

APPROVED
THE 1448th REGULAR MEETING OF THE CITY COUNCIL WAS HELD ON
MONDAY, APRIL 4, 2016 IN THE COUNCIL CHAMBERS AT CITY HALL

CALL TO ORDER:

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

Allen Olsen, Peggy Williams, Dejon Raines, Barb Desch, Brent Teske and Brian Zimmerman were present. City Clerk-Treasurer Audray McCollum, Jim Hammons, City Administrator and David Tennant, City Attorney were present.

The prayer was offered by Tom Cole.

Mrs. Williams made a motion to approve the minutes for the regular meeting 3-7-2016. Mrs. Desch made a second. Mr. Teske stated that on page 3 of the minutes Kevin Peck was the Vice president of Igniters Car Club not Ignite the Nights. Mr. Olsen asked that the minutes reflect on page 4 he "Olsen" told Mayor Roll that he could not close the meeting without a motion and also that Mrs. Raines had brought the meeting back to order, Mrs. Raines then asked if anyone else in the audience wanted to address the council. Mr. Olsen made a motion that the minutes reflect these changes Mr. Zimmerman seconded the motion passed.

ANNOUNCEMENTS :

COMMITTEE REPORTS

Parks/Cemetery: None

Fire: Councilperson Zimmerman reported that there were 3 fires in the city and 5 in the county and 3 out of district bringing the total to 11 for March.

Resolutions/Ordinances: Councilperson Williams reported that the committee is working on Chapter 7 "Animals" which has some numbering issues. Chapter 128 has some verbiage issues. Councilperson Olsen asked about the second meeting of the month? Mrs. Williams responded that they asked Mr. Tennant to reflect on the second meeting and that at the moment there is no reflection of the second meeting. Mr. Olsen replied that there was supposed to be a change to have the second meeting. Council President Teske said that he "Mr. Tennant" needed to go through the minutes and find the historical document stating when it was passed.

Building: Councilperson Raines stated that they are waiting on bids to remodel the Department of Revenue. The city house on Utah was under contract at the last meeting. The contract was terminated, but there is a new accepted offer. It is looking to close around April 15. She will touch on the fire hall buildings later in the meeting. Mayor Roll stated that there will be a special meeting to talk about the closing of the Utah house later this month.

City Attorney: None

Water/Sewer: Council President Teske stated that they are trying to get the hydro electric project wrapped up.

Budget: None

Police: Chief Watson reported that in February there were 197 cases 17 citations and 23 arrests. In March 273 cases, 32 citations and 16 arrests. Watson stated that the case report for March was a little high.

Lights/Streets/Sidewalks: Councilperson Desch stated there is nothing at this time. They are waiting on numbers from the county and the budget.

City Administrator: None

Personnel: None

Finance: None

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

Mr. Teske, 804 Michigan, stated that he is a member of the Libby City Council but also a citizen of the City of Libby. His action as a member of the council may be censored by the mayor but as a citizen he can't. Mayor Roll has lost trust and respect of the people making it impossible to govern the City of Libby, and making him ineffective as a leader. Every issue that he is brought up is met with heavy criticism making him impossible to work with. The many law suits are taking their toll on the City of Libby. City Council meetings have become extremely negative and the environment tense. It is making it very hard to govern the city. For Mr. Roll to remain in office, will only cause continued conflict and embarrassment to the city. As a member of the Libby City Council he strongly urges Mayor Roll to step down.

Mr. Zimmerman, 717 Main Ave, He would like to address Mayor Roll and Mr. Olsen to step down so the city can move forward towards a common goal. The current situation does not allow us to do that. He believes there is too much personal animosity and past history to move forward. Mr. Zimmerman has had many conversations with different members of the community. He feels that nothing will change until Mayor Roll and Councilman Olsen step down from office. Zimmerman has put a great deal of thought into this and thinks this would be best for the city of Libby. He hopes that both parties will make the right decision for the greater good of the city.

Mrs. Raines, 504 Louisiana, would like to address the mayor as well as council members about her record of disagreement with certain actions taken by the mayor. That do not comply with the Montana code, the charter of the city of Libby and the Libby Council rules and procedure. These actions include the appointment of the recent city attorney without council approval and not being able to add items to the agenda or resolutions to the scheduled city council meetings. By doing this it puts the city and councilpersons at risk of legal liability and does not allow the council to do their job. These actions have been brought to the mayor and the council on multiply occasions. The mayor has refused every opportunity to comply. Mrs. Raines asked Mayor Roll to accept Councilman Olsen request to step down.

Rob, 332 Spencer Rd, stated that the town is failing, the streets are torn up, and businesses are losing hope. All the crap that goes on in this room makes everyone in Lincoln County look bad.

The council is fighting each other rather than doing their job. If you cannot do your job then get up and leave. He has 3 kids he wants to raise here. The time to change is right now. Council needs to work together as a team.

DC Orr, 1117 Nevada, Holding public office is creating a trust that the voters have in electing you. If we're all working for what is better for Libby, why is there so much contention? Why can't we all work for the good of Libby? No one can answer these questions. Mr. Orr feels agenda item 7(procedure to add items to the agenda) is a waste of time. There is already a procedure to do this and has been passed by council. Mr. Orr would like the council to use some intelligence to work through this mess. Orr doesn't expect the mayor to resign and feels the council will have to do it for him.

Gary Neff, 407 10th ST E, asked the council not to pay the claim for Mr. Tennant" City Attorney" because the council had not signed a contract with him yet.

Arlen Magill, 807 Wisconsin, urged Mr. Tennant not to rely on the word of Mayor Roll that he "Tennant" needs to work closely with the council or they could get rid of him just like the 3 lawyers before him.

Mayor Roll replied Mr. Tennant was a temporary hire as the City Attorney, because Mr. Tennant was not sure if he wanted to take the City Attorney job. Mr. Tennant wanted to try it for three months before he made a decision. This is why there was not a contract drawn up yet. He was never appointed. At this time Mr. Tennant would like to accept the appointment and this will be put in front of the council with his contract for their approval.

Mayor Roll was worried that if there wasn't a city attorney then the issue of a speedy trial would come up and the city would not be able to defend upcoming court cases.

Councilperson Raines felt there should have been a contract even it was for only three months.

Council President Teske responded that if the council was allowed to have a discussion regarding Mr. Tennant then a lot of issues would have been resolved.

Councilperson Zimmerman asked that since there was no contract could there be any way the cases that Mr. Tennant represented come back on the city? Mayor Roll responded since Mr. Tennant was sworn in, that there will not be any issues.

Councilperson Olsen had concern with paying Mr. Tennant without a contract, Mayor Roll responded that this had to be done or the City of Libby would have lost cases.

Rob Hubbard, 15 Northwood, was happy that the three council members stood up and asked the mayor to resign. He expressed that Mr. Tennant "might be the very best attorney", but by the back door shady ways Mayor Roll did this, Mr. Tennant is getting thrown under the bus. Mr. Hubbard commended councilperson Olsen for having a backbone and standing up for Libby for years.

UNFINISHED BUSINESS

NEW BUSINESS

Lisa Oedewaldt, Lincoln County Planning and Zoning, asked the council to form a board of adjustment and to do some updates to the current ordinance. In the mean time, there needs to be

a variance approved for a gentleman that lives near the water treatment plant. This can be done in two ways 1). Form a board of adjustments 2). Ron Higgins the Building Inspector could use the building committee as the board of adjustments. Ms. Oedewaldt needs this done as soon as possible to get the zoning done.

Procedure to add things to the agenda- Mayor Roll recommended this as a tool to add items to the agenda. Councilperson Raines stated that she had submitted a proposal of how to get items on the agenda at 4pm on Wednesday, per what counsel procedures states. Councilperson Raines feels Mayor. Roll was denying certain items be added to the agenda. Councilperson Raines made a motion that this proposal (Procedure Part 1V, section 1) be added to the agenda on the next regular scheduled meeting. Mr. Teske seconded. Motion passed.

The cost of the two fire hall roofs- There Needs to be updated bids from engineering firms as well as contractors to move forward.

Approval of Flathead Electric Hydro Contract- Total of the contract is \$122,125.00 which the City of Libby will pay back to Flathead Electric with a power exchange. When the loan is paid off, it will then turn into a credit system for the City of Libby. Council President Teske made a motion to pass the Flathead Eclectic Hydro contract Mr. Olsen second, motion passed.

COUNCIL ACTION/DISCUSSION

Business Licenses- Mrs. Williams made a motion to approve all business license received to date, Mr. Zimmerman second, motion passed.

Claims - Mrs. Williams made a motion to approve the claims for March, 2016. Mr. Zimmerman seconded. Mr. Olsen made a motion to hold back paying Mr. Tennant. The motion failed with no second. Motion passed for paying all claims.

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

Gary Neff, 407 10th ST E, has been attending several ordinance meetings and would like to know what the council would like to be called. He would like to council to write a letter to the local paper and ask the public's opinion on this.

DC Orr, 1117 Nevada, Mayor Roll has been neglecting his duties as the mayor by not allowing the council to move forward with the legislative process. Councilperson Raines had it right by stating "the Mayor was vetoing agenda items". The mayor does not have the authority to do this. Mr. Orr asked Mayor Roll if he was going to resign. Mayor Roll responded "not at this point". Mr. Orr asked the council to remove him (Roll). The council has ultimate authority to do it. You, the council, showed great courage tonight to do what is best for Libby.

Robert, 322 Spencer, would like the council and mayor to start working as a team. Tonight you started working as a machine. Keep it up. The council needs to start listening to the public. He respects the people that stood up and addressed Mayor Roll. Libby is a good place to live. Council needs to work together to make it a better place to live.

Council President Teske made a motion to adjourn the meeting, Councilperson Zimmerman second motion passed.

The meeting adjourned at 7:55 pm

City Mayor Doug Roll

Attest; _____

City Clerk-Treasurer Audray J. McCollum