**APPROVED**

**The 1477th Regular Meeting of the City Council was held on Tuesday, September 5, 2017 in the Council Chambers at City Hall.**

**Call to Order:**

The meeting was called to order at 7:00 pm by Mayor Brent Teske.

Present were Ms. Williams, Mr. Zimmerman, Mrs. Smith, Mr. Beach, Mr. Armstrong , Mrs. Ford, City Clerk/Treasurer Audray McCollum , City Administrator Jim Hammons and City Attorney Dean Chisholm.

Prayer was offered by Mr. Orr.

Mr. Zimmerman **MADE A MOTION** to approve the minutes from the special meeting (preliminary budget approval for FY 18) held on August 14, 2017.

Mr. Beach **SECOND.**

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted for.

**MOTION PASSED.**

Ms. Williams made a motion to approve the minutes from council meeting # 1476 held on August 21, 2017.

Mrs. Ford **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted for.

**MOTION PASSED.**

Mrs. Ford **MADE A MOTION** to approve the minutes from special council meeting (public hearing for FY 18 budget) held on August 28, 2017.

Mr. Armstrong **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

**Announcements:**

Mayor Teske asked the public to be careful and cautious with the extra traffic in town from the recent wild fires. The benefit dinner for John Hibbs’ will be rescheduled for a later date.

**Committee Reports:**

**Cemetery/Parks:** None.

**Fire:**  None

**Police:**  Chief Kessel reported there were 307 calls for service for the month of August, 18 arrest and 47 citations. The department will continue issuing weed and trash citations until the snow flies. The department has been assisting the sheriff’s department with fire check points in Eureka and locally.

**Resolutions/Ordinances:** Mrs. Smith reported the committee met last week and heard from animal control on ways to change the pit bull ordinance and will continue discussions at a future meeting. The committee made some progress on the cemetery ordinance.

**Lights/Streets/Sidewalks:** Mr. Beach stated all the major street paving projects were completed on Aug 10 and the city was able to pave a couple extra blocks. The city plans to chip seal next year.

**Building:** None.

**Water/Sewer:** Mr. Zimmerman will be calling a meeting Thursday at noon to discuss decreasing revenues in the sewer fund. The committee will meet with different citizens to discuss issues they were having with their water/sewer lines.

**Personnel:** None.

**Budget:** On the agenda.

**Finance:** None.

**City Administrator:** Jim Hammons stated the Libby City Fire department received a $50,000.00 grant from rural development for turn out gear. Mr. Hammons said the turbine is running again at the water plant.

**KRDC**: There will be meeting the third Thursday of this month.

**City County Health Board:** None.

**Public Comment on Non- Agenda Items:**

DC Orr, 1117 Nevada, stated he read the settlement agreement (Commissioner of Political Practices) and liked what it said. He wants the case to end so the city can move forward and gave his knowledge of the case to the council. He asked council to do their research and ask questions.

**New Business:**

Paint it Pink Fun Run and Half Marathon street closure request for September 30, 2017 from 8:00am to 11:00am for the following intersections. California Ave and E 6th, California Ave. and E 5th, California Ave and E 4th, California Ave and E 3rd:

Jill Beach, from Glacier Bank, presented council with a letter and asked for the street closure request and use of the road barriers.

Ms. Smith **MADE A MOTON** to accept the street closure request.

Mr. Armstrong **SECOND**.

Mr. Beach **ABSTAINED**. (Jill Beach is spouse of Gary Beach)

Williams, Zimmerman, Smith, Armstrong, and Ford voted for.

**MOTION PASSED.**

Kootenai Country Montana-Variance for the open container city ordinance on September 15 at 12 pm until September 17 at 3 pm for the area of Mineral Ave from Third Street to the turnaround near BNSF property at the bottom of Mineral Ave for the Kootenai County Montana Chainsaw Carving Championship:

Council discussion followed on the open container variance.

Ms. Smith **MADE A MOTION** to grant a variance from chapter 9.56.020 to allow open container consumption to Kootenai County Montana from 3rd street to the turn around on Mineral Ave.

Mr. Armstrong **SECOND.**

Arlen Magill, 807 Wisconsin Ave, asked if there would be added security for the event.

D.C Orr, 1117 Nevada, asked if the business downtown had been notified. Mayor Teske said he would follow up and see if this had been done. Mr. Orr expressed his concerns with the planning of the event and the length of time the open container variance request was asked for. He asked the council to exercise due caution. He said there was a conflict with councilperson Smith making the motion since councilperson Smiths business would benefit from the event. He asked councilperson Smith to withdraw her motion and abstain from the vote.

Ms. Smith withdrew the **MOTION**.

Council discussion followed.

Police Chief Kessel suggested not granting the variance for open container, citing lack of personal representation from Kootenai Country Montana. Chief Kessel suggested an organization representative be present to seek the variance in the future.

The request **DID NOT PASS FROM LACK OF A MOTION**.

Leigh Riggleman-Lincoln County Election Administrator-A resolution of intention to cancel the November 7, 2017 General Election of Certain Municipal Officers:

Ms. Riggleman presented council with a letter for election by acclamation, canceling the uncontested candidates Mayor Teske and councilperson Angel Ford. Ms. Riggleman gave council background on HB447 legislation that allows cities to cancel by resolution an election when the number of candidates filing for election is equal or less than the number of persons to be filled.

Mr. Beach stated when he filed for the election he was told all candidates were put into one pool. He said he was misinformed and he would have filed differently. Ms. Riggleman apologized for the staff not knowing the difference.

Resolution 1904-A RESOLUTION OF INTENTION TO CANCEL THE NOVEMBER 7, 2017 GENERAL ELECTION OF CERTAIN MUNICIPAL OFFICERS:

Mayor Teske asked if councilperson Ford objected to not being on the November ballot. Mrs. Ford did not object. Mayor Teske said he did not object either.

Ms. Smith **MADE A MOTION** to adopt resolution 1904 to cancel the November 7, 2017 general election of certain municipal officers.

Ms. Williams **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

Council vote to hand count ballots for the November 7, 2017city election for the City of Libby council person’s election, rather than machine count the ballots:

Ms. Williams **MADE A MOTION** to allow the elections office to hand counts November 7, 2017 ballots.

Mr. Armstrong **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

RESOLUTION 1905-A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA, PROVIDING FOR THE AMENDMENT OF THE BUDGET FOR THE FISCAL YEAR 2016-17:

Mr. Zimmerman **MADE A MOTION** to accept resolution 1905.

Mrs. Ford **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR.**

**MOTION PASSED.**

RESOLUTION 1906-RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBBY FIXING THE ANNUAL APPROPIATIONS FOR THE CITY OF LIBBY,MONTANA FOR THE 2017-2018 BUDGET.

Ms. Williams **MADE A MOTION** to adopt resolution 1906 setting the appropriation for the 2017-18 budget.

Mr. Zimmerman **SECOND.**

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

RESOLUTION 1907-A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA SETTING THE SALARIES AND WAGES OF ELECTED OFFICERS, APPOINTED OFFICERS, AND CITY EMPLOYEES:

Mrs. Ford **MADE A MOTION** to approve resolution 1907.

Ms. Smith **SECOND.**

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED**

RESOLUTION 1908-A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY MAKING TAX LEVY FOR THE YEAR 2017 UPON ALL REAL PROPERTY IN THE CITY OF LIBBY FOR GENERAL AND SPECIAL PURPOSES:

Mr. Armstrong **MADE A MOTION** to adopt resolution 1908.

Mrs. Ford **SECOND.**

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED**

ORDIANCE 1901-AN ORDINANCE PERMITTING MEDICAL MARIJUANA DISPENSARIES AUTHORIZED UNDER THE MONTANA MEDICAL MARIJUANA ACT AS SET FORTH IN MCA 50-46-301,ET SEQ., IN CERTAIN ZONING DISTRICTS AND THOUGH A CONDITIONAL USE PERMIT. First Reading:

Ms. Smith stated the ordinance was the recommendation from the planning board she also included a map of where the dispensaries could be located.

Council discussion followed.

DC Orr, 1117 Nevada, he asked the council why they were doing this. Marijuana was sold in the county and is doing well. The sale of Marijuana is illegal federally and will bring a lot of problems into the city. The city would not be able to legally license the dispensaries. Mr. Orr said council took an oath to uphold the laws and the constitution.

City attorney Dean Chisholm addressed Mr. Orr’s concerns.

Mr. Orr said the city is inviting something in town that is not necessary.

Ms. Smith **MADE A MOTION** to adopt ordinance 1901.

Mr. Armstrong **SECOND.**

Smith, Armstrong and Zimmerman voted **FOR**.

Williams, Beach and Ford voted **AGAINST**.

Mayor Teske voted **AGAINST**.

**MOTION FAILED.**

**Approve new business license received to date:**

* Rustic Chic Boutique-116 E 9th St. Suite B-Jeans, Clothing and consignment.
* Skull Shock Whitening-1202 Louisiana Ave-Taxidermy.
* Heart to Heart-420 Colorado Ave #10 Whitefish Mt-House Cleaning, Home Making, Shopping, Cooking.

Mrs. Ford **MADE A MOTION** to approve all new business licenses received to date.

Ms. Williams **SECOND.**

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

**Approval of Renewal Business Licenses received to date:**

Mrs. Ford **MADE A MOTION** to accept all renewal business licenses received to date.

Mr. Armstrong **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

**Approval of Claims for August 2017:**

Mrs. Ford **MADE A MOTION** to accept all claims for August 2017.

Mr. Beach **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

**Unfinished Business**

**Purchase of property on City Service road**:

Mr. Hammons said the property would be too involved with legal issue, he recommended the property be let go.

Mrs. Ford **MADE A MOTION** to not purchase the property.

Mr. Armstrong **SECOND**.

Williams, Zimmerman, Smith, Beach, Armstrong, and Ford voted **FOR**.

**MOTION PASSED.**

**Council Rules and Procedures:**

**NO ACTION WAS TAKEN**

**Proposed fee Schedule for planning:**

**IN REVIEW**

**General comments from the council:**

None.

**Adjournment:**

Ms. Williams **MADE A MOTION** to adjourn the meeting.

Mrs. Ford **SECOND.**

Williams, Zimmerman, Beach, Armstrong and Ford voted **FOR.**

Smith voted **AGAINST**.

**MOTION PASSED.**

Meeting was **ADJOURNED** at 8:12 pm.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Attest; \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor, Brent Teske Audray J. McCollum, City Clerk-Treasurer