

CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

REGULAR COUNCIL MEETING #1629

MAY 15, 2023 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Benjamin Girod
- Roll Call
- Welcome
- Approve Public Hearing minutes dated May 1, 2023 and City Council meeting #1628 minutes dated May 1, 2023.

ANNOUNCEMENTS - Election Filing

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- Wildlife
- City-County Board of Health
- Park District Manager of Projects

PUBLIC COMMENT ON NON-AGENDA ITEMS: This is an opportunity for the public to offer comments related to issues that are not currently on the agenda that the council has jurisdiction over. Public comment is limited to 3 minutes.

OLD BUSINESS: Each previous agenda item will be introduced by the mayor with a description of the item and explanation for the recommended action to be taken. Following council discussion on each item there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

NEW BUSINESS: The mayor will introduce each new agenda item with a description of the item and an explanation for the recommended action to be taken. Following council discussion on each item, there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Approve Igniters Car Club street closure and noise variance request.
2. Lincoln County Health Department request for Fireman's Park to be tobacco-free.
3. Approve Plans and Report on Extension of Services.
4. Rezoning discussion on Thompson/Bandemer annexation request.
5. Ordinance #2006, First Reading, Amending Title 17, Chapter 04 of the Libby Municipal Code, adding "Yard Sale" to definitions.
6. Ordinance #2007, First Reading, Amending Title 12, Chapter 40; and Title 17, Chapter 32 of the Libby Municipal Code to address trees and shrubbery and fences in the Visibility Triangle.
7. Approve all claims received to date.
8. Approve all business license applications received to date.
 - a) HanNana inc. DBA Subway, 820 Mineral Ave., Corporation, Sub sandwiches.
 - b) TOMMYS LLC, 580 Prospect Creek Rd., LLC., Disposable vapor products and e-liquids.
 - c) Wild Out West Appraisals LLC, 521 California Ave., LLC., Real estate appraisals and property management.

UNFINISHED BUSINESS: Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item, there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

GENERAL COMMENTS FROM COUNCIL: Public comment will not be taken during this portion of the meeting.

ADJOURNMENT:

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with **ZOOM**,
Dial: 253-215-8782
Meeting ID: **4042719951**
Password: **151041**
Posted: 5/11/23

NOTICE OF OPENING OF FILING FOR OFFICE

NOTICE IS HEREBY GIVEN that filing for the Municipal Primary Election, held on September 12, 2023, opens on April 20, 2023 and will close on June 19, 2023 at 5 p.m.

Positions open for filing are as follows:

POSITION	# & TERM OF OFFICE	FILING FEE
Eureka Town Council	(2 ea) 4-YEAR (1 ea) 2-YEAR	NO FEE
Eureka Town Judge	(1 ea) 4-YEAR	\$122.43
Rexford Town Council	(1 ea) 4-YEAR	NO FEE
Rexford Town Mayor	(1) 4-YEAR	NO FEE
Troy Town Council	(2 ea) 4-YEAR (1 ea.) 2-YEAR	NO FEE
Libby City Council	(3 ea) 4-YEAR	\$44.46

State and Federal Offices open for filing and fees can be viewed on the Montana Secretary of State's website:
<http://sos.mt.gov/Elections/Filing> .

Filing Forms are available in the City of Libby, Town of Troy, Town of Eureka, Town of Rexford and the Lincoln County Clerk and Recorders office.

FORMS MAY BE OBTAINED AT: Lincoln County Clerk & Recorder
512 California Avenue
Libby, MT 59923

TELEPHONE: 406-283-2302, 283-2304

EMAIL: lcelections@libby.org

INTERNET: www.lincolncountvmt.us

All completed forms and fees for local candidates must be filed in the Clerk & Recorder's office by 5:00 p.m. on Monday, June 19, 2023.

*Late Voter Registration begins August 15, 2023

Note: If you miss this regular registration deadline, you may still register to vote the election by coming to the Lincoln County Election Center located at 418 Mineral Avenue, Floor B, up to and including Election Day.

Corrina Brown Lincoln County Clerk and Recorder 5/5/2023



May 08, 2023

City of Libby
952 East Spruce
Libby, MT 59923

RE: Street Closure and Noise Ordinance Variance Request

For "Ignite the Nites" Car Show 2023

The Igniters Car Club respectfully requests permission to close Mineral Avenue from 8th Street to 1st Street (including the cul-de-sac). And additionally, Lincoln Boulevard from Mineral Avenue to Louisiana Avenue, U-turn at Louisiana back to Mineral and back to First St (a 2-way traffic pattern loop) on Friday, August 18th from 6pm to 9pm.

Igniters Car Club members will be stationed along the route to monitor traffic and allow passage of any emergency services vehicles. All traffic will flow in a double direction, continuous loop along the entire route.

Additional we request permission to close Mineral Avenue from 8th Street to 1st Street, (including the cul-da-sac), on Saturday, August 19th from 6 am to 4 pm for the 2023 "Ignite the Nites" car show.

The Igniters Car Club also request a permit for relief under Chapter 9.60.040(B) as some of the vehicles invited to cruise on Friday, August 18th from 6pm to 9pm may be deemed to be in violation of Libby Municipal Code, Chapter 9.60 Noise.

Thank you, Ed Leroy President

Igniters Car Club

PO Box 611

Libby, Mt 59923

406-295-9671



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PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

To: Jim Hammons, County Commissioner

3 May 2023

From: Samuel Sikes, City Administrator

Subject: PLANS AND REPORT ON EXTENSION OF SERVICES

Agreeable to MCA 7-2-4731, a municipality is required to prepare a report setting forth its plans to provide services to an area proposed to be annexed. This report must include: (a) a map of the municipality and adjacent territory, (b) a statement showing that the area meets the requirements, and (c) a statement setting forth the plans of the municipality for extending the area to be annexed each major municipal service performed within the municipality at the time of annexation.

Exhibit A shows the property proposed to be annexed is located North of 2nd Street Extension, South of the BNSF Rail Roadway, and contiguous with property already annexed into the City of Libby, namely the city shop and sewer treatment facility. Libby is planning on exercising her authority to extend services to the property as shown in Exhibit B. A sewer main is currently located at the intersection of W. 2nd St. Extension and E. Horseshoe Drive that would be extended to the West side property line. The nearest water main is located beside E. Horseshoe drive at the Northern most edge of the Melanie Lane properties and would be extended North along E. Horseshoe Dr. then West along W. 2nd St. to the West side property line. All water and sewer main extensions and service connections will be made in accordance with Libby's Design and Construction Standards, once annexed, as approved by the DEQ.

The area to be annexed will be used for 4-plex dwelling unit rental properties with an option of placing a small business on the Eastern side of the property upon approval from the Board of Adjustments with no request to subdivide. The area conforms with the Libby Growth Policy adopted in 2023. Fire protection will be shifted to the Libby Volunteer Fire Department which requires fire hydrants to be placed on the water main extension per code.

The property directly South of the W. 2nd St., East of E. Horseshoe Dr., and North of Melanie Lane, has a preliminary plat extension for a subdivision and will be annexed once construction begins by installing the water/sewer and roadway infrastructure to city standards.

Samuel Sikes
City Administrator

Encl: Exhibit A
Exhibit B

Exhibit A

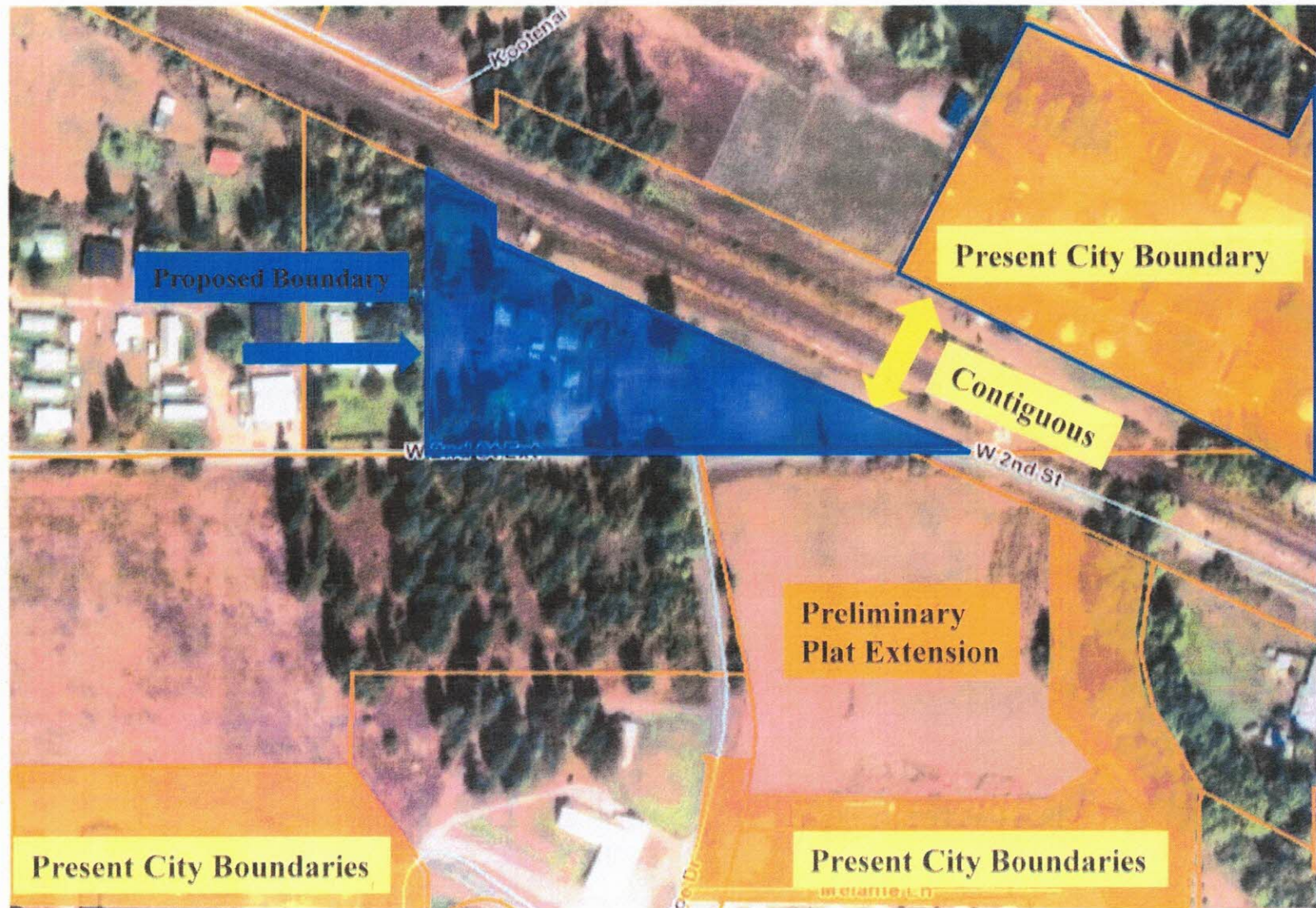
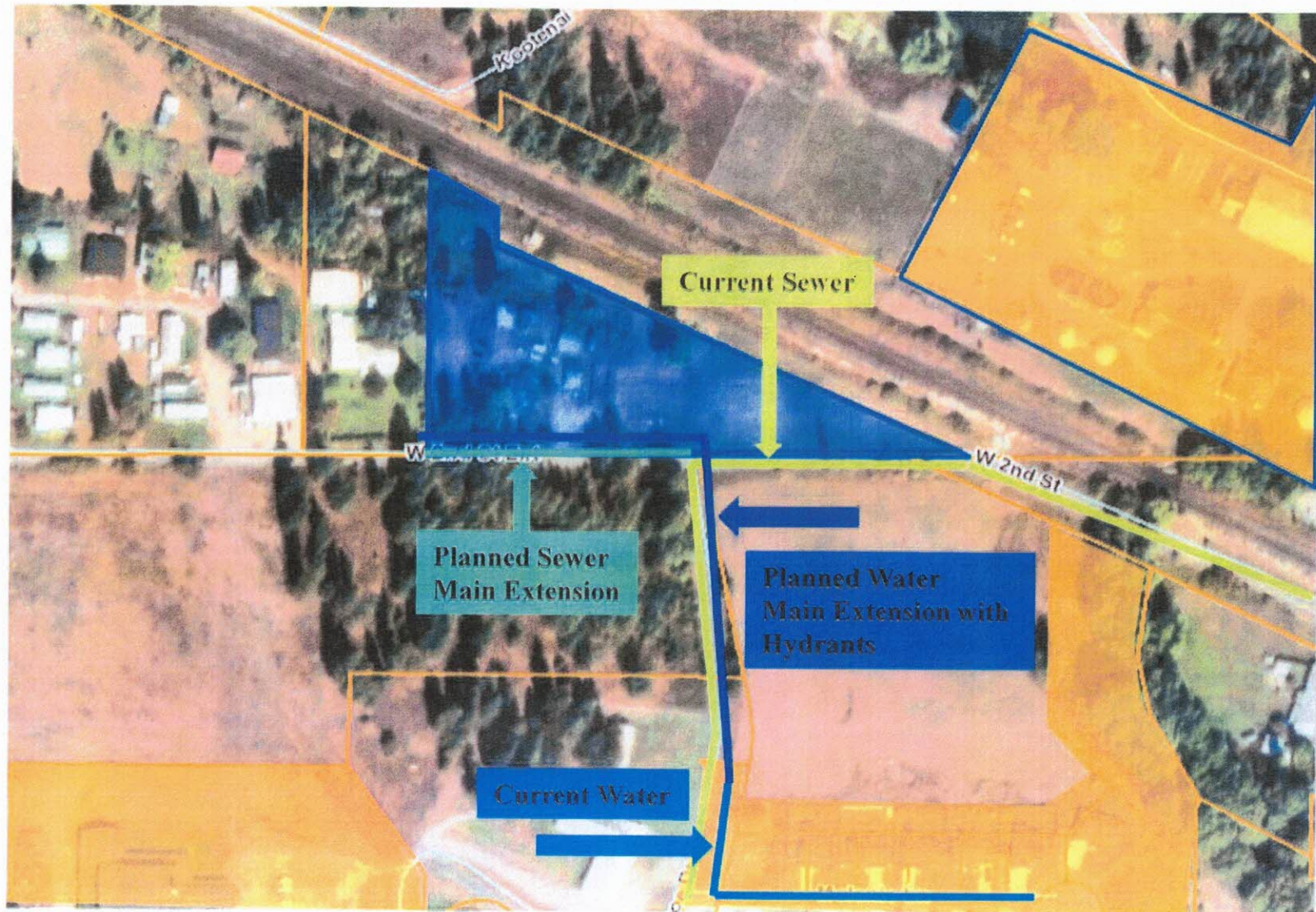


Exhibit B



ORDINANCE NO. 2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA
AMENDING TITLE 17, CHAPTER 04 OF THE LIBBY MUNICIPAL CODE, ADDING
“YARD SALE” TO DEFINITIONS**

WHEREAS, the City of Libby is lacking a definition for “yard sale”; and

WHEREAS, there have been several instances in our community wherein homeowners have established permanent yard sales in their front lawns; and

WHEREAS, such permanent yard sales can negatively affect property values and are deleterious to neighborhood character; and

WHEREAS, the City desires to have a definition of yard sale on which all residents can rely.

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana Title 17, Chapter 04 of the Libby Municipal Code is amended as follows:

Chapter 17.04 DEFINITIONS

Yard sale means an infrequent event [less than three (3) times per calendar year and lasting no more than three (3) days] conducted on property in residential districts where used household goods and personal items are offered for sale to the general public by the owner or tenant of the property or by a group of owners or tenants. A yard sale is not conducted as part of a continuing business venture. Holding three (3) or more yard sales during a calendar year at the same address shall be considered a retail use and therefore prohibited. The term “yard sale” shall include all sales entitled “yard sale,” “lawn sale,” “attic sale,” “rummage sale,” “garage sale” or “flea market sale.”

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and adopted by City Council on the 15th day of May 2023.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,
MONTANA** on this 5th day of June 2023.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

ORDINANCE NO. 2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA AMENDING TITLE 12, CHAPTER 40; AND TITLE 17, CHAPTER 32 OF THE LIBBY MUNICIPAL CODE TO ADDRESS TREES AND SHRUBBERY AND FENCES IN THE VISIBILITY TRIANGLE

WHEREAS, the City of Libby has conflicting ordinances governing interference of the Visibility Triangle (alternatively known as Vision Triangle or Sight Triangle); and

WHEREAS, said conflicting language has caused confusion for enforcement; and

WHEREAS, such confusion has created irregular implementation of the code; and

WHEREAS, the City desires to rectify the confusion and facilitate a uniform measurement to identify the Visibility Triangle so as to maintain safe intersections;

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana Title 12, Chapter 40; and Title 17, Chapter 32 of the Libby Municipal Code is amended as follows:

Chapter 12.40 TREES AND SHRUBBERY

12.40.010 Minimum height of branches over sidewalks and streets.

The lowest branch of any tree shall not be less than eight (8') feet above the ground where the same extends over sidewalks. Any tree where limbs or branches extend over the streets, driveways, or any place where traffic passes under such tree or branch shall be fourteen feet (14') above the surface of the street.

12.40.020 Trimming of hedges and shrubbery.

- A. Any owner, agent, tenant, or occupant of any real property shall trim all hedges and shrubbery adjacent to the sidewalks, streets, or alleys, so that the same will not interfere with pedestrian or public travel.
- B. Hedges or shrubbery shall not extend over any part of a public sidewalk, street, or alley in the city. All such hedges and shrubbery shall be trimmed back to the property line regardless of whether the property line abuts a sidewalk, street, or alley. It is the intent of this section that no hedge or shrubbery shall be allowed to grow upon or extend over any of the alleys, streets, or sidewalks in the city limits.

12.40.030 Legal boundary designated.

For the purpose of this chapter, the property line shall be deemed the actual legal boundary of the lot or lots concerned and extending upward at a ninety-degree angle into space.

12.40.040 Interference with planting prohibited.

It is unlawful for any person, not the owner thereof, or without lawful authority to do so, to willfully injure, deface, disfigure, or destroy any fruit, shade, or ornamental tree or shrub, or to injure, destroy, cut or pick any flower or plant growing, standing, or being either on private ground or any street, parking, public park, or place within the city.

12.40.050 Authority over trees outside property lines.

The City maintains rights-of-way and public spaces inside the city limits.

12.40.060 Visibility Triangle

- A. A visibility triangle is described as the area being formed by measuring eighty feet (80') along each of the centerlines of the street rights-of-way at an intersection and then connecting the two points with a straight line.
- B. Improvements in the Visibility Triangle
 - 1. The owners of property shall be allowed a wire mesh fence within the visibility triangle of not more than six feet (6') in height, or open rail fence not more than four feet (4') in height, providing that the rails do not constitute more than one-third of the fence area.
 - 2. Tree boles with limbs trimmed between thirty inches (30") and eight feet (8') in height from the existing centerline road elevation, existing, growing, placed, or installed shall be permitted.
- C. It is unlawful for either the owner or the person in possession of any premise to permit traffic hazards to exist. Any owner of any property failing to trim any trees, shrubs, or bushes in conformity with this chapter shall be notified by the city to do so and such notice shall require trimming in conformity with this chapter within fifteen days (15) after the date of such notice. Upon the expiration of such period, the city may cause the trimming to be done and the cost thereof may be collected from the owner of said property in the manner as other costs are assessed against the property owner.

12.40.070 Penalty for violations.

Any person violating any provision of this chapter shall, upon conviction thereof, be punished as set forth in Section 1.28.010.

Chapter 17.32 MISCELLANEOUS PROVISIONS

17.32.030 Fence or wall.

A. Fences or walls may not exceed six (6) feet in height in any residential district in rear yards.

B. Solid fences in the front yard (i.e., measured to the front setback line) may not exceed four (4) feet in height. Open weave fences may be permitted up to six (6) feet in height.

C. For Corner lots, see Visibility Triangle (12.40.060).

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and adopted by City Council on the 15th day of May 2023.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA on this 5th day of June 2023.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer