

APPROVED

The 1453rd Regular Meeting of the City Council was held on Monday, September 6th, 2016 in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:40 pm by Council President Brent Teske. Present were Mrs. Williams, Mr. Zimmerman, Mr. Olsen, Mr. Beach, City Treasurer/Clerk Audray McCollum, City Administrator Jim Hammons and City Attorney Dean Chisholm. Mayor Doug Roll and Barb Desch were absent.

No Prayer was offered.

Mr. Olsen made a motion to approve the minutes from the meeting held on August 1, 2016.

Mrs. Williams second.

Motion passed.

Announcements: Mrs. Williams invited the public to attend the open house for Flower Creek Dam on Saturday September 17. The buses will leave city hall at 9:30 am.

Committee Reports:

Cemetery/Parks: None

Fire: Mr. Zimmerman reported there were 12 calls for the month of August, 1 in city, 7 county and 4 out of district.

Police: Chief Watson reported a total of 308 cases for August, ~~338~~ 38 citations issued and 22 arrests. Chief Watson thanked the Igniters Car Club for the added security during Ignite the Nights. Chief Watson said January 31, 2017 will be his last day, he will be retiring.

Resolutions/Ordinances: Mrs. Williams stated there would a meeting tomorrow night September 7th. Discussion will be on zoning and animal ordinances. Mrs. Williams plans on having these ordinances ready for the Sept 19th council meeting.

Lights, Streets/Sidewalks: Mr. Hammons reported the chip sealing should be done by September 8th.

Water/Sewer: Mr. Teske encouraged the public to show up for the Flower Creek Dam open house.

Building: None

Personal: None

Budget: Mrs. Williams said there is a legal requirement the budget needs to be passed by Sept 8th. Mr. Olsen suggested there be a monthly budget meeting. Mr. Olsen only wants department heads charging at local stores. Mr. Olsen would also like each department head to give a quarterly report to the council.

Finance: None

City Administrators Report: In council packets.

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

Kenny Rayome, 79 Hamon Av, City of Libby water treatment operator. Rayome expressed concerns towards Mr. Olsen's purposed changes regarding employee charging. Stating not all department heads work seven days a week. This would result in the city being charged two hours show up time, costing the city more in the long run. Mr. Olsen replied the city needs to get control on the multiple trips per day to local stores.

Gary Neff sees no reason, not to approve Allan Payne's request to represent the Port Authority. Neff expressed concerns about a potential conflict of interest down the road. Mr. Neff stated Mr. Payne and Mr. Rolls' connection on the City County Health Board may or may not result in criminal charges. Mr. Neff does not want the city being drug into that situation, which could result in financial or liability action. Neff suggested Mr. Payne and Mr. Roll sign a form prepared by City Attorney Dean Chisholm that would relieve the City of Libby of any liability.

Arlene McGill, 807 Minnesota, expressed concern over Alan Payne representing the Port Authority. McGill does not feel he (Payne) is trustworthy. Mr. McGill stated that Jack Conner never finished any ordinances for the city. Mrs. Williams stated that he (Conner) did finish some ordinances. Mr. McGill again urged the council not to involve Mr. Payne.

D C Orr, 1117 Nevada, said Mrs. Williams was wrong; there was no legal obligation for the council to pass the budget. Orr urged the council to challenge

this, by asking for the legal citation and what kind of penalty there would be. Mr. Orr stated Mr. Roll and Mrs. Desch had not informed the council and urged them not to vote on the budget.

Mr. Orr said he had the minutes from the City County Board of Health and Doug Roll was the vice chair. Orr urged council to find out what was going on with the City County Board of Health. Mr. Orr questioned Allan Payne's private trust. Orr was worried private home owners would have to pay for the EPA cleanup in the future.

Bob Sather, 216 Nevada av. apt A, Stated he is glad to be back as a Montana citizens and Libby resident. He thanked the council and the city employees for doing the best they can.

Unfinished Business:

Mr. Teske wants the City County Health Board agreement added to the Sept 19 council agenda.

Mr. Olsen asked the city attorney to review Montana Code 7-4-41-11, in references to Mayor Roll's absence. Mr. Olsen wants this added to the Sept 19 council agenda.

New Business:

Pam Peppenger, Libby Chamber of Commerce, asked council for a road closure for the Nordic Festival Parade.

Mrs. Williams made a motion to close Lincoln Boulevard, Louisiana, Mineral av. and Second Street on Sept 10th from 8am to 12 pm for the Nordic Festival parade.

Mr. Zimmerman second.

Motion passed.

Jill Beach, Glacier Bank, asked council for a road closure for the Paint it Pink Fun Run.

Mrs. Williams made a motion to close the streets requested on Oct 8th for the Paint it Pink Fun Run.

Mr. Olsen second.

Motion Passed with Mr. Beach not voting.

Mr. Olsen made a motion to put Wi- Fi in the council chambers, with discussion to follow.

Motion was tabled till Sept 19th. Mr. Teske asked City Clerk McCollum to find out what the monthly cost would be.

Mrs. Williams made a motion to accept Resolution 1881- Setting annual appropriations for the 2016-2017 budget.

Mr. Zimmerman second, with discussion to follow.

Mr. Teske asked Mrs. Williams were she received her information about the legal timing of passing the budget. Mrs. Williams replied, she had received this information from the budget class she attended in June. Mr. Olsen asked Mr. Teske would there be a issue having Mayor Doug Roll sign the resolution? Mr. Teske replied he "Roll" could sign it at a later time. Mr. Teske asked City Attorney Chisholm, would there be a timing issue if the budget was not passed. Mr. Chisholm answered the budget needs to be passed by the second Monday in September or 45 days after the receipt of the taxable values. Ms. McCollum stated those values were received on July 29.

Mrs. Williams voted yes

Mr. Zimmerman and Mr. Olsen voted no.

Mr. Beach abstained.

Motion failed.

A budget committee meeting was set for Monday Sept 12th at 6:00pm in council chambers.

Resolution 1883-Making tax levy for year 2016 upon all real property, was tabled.

Resolution 1884-Setting salaries and wages of elected officers, appointed officers and city employees, was tabled.

Resolution 1885-Amendment of the Budget for the FY 15-16, was tabled.

Mr. Teske asked council members to look at the engineering report from Fraser Management. The estimates on the fire hall roof were between \$190,000.000 and \$210,000.00. Chief Wood thanked the council for the repair work on the new fire hall roof. Fire Chief Wood expressed his concern about the old fire hall roof. Stating an engineer advised him, no equipment to be parked in that building. No one should be on the old fire hall roof. Mr. Wood said he was in the building earlier that day and it was leaking. Mr. Hammons' suggested Mike Fraser speaks at the next council meeting to go over the engineering reports. Mr. Wood stated he's been asking council for seven years to repair this roof. Mr. Teske asked if Mike Fraser could be at the September 19th meeting to explain the engineering report.

Mr. Olsen made a motion to table Allan Paynes' request to represent the Port Authority against International Paper.

Mrs. Williams asked Tina Oliphant from the Port Authority to comment on this.

Ms. Oliphant gave a background on the water issues that the port may face in the future and why the Port Authority wanted Allan Payne to represent them.

Mr. Teske asked City Attorney Chisholm if this was an issue that the council needed to vote on or just informational. Mr. Chisholm replied council would need to take action.

Mr. Chisholm said he was looking at this from a clinical stand point. The contract stated the City of Libby was not recommending or referring Mr. Payne to another client. City Attorney Chisholm feels the City of Libby would have a difficult time withholding their consent at this time.

Mrs. Williams stated council had no reason to withhold the legal consent. Mr. Olsen said he would abstain from the vote. Mrs. Williams asked Mr. Chisholm if he would recommend the council proceed with the consent of contract.

Mr. Chisholm responded he saw nothing that would subject the City of Libby to any liabilities in granting Paynes' request. "If we (the City of Libby) fail to grant the request, Payne or his firm would have the ability to ask a court, if we were being reasonable in withholding our consent." Based on the information that was provided in the contract, City Attorney Chisholm recommended the council approve Payne's' request.

Mrs. Williams made a motion per Mr. Chisholm to authorize the mayor to consent in writing to Mr. Payne's firm representing the Port Authority.

Mr. Zimmerman second.

Mr. Olsen abstained.
Motion passed.

Mrs. Williams made a motion to approve all business licenses to date, except for Tanya Denning because of a zoning issue.
Mr. Olsen second.
Motion passed.

Mr. Olsen made a motion to approve all claims for the month of August.
Mrs. Williams second.
Motion passed.

Here from the public on items not on the agenda limited to three minutes.

Kenny Rayome had concerns with the way Mayor Roll handled the fire hall roof. Stating this is playing with people's lives and safety. He urged the council to do whatever they could to get this fixed.

Amy Thompson, 218 W Poplar, has concerns about a new daycare on Poplar and the effect it could have on her property value. Thompson asked council to look into how daycares are zoned in residential neighborhoods.

Rob Hubbard stated Mr. Zimmerman took great leadership, by not passing the budget. He also stated the Wi-Fi for council chambers would not cost any extra money per month.

Mr. Hubbard stated that Mr. Roll is not the issue, it's the council. Mr. Hubbard feels the council did not vote for the most qualified person to fill the city council seat. The council did not vote for the City of Libby tonight.

Fire Chief Wood thanked the city council for fixing the city streets.

Arlen McGill, 807 Wisconsin, feels the council could have learned a lot from Gary Neff, if they would have voted him in. McGill blamed the council for not attending budget meetings and not understanding the budget. McGill told council they need to pay attention and start doing a better job. McGill wants council to find a way to take care of the fire hall roof. Mr. McGill said council needed to focus on issues and do a better job for the community.

Mrs. Williams made a motion to adjourn the meeting.
Mr. Zimmerman second.
Motion passed.

Meeting adjourned at 8:53 pm

Council President,
Brent Teske

Attest; _____
Audray J. McCollum, City Clerk-Treasurer