering to do the reports. Mrs. Raines is waiting on these, so the council will have something to vote on.

**Personal:** None

**Budget:** Mrs. Desch stated the meeting scheduled for Aug 3<sup>rd</sup> was cancelled and will be rescheduled for a later date.

**Finance:** None

**City Administrators Report:** Mr. Hammons reported the city was able to pave two extra blocks on Oak and Education Way. There was oil offered to the city at cost. He presented a color-coded map of the city streets, showing the different paving projects over the past few years.

**Hear from the Public Items on the Agenda Limit to Three Minutes:**

Gary Neff, 407 10<sup>th</sup> Street, asked the council to table the inter- local agreement (board of health). He found no record of a council vote since 2008 to join the inter-local agreement. Mr. Neff stated two of the council members were appointed to the inter- local board without a proper vote from the Libby city council. He questioned why these council representatives had never made any reports to the Libby city council. Mr. Neff is worried this might cause some legal problems for the City of Libby. He again asked the council to table this until these issues were looked into.

Arlene McGill, 807 Wisconsin, asked why he “Mayor Roll” was able to make contractual agreements, he hasn’t been present for 3 months. McGill asked council to look into this. McGill wants Rolls’ obligations to the city limited until he shows up personally.

DC Orr, 1117 Nevada, Stated Doug Roll appointed himself and Peggy Williams to be on the Board of Health. There terms were supposed to expire and never were. The meetings were supposed to be posted for the public they never were. Mr. Orr stated he tried to find the minutes to inform the public they were never available. Mr. Orr is concerned that the cost of the asbestos's clean-up will be placed on the home owner. Mr. Orr asked the council to table this issue.

**New Business:**

Mr. Olsen made a motion to accept to noise variance for PRIER. If there are any complaints or harassments the variance will be pulled.

Mrs. Williams second.

Motion passed.

Julie Mason representing VFW post 1548 asked for 2<sup>nd</sup> street to be closed on August 19<sup>th</sup> from 5pm to 2am and a sound variance. They want to have a street dance during Ignite the Night. The VFW will obtain a catering permit and check on insurance.

Mrs. Williams made a motion to approve 2<sup>nd</sup> street to be closed on Aug 19<sup>th</sup> from 5pm-2am, noise variance till 1:30am.

Mr. Olsen second

Motion passed.

Jenn McCully, 49 Hope drive, Public Health Program manager for Lincoln County health department, Kathy Hooper, director Lincoln County health department. Inviting the city to join the new inter-local health authority. Kathy Hopper explained what the health department does for the county. Jennifer McCully went over the new purposed board of health and changes that would be made. She urged Libby to join. The city would have a say in what goes on at the health department.

Mr. Olsen stated concerns of the way the board has been run in the past. Jennifer McCully replied this is a new proposal of how the board will be run. There will be a separation from the county.

Mr. Olsen made a motion to table the City of Libby participation with the inter-local health authority. He requested a special meeting so council member could ask questions.

Mrs. Williams second.

Motion passed.

Ben Scott from the Biathlon range thanked the council for their support. The City of Libby helped with timber clearing. This resulted in the Biathlon club receiving a grant. Mr. Scott stated the city streets were the nicest they've ever been. Thanking the council and the city crews. Ben Scott introduced Amy Hillard she will be coordinating the master plan for the trails.

Tina Oliphant, 64 Lincoln blvd, spoke about the Libby rebranding plan. She is excited about the Libby trail project. Oliphant explained how the proposed Chamber of Commerce digital platform would benefit Libby. She also talked about the plan to put "way finding" navigational signs around the Libby area.

Larry Alexander, 325 Edgewater, asked the city to work with the county to improve bike trails. Feels this would improve tourism to Libby. Mr. Alexander was encouraged to speak with Amy Hillard.

Second reading: The description of the city limits will be changed from a technical description requiring an ordinance change each time there is an annexation to a general description referencing the city map available at city hall. The city engineer will be responsible for updating the map to include any changes.

Ordinance 1876-AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA, REPEALING CHAPTER 1.16 OF THE LIBBY MUNICIPAL CODE ENTITLED "CORPORATE LIMITES" AND ADOPTING A NEW CHAPTER 1.16 OF THE LIBBY MUNICIPAL CODE ENTITLED "CORPORATE LIMITS".

**1.16.010-Corporate limits designated.**

The corporate limits of the city include all the lands described upon the "Official Map of Libby, Montana." kept at the Clerk's offices of the City of Libby. Such map shall be altered upon changes in the city boundaries adopted by the City Council through annexation or otherwise.

**1.16.02 –Marking boundaries.**

The city engineer shall be responsible for suitably and properly marking the city boundaries and shall be responsible for making any and all subsequent changes on said map.

Mrs. Raines made a motion to accept the Corporate Limits designated per Ordinance 1876.

Mrs. Desch second.  
Motion passed.

Second reading: This is a wording change removing reference to wards and aldermen.

ORDINANCE 1877-AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA, REPEALING CHAPTER 2.04 OF THE LIBBY MUNICIPAL CODE ENTITLED "CITY OFFICERS" AND ADOPTING A NEW CHAPTER 2.04 OF THE LIBBY MUNICIPAL CODE ENTITLED "CITY OFFICERS."

**2.04.010-City officers designated.**

The officers of the city shall be a mayor, six at large nonpartisan council members, and such other officers as are authorized by the laws of the state of Montana and deemed necessary to carry out the provisions of the laws or ordinances of the city. Said officers shall be elected or appointed as specified in the laws of the State of Montana. (Ord. 1204, 1982; \_\_\_\_\_.)

**2.04.020 - Salaries.**

The salaries of the officers and employees of the city shall be set annually by resolution of the City Council.

Mrs. Raines made a motion to accept Ordinance 1877 titled City Officers.

Mr. Zimmerman second.

Motion passed.

Second reading: Makes two meetings a month, the first and third Mondays at 7:00pm as mandatory.

Ordinance 1879- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA, REPEALING CHAPTER 2.48 OF THE LIBBY MUNICIPAL CODE ENTITLED "COUNCIL MEETINGS" AND ADOPTING A NEW CHAPTER 2.48 OF THE LIBBY MUNICIPAL CODE ENTITLED "COUNCIL MEETINGS."

**2.48.010-Time—Place.**

Hereafter all regular meetings of the City Council shall be held twice every month, on the first and third Mondays of each month at the hour of seven p.m. at the City Hall in the city. On reasonable notice thereof, given by the city clerk or

given by the mayor, the time may be changed to any other hour or place for the particular meeting.

(Ord.1517, 1996: Ord.382, 1957 ;\_\_\_\_\_)

Mr. Olsen made a motion to pass ordinance 1879 Council Meetings.

Mr. Zimmerman second, with discussion to follow.

Motion passed with Mrs. Williams and Mrs. Desch voting no.

Second reading: This change corrects a conflicting reference to both three miles and five miles and adopts the state standard of five miles.

Ordinance 1880-AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA REPEALING CHAPTER 2.32 OF THE LIBBY MUNICIPAL CODE ENTITLED "POLICE CHIEF" AND ADOPTING A NEW CHAPTER 2.32 OF THE LIBBY MUNICIPAL CODE ENTITLED " POLICE CHIEF."

**2.32.010-Duties—Salary.**

The duties of the police chief shall be such as are provided by the statutes of the state or the code of the city. The salary of the chief of police shall be set by resolution of the City Council. (Ord.1594 11, 2002:Ord.1129, 1980:Ord.1069, 1979.)

**2.32.020-Duties—Five mile limit.**

The police chief and all the police officers of the City of Libby shall be and are authorized to exercise their ordinary duties as peace officers and to make arrests of people charged with a crime:

- (1) Within the city limits of the city of Libby; or
- (2) Within five miles of the city limits of the City of Libby; (Ord.1617, 2004 prior code 145;\_\_\_\_\_.)

Mr. Zimmerman made a motion to pass Ordinance 1880 Police Chief.

Mrs. Raines second.

Motion passed.

Second reading: An issued citation uncovered that section 1.28.020 contained incorrect references to code numbers. This ordinance change corrects that issue.

Ordinance 1883- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA REPEALING CHAPTER 1.28 OF THE LIBBY MUNICIPAL CODE ENTITLED

“GENERAL PENALTY” AND ADOPTING A NEW CHAPTER 1.28 OF THE LIBBY MUNICIPAL ENTILED “GENERAL PENALTY.”

Mrs. Raines made a motion to accept Ordinance 1883 General Penalty parking.

Mr. Zimmerman second.

Motion passed.

Second reading: The city will no longer require the clerk-treasurer post their own bond as currently stated in section B.

Ordinance 1884- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA, REPEALING SUBSECTION 2.20.010B OF THE LIBBY MUNICIPAL CODE.

Now, therefore, be it ordained by the City Council of the city of Libby, Montana, that Subsection 2.20.010B and the Subsection label “A” of Subsection 2.20.010 of the Libby Municipal Code is hereby repealed.

Mr. Zimmerman made a motion to approve ordinance 1884 City Treasurer.

Mr. Raines second.

Motion passed.

**Council Action/Discussion:**

Mr. Olsen made a motion to approve all business licenses received to date.

Mrs. Desch second.

Motion passed.

Mrs. Williams made a motion to approve all claims for July 2016.

Mrs. Desch second.

Motion Passed.

**Hear From The Public On Items Not On The Agenda Limited To Three Minutes:**

Robert Viegutz, stated Mayor Roll should resign. He has not been to one meeting in 4 months. He urged the citizens to sign the petition, and get him out.

Susie Rice, 1020 Idaho, asked if there would be another dedication for the dam.

Mrs. Williams replied there will be a public open house on Sept 17<sup>th</sup>. Mrs. Rice

asked the council to announce when there are any new businesses applying for businesses licenses.

Rob Hubbard, 15 Northwood, asked about the process when someone on the council is recalled. Mrs. Raines explained when there are enough signatures collected; there is a yes no ballot put before the voters. The position is then open for city residents to apply; an election takes place to fill the remaining term.

Tami Bown, 604 Minnesota, Stated if Mayor Roll is recalled he will have 30 days to step down or he can write a 200 Word essay to be placed on the ballot. The council president will fill the mayor's position during the process.

Rob Hubbard asked who will sign the checks during this process. Mr. Hammons responded the council president would. Mr. Hubbard asked why the Mayor had access to the checkbook; he shouldn't because he doesn't attend meetings. Mr. Olsen asked Mr. Chisholm to look into this. Mr. Hubbard asked were a citizen should go if they have a good idea. Mr. Teske said it would depend on what the idea was.

DC Orr, 1117 Nevada, stated the Mayor has changed the public comment process on the agenda, council needs to look into this. He also urged the council to remove the mayor because of his absence during the last 3 months. Mr. Orr urged the master trails program to speak with the Forest Service to help with funding.

Mrs. Williams made a motion to adjourn the meeting.

Mr. Olsen second.

Motion passed.

The meeting adjourned at 8:11pm

\_\_\_\_\_  
Council President,  
Brent Teske

Attest; \_\_\_\_\_  
Audray J. McCollum, City Clerk-Treasurer