

UNAPPROVED
THE 1442nd REGULAR MEETING OF THE CITY COUNCIL WAS HELD ON
MONDAY, OCTOBER 5, 2015 IN THE COUNCIL CHAMBERS AT CITY HALL

CALL TO ORDER

The meeting was called to order at 7:00pm by Mayor Roll who welcomed the public and led the pledge of allegiance.

Mr. Olsen, Mr. Teske, Mr. Neff, Mrs. Williams, Mrs. Desch and Mrs. Raines were present. City Administrator Jim Hammons, City Attorney Allan Payne, Clerk trainee Audray McCollum and City Clerk-Treasurer Glenna Hook were also present.

Prayer was offered by Bill Cunnane.

Mr. Olsen made a motion to approve the minutes from the Regular Meeting 9-8-15 and special meetings on 9-28-15. Mrs. Williams seconded the motion. Motion Passed

ANNOUNCEMENTS

COMMITTEE REPORTS

Parks/Cemetery; None

Fire; None

Resolutions/Ordinances; Mrs. Williams stated she was working on a committee meeting for Thursday with a number of things on the agenda.

Personnel; None

Building; Mr. Teske stated they need to take care of Fire Hall roof and may have to ask for new bids. Mr. Teske stated they needed to have a meeting and take care of it before the weather gets bad.

Water/Sewer; None

Budget/Finance; None

Police; Chief Watson stated there were 247 case reports, 18 citations and 22 arrests for the month of September 2015.

Lights/Streets/Sidewalks; None

City Administrator; Mr. Hammons stated he had a letter of support to be sent to Mike Cuffe. Mr. Cuffe will go before the Legislature regarding compensation for the State and Lincoln County for the storage of water behind Libby Dam. He had also supplied the council with copies. There will be three letters going out two to Senators and one to a Congressman.

Finance; None

City Attorney Report; Mr. Allan Payne stated that it came to his attention that the Secretary of State had a listing for the City of Libby and according to their list the City of Libby's name was, Town of Libby with resolution changing it to the City of Libby. Mr. Payne suspected a clerical error. Mr. Payne was seen that the correct change has been made and we are now officially the City of Libby.

Mr. Payne stated a question was received by asking, who has authority to negotiate with the labor union on behalf of the city. Mr. Payne stated the Mayor has authority to negotiate but council must vote for any changes.

Mr. Payne stated another question that was brought to his attention, was who creates council committees. Mr. Payne stated the answer is the City Council creates the committees. The next question was who appoints the committee members. Under the city charter the mayor appoints the members.

Mr. Payne stated there was a question with respect to whether the Cemetery Committee code section took on more than one subject matter. Mr. Payne stated they looked into the issues and decided no they did not because it was just reiterating what the City Charter was saying. Mr. Neff stated that wasn't quite the question that was asked stating there was a cemetery incident in the last statement it says, be appointed by the mayor and approved by the council the same as other committees of the council. Mr. Neff stated the question was, is that part, the same as other committees of the council a mandate or in reference to common practice? Mr. Payne stated he thought it was a reference to what is contained in the City Charter.

Mr. Payne stated his firm has been doing extra research for the city without charging to this point but it may at some point become too burdensome and they may have to start charging for the extra research above their normal rate. Mr. Olsen stated doesn't it state in your contract you are suppose to answer our questions? Mr. Payne stated, the routine questions yes but additional questions that involve legal research are not part of the contract. Mr. Payne stated that was not his contract but was in place with the previous city attorneys.

Mr. Olsen asked why we went from 19 to 8 committees and if the council creates them does Mayor Roll have the right to get rid of them. Mayor Roll stated he did that because it has been common practice since he has been on the council that the mayor appoints the committees. Mayor Roll stated that as they went through the committees a lot of them were superfluous. Mayor Roll stated at this point that is where we are at and now council would create committees. Mayor Roll stated it is up to the council as to where they want to go with it. Mr. Neff stated he accepts the mayor appointing members with the council approval. Mr. Neff stated what he thought Allen Olsen was talking about was the creation and dissolution of the committees. Mayor Roll explained that prior to this list the mayor had always appointed and set-up committees. Mayor Roll explained that the process going forward was up to the council.

HEAR THE PUBLIC FOR ITEMS ON THE AGENDA LIMITED TO THREE MINUTES

DC Orr residing at 1117 Nevada Avenue, Libby stated on the agenda tonight we heard the city attorney's report. Mr. Orr read part of the City Attorney's contract and stated his concerns. Mr. Orr stated he thinks the city got less than they deserve. Mr. Orr also stated the City council president appointment is crucial.

Arlen Magill residing at 807 Wisconsin Avenue, Libby asked the City Attorney to define routine. City Attorney Allan Payne stated routine was to be taken in context and read a portion of the City Attorney Contract that had to do with, the question. Mr. Payne stated that routine in this case would mean something that you could answer off the top of your head and that does not require a lot of legal research. (couldn't hear the rest because of coughing in the audience.)

Rob Hubbard residing at 15 Northwood, Libby thanked the city council for attending the training meeting. Mr. Hubbard stated based on what he saw it is time to move forward. Mr. Hubbard spoke about the City Attorney contract and stated the contract has nothing to do with who the City Attorney is. Mr. Hubbard stated the contract is what needs to be written better. Mr. Hubbard asked who is in charge of making sure the contract is adhered to. Mr. Olsen made a motion to give Mr. Hubbard an extra 3 minutes to speak Mr. Teske seconded the motion. Motion Passed. Mr. Hubbard went on to explain his concerns about the City Attorney contract. Mr. Hubbard asked the City Attorney if he agreed that his duties are different than other city attorneys. The City Attorney disagreed. Mr. Hubbard suggested the city look at other City Attorney contracts. Mr. Hubbard asked the City Attorney if he was doing anything for the city that he was not required to do under contract. City Attorney Allan Payne explained that there is a lot he has done for the city that he has a right to charge for but he has not.

Bill Cunnane residing at 622 Michigan Avenue, Libby mentioned that a couple of things were mentioned tonight in context and in his experience with his jobs it was cut and dry, either black or white. Mr. Cunnane stated the city needed to have that established. Mr. Cunnane stated he thought the city needed clarification.

Laura Tindall residing 703 Louisiana Avenue, Libby stated she would like to see Allen Olsen and Brent Teske the two council members that have been contrary to the poll in the city be considered for council president. Laura Tindall stated it is unethical to have the attorney who is the private attorney to the mayor be the city attorney. Laura Tindall stated she thinks there is a conflict of interest.

UNFINISHED BUSINESS

NEW BUSINESS

Choosing of Council President; Mr. Olsen made a motion to appoint Mr. Teske to council president. Mr. Neff seconded the motion. Motion Passed. Mrs. Williams voted against the motion.

Recessed at 7:35pm called to order at 7:39pm

Dr. Ben Scott, Flower Creek Water Shed Park; Dr. Ben Scott stated he had a proposal for the council. Dr. Scott stated he grew up in Libby and thinks Libby has done a poor job transitioning from industrial base to recreational base. Dr. Scott proposed to putting in a trail and gun range for a kids to use competing in a biathlon. Dr. Scott stated he would like to see a Libby trail starting at the golf course out to Leigh Lake. He would also like to see a disk golf course put in and better biking trails. Dr. Scott stated Whitefish has a immense trail system. Dr. Scott stated there is a lot of money out there in grants. Dr. Scott stated the County is willing to partner with his group. Mrs. Williams asked if there is a contract with the ski club. Mrs. Williams stated there should be some kind of contract. It was asked what kind of timeline the group was looking at. Dr. Scott stated they wanted to start next summer or by next fall. Mrs. Raines asked about the shooting range and asked if it would be open for events only or open all the time. Dr. Scott stated it was more for biathlon. Dr. Scott stated biathlon guns used are in the 22 range velocity and the targets were different than the usual gun range targets. Mr. Neff asked about the costs share and what was going to be set up and maintenance costs? Dr. Scott stated

there would be zero cost for the city. Dr. Scott went on to explain more about the proposal. There was more discussion about the proposal. Mrs. Williams asked how are people going to access trail? Dr. Scott stated they are trying to work out a city access, private easement or golf course access. Mrs. Williams made a motion to pursue a letter of support for the trail but to hold on going any further forward until more information is in. Mrs. Raines seconded the motion. Mr. Neff had concerns with liability at the shooting range. Dan Ackerson President of the Libby Rod and Gun stated they will support and supervise the shooting range and they have 1 to 2 million in liability insurance. Motion Passed.

Resolution # 1880 relating to \$3,600,000 water system revenue bond; Mrs. Williams made a motion to adopt Resolution # 1880. Mrs. Desch seconded the motion. Motion Passed .

COUNCIL ACTION/DISCUSSION

Approval of Gas and Propane Bids; Mr. Olsen made a motion to award the Propane bid to Northern Energy and strike out the Libby Employee Incentive portion of the bid. Mrs. Williams seconded the motion. Motion Passed.

Mr. Neff made a motion to award the gas bid to Moore Oil. Mr. Olsen seconded the motion. Motion Passed.

Discussion of City Attorney Contract; Mr. Neff spoke about the attorney contract. Mr. Neff had a problem with a two year appointment. Mr. Neff spoke of his many concerns with the contract including a conflict of interest and the termination clause. Mr. Olsen made a motion to advertise state wide for a city attorney within two weeks. Mr. Neff seconded the motion. Chief Watson stated he has never seen this level in any other city attorney, he has no problems with the city attorney and the city attorney is great. Mr. Payne explained his involvement with the county which Mr. Neff had asked for. There was further discussion about the city attorney contract and the city attorney. Mr. Olsen rescinded his motion. Mr. Neff made a motion that the current city attorney contract not be renewed and an immediate search begin for a replacement of Doney & Crowley for city attorney. Mr. Olsen seconded the motion. There was more discussion. Mrs. Raines made a motion to open a search for the 2016 City Attorney. Mrs. Williams seconded the motion. Mrs. Raines rescinded her motion. There was more discussion. Mr. Neff made a motion not to renew the city attorney contract as written. Mr. Olsen seconded the motion. Mr. Olsen, Mr. Teske and Mr. Neff voted for the motion. Mrs. Williams, Mrs. Desch and Mrs. Raines voted against the motion. Mayor Roll broke the tie vote by voting for the motion. Motion Passed.

Discussion of Council Committees;

Discussion of ED Committee;

Approval of Business Licenses received to date; made a motion to approve the Business Licenses received to date. seconded the motion. Motion Passed.

Approval of Claims for September 2015; made a motion to approve claims for September 2015. seconded the motion. Motion passed.

HEAR FROM THE PUBLIC LIMITED TO THREE MINUTES

ADJOURNMENT

The meeting was adjourned at 9:10 pm.

Mayor Doug Roll

Attest; _____

City Clerk-Treasurer Glenna L. Hook