

APPROVED
THE 1446th REGULAR MEETING OF THE CITY COUNCIL WAS HELD ON
MONDAY, FEBRUARY 1, 2016 IN THE COUNCIL CHAMBERS AT CITY HALL

CALL TO ORDER

The meeting was called to order at 7:00pm by Council President Brent Teske who welcomed the public and led the pledge of allegiance.

Mr. Olsen, Ms. Williams, Mrs. Raines, Mrs. Desch and Mr. Zimmerman were present. Mayor Roll was absent. City Clerk-Treasurer Audray McCollum and Jim Hammons City administrator were present.

Prayer was offered by Phillip Coblentz.

Ms. Williams made a motion to approve the minutes for January 4, 2015. Mr. Olsen seconded the motion. Motion Passed.

ANNOUNCEMENTS

COMMITTEE REPORTS

Parks/Cemetery: None

Fire: There were 107 calls and 2446 hours of training for the year of 2015.

Resolutions/Ordinances: Two items are on the agenda.

Building: None. We are waiting on the insurance claim.

City Attorney: None

Water/Sewer: Mr. Teske would like to have a meeting Thursday February 4th at 6 pm to go over the new water/sewer policy.

Budget/Finance: None

Police: Chief Watson reported 191 calls 20 citations, 12 arrests for the month of January. Law enforcement is trying to maintain business as usual without a city attorney.

Lights/Streets/Sidewalks: None

City Administrator: PRV hydro project is moving forward will have a contract in 30-40 days.

Finance: None

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

Arlene Magill- 807 Michigan would like the City to look into different avenues for a city attorney.

D C Orr -1117 Nevada Concerned the City does not have proper prosecution because there is not a city attorney. He urged the council to set the agenda. Mr. Orr is not happy with paying claim for Morrison Maierle for work that has not been done on the dam project and Allen Payne for union negotiations. He asked the council to talk to Frazer Management about the drilling up at the dam. Mr. Orr stated concerns about the job at the end of the four way (Vanderwood) was double of what it was bid for. He would like to know why the city does business with Johnies Auto and not NAPA. Feels the city is being run into the ground

Gary Neff -407 10th St. East would like to know what happened to the second meeting of the month. Mr. Olsen responded that he has put on the agenda to have a second meeting.

UNFINISHED BUSINESS

NEW BUSINESS

Eileen Carney from Kootenai Pets for Life would like the City to waive the fee for use of the Ponderosa Room for their annual garage sale at the end of the month. Mrs. Carney explained that they use the money from the sale for spaying and neutering feral cats and to give them vaccinations. This is a service to the City since it reduces the number of cats. Mr. Olsen made a motion to waive the fee for the Ponderosa room; Mr. Zimmerman seconded motion passed unanimously.

First reading of ordinance 1881 amending Title 9, Chapter 56 of the Libby Municipal code to control the public consumption of alcohol in city limits. Mrs. Williams made a motion to approve ordinance 1881. Mrs. Desch seconded the motion. This amendment makes it possible for the city to require organizations using city property for events to have insurance with the City of Libby as secondary insured. Mrs. Raines asked about the damage and litter deposit and how that amount would be decided. Mr. Teske responded that it would depend on the size of the event and that would be determined by the City Administrator. First reading passed unanimously.

Mrs. Williams made a motion to approve ordinance 1882- adopting design and construction standards for the City of Libby, This would make City construction standards uniform with the Montana Public Works Standards. Mr. Zimmerman second, first reading passed unanimously.

Mr. Olsen made a motion to have three things added on the March 7th agenda:

- 1.) A proposal and discussion to hire an independent attorney to help the City define the individual roles of the City Council and the Mayor as intended in our City Charter and to help determine the City's potential liability now that the Mayor and two City Council members have filed suit against the state of Montana, then to have a independent counsel recommend any corrective action to protect the City against further litigation in the suit. Mr. Olsen would like to hire the same investigative attorney (Jonathan Smith) that the County Commissioners hired and set a \$5000.00 cap, and that the Council follows all recommendations of the independent counsel. Mrs. Raines seconded the motion. Mr. Teske, Mr. Olsen, Mrs. Raines Mr. Zimmerman voted yes. Mrs. Williams Mrs. Desch voted no. Motion passed.

2.)Mr. Olsen made a motion to have a second mandatory meeting or have a discussion be placed on the March 7th agenda for discussion. Mrs. Raines Second. Mr. Teske, Mr. Olsen, Mrs. Raines Mr. Zimmerman voted yes. Mrs. Williams Mrs. Desch voted no. Motion passed.

3.) Mr. Olsen made a motion to have Frazer Management to come talk about issues at the Flower Creek Dam at the March 7th meeting. Mrs. Raines seconded. Mrs. Raines amended the motion that Frazer Management come to the March 7th meeting as long as there was not an addition cost. Mr. Olsen said he would find out if there would be an additional cost and let the Council know. Motion passed unanimously.

Mr. Olsen made a motion to have a working meeting on February 16th at 7:00pm Mr. Zimmerman seconded. All voted yes except Mrs. Desch.. Motion passed.

COUNCIL ACTION/DISCUSSION

Business Licenses. Mrs. Desch made a motion to approve business licenses received to date, Mrs. Raines seconded. Council asked the same form be used for all business licenses. Motion passed unanimously.

Claims for Jan, 2016. Mrs. Williams made a motion to approve the claims for January, 2016. Mrs. Desch seconded the motion. Mr. Olsen had a question about paying Downey Crowley for Union negotiations. Mrs. Williams pointed out it wasn't Downey Crowley, it was Crowley Fleck, a different firm than Downey Crowley, Crowley Fleck has handled union negotiations in the past, and we always paid for union negotiations. Mr. Olsen disagreed. Mr. Olsen had concerns about having an open bar at the Christmas party. If this happens again he would like to have prior approval from the Council. The motion to pay claims passed unanimously.

HEAR FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA LIMITED TO THREE MINUTES

Arlene Magill- 807 Wisconsin had questions on the council voting process, he feels there is a conflict of interest with certain members voting on issues they are involved in. He also wanted to thank Corky and the street crew on snow removal. Kootenai Valley Christian School really appreciated the job they did.

D C Orr- 1117 Nevada does not feel that we should have paid Morrison Maierle \$400,000.00, that should have come before the council for their vote. He stated that Morrison Maierle's insurance should have paid for that. He wanted to thank the council for the great meeting, he hadn't seen that much forward leadership in years. He wanted to thank the council for making some head way with the attorney issue, which has been stagnated. He feels Mr. Roll has not put anything of substance on the agenda. He felt the council made some good head way tonight.

Cindy Filler- 336 Boulder Lane had concerns about point of order; items on the agenda need to be dealt with in the point of order. She also wanted to know if there was a need for a second meeting since there was nothing on the agenda. Mr. Olsen responded that they have been trying to get things on the agenda and Mr. Roll won't allow them on the agenda. She responded that the council has the power of voting to get items placed on the agenda. She stated that it is shocking to her that members of the council do not know what is going on. She wants to know as the

public, what the council is doing to get a city attorney, who is considering the morale of the officers who put their lives on the line everyday to protect the public and they have no support by not having a city attorney to represent them in prosecutions. She stated that it is the fault of the council for not having a city attorney. She wants the council to work for the community that voted them in. She commends Mr. Olsen for bringing issues forward, urged the rest of the council to do the same, asked the council not to come to the council meetings with personal agendas, they are here to represent the city, citizens and make decisions that are best for the community. She asked the council to make a motion on a way that the community would be better informed; asked why the website was not updated and maintained. She appreciates all the work the council does but would like to see a spirit of cooperation. Mr. Teske replied that as a council they have tried to get answers but get no response from the mayor. He agreed that we need to find a way to move forward to get things done.

ADJOURNMENT

The meeting was adjourned at 7:44 pm

City Counsel President Brent Teske

Attest; _____

City Clerk-Treasurer Audray J. McCollum