

MCA 2-3-212. Minutes of meetings. Minutes must include without limitation: (a) the date, time, and place of the meeting; (b) a list of the individual members of the public body, agency, or organization who were in attendance; (c) the substance of all matters proposed, discussed, or decided; and (d) at the request of any member, a record of votes by individual members for any votes taken.

APPROVED MINUTES

The Libby City Council held regular meeting #1672 on Monday, March 3, 2025, in the Council Chamber at Libby City Hall.

Call to Order:

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

Present were Mayor Williams, Councilors Melissa Berke, Gail Burger, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Announcements: None

Approve minutes for Regular Council meetings #1671 held February 18, 2025:

Councilor Zimmerman **MADE A MOTION** to approve the minutes of meeting #1671, Councilor Berke **SECONDED**.

Councilors Berke, Burger, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Committee Reports:

Administrator: Administrator Sikes reported City Hall has 27 heating/cooling exchangers, 5 units are no longer operable. Replacing the entire system would be around \$700,000, a company has been found to remanufacture replacement exchangers. The city will begin to upgrade using the CIP, the first 5 units will be \$57,188, CIP cash on hand is \$192,612.

The Water Department, SCADA 5 (main computer that keeps water treatment plant running) will be discontinued, a change will be made to the PER to include the update needed. Approximate cost will be between \$500,000 and \$600,000. Reminding everyone base rates pay for operations and maintenance, usage rates help fund the CIP for grant matches and self-funded projects, CIP is currently at \$446,792 with \$46,000 reserved for completing the PER.

Mr. Sikes addressed the recent Executive Forum attended in Helena expressing the benefits of attending including professional interactions and knowledge exchange, highlighting the potential use of AI in municipal operations and addressing the possible pros and cons.

Mr. Sikes provided examples of how the Federal Government's DOGE could possibly affect Libby's grant-funded projects and elaborated on the importance of a well-funded a Capital Improvement Plan (CIP) and its role to fund various city projects with grant funding in question, also provided a list of current and future projects that would qualify to use of the CIP.

Streets Supervisor: Justin Williams provided updates on public works activities, including routine maintenance, water main repairs, and the hiring of a new water distribution operator. He explained issues with two major watermain repairs, frozen water meters, and frozen service lines. New street paint striper will arrive soon, the fire hydrant on 8th has been repaired and is back online, working to repair streets affected by the winter weather, and listed numerous ordinance violations that affect the streets department directly.

Police: Chief Ercanbrack reported for the month of February, responded to 125 calls, 2 assaults, 7 disturbances, 2 threatening cases, 4 thefts, 11 suspicions acts, 5 crashes, 6 drug/alcohol offenses, 3 mental health, 7 welfare checks, 22 public assists, 9 911 calls, 1 juvenile, and 21 traffic stops.

Parks: Mayor Williams explained Ms. Burke agreed to take the Rambo request for the memorial plaque at Riverfront Park into Committee and will be scheduling a meeting soon for that.

Lights/Streets/Sidewalks: Councilor Zimmerman announced a meeting was held Wednesday over Jeff and Lisa Sooter's request for property abandonment off City Service Road. Committee is waiting for some information before making the decision to move forward with a recommendation for Council.

Ordinance: Distracted Driving on agenda.

Wildlife: Councilor Taylor reported FWP will be completing CWD harvest and would like to be on the first Agenda in April to give an update.

Planning/Zoning: Councilor K. Smith announced the Commission met on the 24th to review past minutes.

Public Comment on Non- Agenda Items:

DC Orr, chair of Local Government Study Commission, inquired why the Study Commission was no longer on the agenda under committee reports expressing concerns the Study Commission would not be able to inform the public what they are doing.

Vince Backen, member of the Local Government Study Commission, explained the questions developed and handed out to the Council and Mayor, for the Study Commission's study, asking if they could review and answer the questions to have available for the Study Commission's Town Hall scheduled May 22nd. Mr. Backen feels the City Council is doing a great job, which is the reason he has presented the questionnaire.

Old Business: None

New Business:

Approve Chief Ercanbrack's request to apply to the Mason Moore Foundation safety grant for officer "go bags":

Chief Ercanbrack explained the background of the Mason Moore Foundation and the purpose of the officer go bags. Grant request is for \$5,000 and does not require matching funds from the city.

Councilor Smith expressed appreciation to Chief Ercanbrack for pursuing different funding sources to improve the function of the Police Department.

Councilor Smith **MADE A MOTION** to approve the Chief's request to apply to the Mason Moore Foundation safety grant for "go bags", Councilor Burger **SECONDED**.

Councilors Berke, Burger, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Update Council Policy and Procedures with committee procedure (discussion):

Mayor Willaims explained the update was to put into writing how committees currently do things.

Council was in favor of the document.

Councilor Smith suggested removing letter (I) because it didn't seem necessary.

DC Orr, chair of the Local Government Study Commission, commented their committee should be allowed to give committee reports and feels they are being retaliated against.

Approve Ordinance 2053, Distracted Driving:

Mayor Williams announced the Ordinance Committee met and reviewed this again and recommended bringing it forward for approval. Acknowledging there is a Senate Bill on this topic on it third reading, so could potentially be duplicatory. Inquiring what Council would like to do.

Councilor Berke explained this is the third time the State has tried to pass distracted driving, specific to texting and driving, and it keeps dying in the House, so unsure if it will make it through or if it does, it could be years out. Ms. Berke suggested changing (D), on page two, making it specific to texting while driving. Then adding, if something does come down from the State, this is gone or is superseded by the State. Councilor Smith agreed.

Mr. Chisholm suggested (B) under Acts Prohibited moving to the definition section. Explaining if a similar bill does get passed by the State legislature, the Ordinance can be rescinded and would not need to be in the language.

Councilor Taylor made a Point of Order, agenda item is to approve the Ordinance for Distracted Driving, no motion has been made, and Council is having discussion. Mayor Williams stated, during training, was told it is acceptable to have discussion before a motion, explaining they have had discussion in the past as well. Councilor Taylor was opposed to it.

Councilor Smith **MADE A MOTION** to Approve Ordinance #2053, Councilor Berke **SECONDED**.

Councilor Smith **MADE A MOTION** to move Subsection B under Acts Prohibited, to the preceding section in Definitions, so that states that “immediate physical possession” and behind that has a meaning. Secondly, strike D from subsection, Acts Prohibited, “engaging in any activity that is not necessary, etc.” At conclusion, and maybe Mr. Chisholm’s comments, we can revisit it. But the suggestion Ms. Berke had to add a provision stating that in the event the state legislature adopts a similar bill, it would be superseded.

Mayor Williams inquired with Mr. Chisholm’s suggestion to rescind if the bill passes, should the language state that. Councilor Smith suggested leaving it off and revisit if it passes the state.

Councilor Burger suggested waiting to see what the State does. Councilor Smith felt there was no need to wait and should be able to act on our own and have our own ordinance, if the State comes down with something different, it can be revisited.

Caroline Buckner recommended removing section (1) should not apply to the police and gave examples for her recommendation.

DC Orr disagreed with the procedure process and suggested taking it back into the Ordinance Committee for the changes and then bring it back to the Council for approval, questioning the rush. Mr. Orr inquired why there were no minutes for the Ordinance Committee when he had come in to request them and commented on Zoning Committee minutes. Councilor Burger called a Point of Order; Mayor Williams told Mr. Orr he was off topic and to continue on the topic or sit down.

Mayor Williams reconfirmed there was a motion, a second, and a recommendation to hold off.

Councilors Berke, Smith, and Zimmerman voted **FOR**. Councilors Burger and Taylor voted **AGAINST**.

MOTION PASSED.

Approve Resolution 2052, authorizing a change to electronic funds transfer for MetLife quarterly dividend disbursements:

Clerk/Treasurer Monigold explained MetLife needs a resolution to update the bank account for the quarterly dividend reimbursements deposits, approximately \$46.

Councilor Smith **MADE A MOTION** to approve Resolution #2052, Councilor Zimmerman **SECONDED**.

Councilors Berke, Burger, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all claims received to date:

Councilor Zimmerman **MADE A MOTION** to approve all claims received to date, Councilor Berke **SECONDED**.

Councilors Berke, Burger, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all business license applications received to date:

The Sewing Patch.

Councilor Smith **MADE A MOTION** to approve all business license applications received to date, Councilor Zimmerman **SECONDED**.

Councilors Berke, Burger, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Unfinished Business:

Discussion to amend Libby Development Fund Policy and application process:

Councilor Burger suggested changing the approximate funding to the actual funding of \$1,606,292 and under "Purpose" where it says, "no new loans to area businesses" change to say, "no loans or grants." Feeling grants do not benefit the community. Ms. Burger suggested several ways to utilize the funds to benefit the community.

Councilor Smith gave an example of grant funds used at Riverfront Park that benefited the community.

The council discussed their ideas if the funds should be used for grants and other ideas for the use of the funds for community projects.

Counselor Smith requested a list of previous projects over the last 10 years to refresh everyone's memory and suggested striking the dollar amount, in the policy, restructure the sentence to say current dollar amount can be viewed at City Hall anytime.

Council discussed changing the word "infrastructure" for clarity.

Councilor Smith explained the importance of developing an application and suggested visiting other language if the opportunity for grants and loans is removed, because Council has discussed public private partnerships and need to have the language aligned within the policy.

The council discussed their opinions on grants and loans.

General Comments from Council:

Councilor Smith commented on the topic of minutes, explaining that in order for minutes to be released, the minutes have to be approved by the committee, explaining the proper procedure. Mayor Williams explained her memo was a very good summary. Ms. Smith stated the minutes were summarized in the memo and states that it is a record of what happened, the Ordinance Committee members agreed.

Councilor Taylor commented he had sent an email requesting some clarification on impact fees at the Port and has not received a response. To his knowledge, there's been no discussion about annexing that property into the city limits. Mr. Taylor read the email that talks about the developer connecting to the water and sewer mains, describing the locations of the planned connection project and all the cost of roads, water and sewer lines are at the expense of the developer. Then the city takes ownership upon final inspection. Mr. Taylor inquired why the city would maintain water, sewer lines and streets that are not inside our city limits? Mayor Williams explained, it is anticipated they are going to be within the city limits. There have been comments made about their request for annexation. And there have been preliminary annexation subdivision meetings among engineers. It will be a simultaneous subdivision review and annexation request.

Councilor Taylor compared the Port project with the one on Second Street and believes it would be imperative to have annexation done before construction was underway. Mr. Sikes explained the project would run concurrently. A preliminary plat meeting has been held, DEQ has been going over mains, but they are not authorized to tap or get any water and sewer until the annexation is completed. Councilor Smith explained the difference in this case is that an entity wants to do it the right way and not try to avoid regulations.

ADJOURNMENT:

Councilor Smith **MADE A MOTION** to adjourn, Councilor Zimmerman **SECONDED**.

Councilors Berke, Burger, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Mayor Williams adjourned the meeting at 8:04pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold