

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 #1674 with Public Hearing – Conditional Use – on Monday, April 7, 2025, in the Council Chamber at Libby City Hall.

Call to Order:

The meeting was called to order at 7:01 pm by Mayor Williams.

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

Announcements:

Proclamation for National Crime Victims' Rights Week:

Kathleen Sheffield from the Lincoln County Victim Witness Program gave the history and an overview of the program, explaining the program has received grant funding from the National Association of VOCA for the third consecutive year enabling the program to host their annual candlelight vigil, Thursday, April 10th at 7pm, to provide a chance to come together, awareness to victims' rights, celebrate survivors, honor lives that have been lost, and express gratitude to first responders.

Mayor Williams read the Proclamation.

Approve minutes for Regular Council meetings #1672 held March 3, 2025, #1673 held March 17, 2025, and Special Meeting-Council Vacancy held March 17, 2025:

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting minutes 1672, 1673, and the Special meeting for Council Vacancy, Councilor Berke **SECONDED**.

Councilor Smith noted a change to the Special Meeting minutes should read 16 years ago instead of 6.

DC Orr commented on minutes from March 3rd, disagreed with a point of order called while he was speaking and explained why he disagreed.

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

MOTION PASSED.

Committee Reports:

Administrator: Administrator Sikes reported after approving replacing 5 of the 27 heat exchangers for \$57,188 last month, a fan unit that feeds air into Pure North went down and stressed the importance of the Capital Improvement Plan, with that the City is able to approve the repair without scrambling for funds.

For Water, with runoff season the plant has been working hard to keep the turbidity at acceptable levels. A couple of engineers were contacted and were able to find parts for the SCADA 5 system that will be discontinued at the end of the year. Parts have been ordered to keep the system functioning longer and buy the time needed to place the project into the PER. There will be a meeting with NRDP prior to the next meeting to discuss options for the lower reservoir, since Flower Creek dries out downstream from the lower reservoir on an annual basis, the lower reservoir can be considered fish habitat and bird sanctuary and hopefully allow the NRDP to release funds to make repairs to the infrastructure to save the habitat and at the same time help the city with the expensive repairs needed.

For Sewer, have been putting together plans and getting estimates to replace section of return lines from the clarifiers to the ox ditch that were repaired decades ago. The repairs were by reducing pipes from an 8" to 4" which has caused clogging events. The "simple fix" is becoming a larger project than expected, with a 40-year-old plant and pipes, more needed repairs are being discovered. The "simple fix" could easily cost upwards of \$200k.

Lincoln County Emergency Management Office had a power outage Working Group meeting, they are trying to upsize our generator for City Hall so the entire building can be powered, including our boiler system, the gymnasium, the kitchen area, and emergency dispatch. Hopefully it will go out for a grant within the next six months to a year. Spruce Street reconstruction from the Highway will be starting soon and will last about a month. Hoping within the next two weeks to a month, the second half of Spruce Street will go out for bids to finish it all the way to the Port Authority. After that major road repair we're looking at 10th Street from behind Kaiju and behind McDonald's. Had a great meeting with National Guard last Wednesday, down at Riverfront Park, they're trying to use the Eastern or back most boat launch area to train for water purification. Their original proposed lease was for three times a year, six days, and it was over a larger period. At the meeting, come to find out, they only needed two days, one with equipment, no overnight, and the next day water sampling. Treated water cannot go back into the river because of DEQ regulations, but it is perfectly okay for the water to go into our storm drains, we'll have a spot where they can dump it. Trying to reduce the conflict with any events at Fred brown, it's not going to happen during any of the large festivals, we're able to mark it a year out, so that if somebody wants to come in for a wedding, there won't be any disruptions. Lastly, I have been working with the NRDP and WWC engineering on hydrology study and plan for the

spoils pile by the dam. Hoping to get a final contract in to get the Council to approve it, that would be for phase one. That's just the hydrology study and the study of the spoils pile itself. After that's all completed, it would come before Council to decide whether to move on phase two or not, whether to create the parking lot or not.

Streets Supervisor: Justin Williams reported crews have been jetting, sweeping, and patching potholes, 3 burials at the cemetery, 3 water service line replacements, 2 water main repairs, 2 sewer service line replacements, and 1 sewer main repair. Flowerpots are being prepared, early runoff and rain events are creating dirty screens at lower reservoir, and 4 trees have been removed. Working with high school softball and little league on materials for field prep, site rehab, and road regrade. Got together with engineers and TCI to go over sewer main replacement schedule, repaving Flower/Nevada, sealing seams on three of the schedule items, and topsoil placement. Water leak repairs began last week, the new paint machine arrived, so street striping will begin in June when the weather stays warmer at night.

Finance: Clerk/Treasurer Monigold reported the FY24 audit was finished three months earlier than usual due to falling under a Federal audit because of the ARPA funding. The audit went well, there was one finding, auditors recommend bank deposit securities at 100%, ours were at 50%, although still within legal limits for securities. That was corrected prior to the audit exit interview and securities are now at 100%.

Police: Chief Ercanbrack reported there were 160 cases, 1 assault, 5 disturbances, 6 threatening cases, 3 thefts, 25 suspicious acts, 8 crashes, 3 drug and alcohol related, 6 mental health calls, 8 calls for vagrancy 2 welfare checks, 15 public assists, 9 911 calls, 1 juvenile problem, 10 city ordinances, and 26 traffic stops.

On April 23rd Officer Steffenson will be headed to the police academy, the new car decals, paid for with the Montana Tourism Grant, are being added to the patrol cars, Shield 616 awarded new body armor for each officer worth \$15,810, Mason Moore Grant awarded \$5,000 for "go bags", DUI Task Force awarded \$3,010 for a state-of-the-art breathalyzer. Another grant hopefully will be awarded next month for \$159,000 which will pay for a new patrol car, radar, cameras systems for cars and body worn cameras, also next month, submission of a grant application from the Tracy Foundation for capital improvement to work on the Police Station.

Budget: Mayor Williams announced it is that time of the year to reorganize for the Budget Committee, we'll be getting the timeline out, Leann is organizing department head meeting this week, so that will get underway to have the budget done in time to meet State deadline in August.

Wildlife: Councilor Taylor reported they were able to harvest 20 turkeys with the aid of Libby PD and Montana Fish, Wildlife, & Parks, they were able to be donated and looking to do that again in the future. Trapping for CWD study is done for the season and on the agenda later.

Planning/Zoning: Councilor Smith announced a meeting is planned for the end of the month, currently awaiting a petition for annexation.

Public Comment on Non- Agenda Items: None

PUBLIC HEARING: CONDITIONAL USE PERMIT

Mayor Williams called Public Hearing to order at 7:31 pm.

Terry Best requested a Conditional Use permit to operate a threading business for muzzle devices, brakes or suppressors, out of his garage. Mr. Best explained why he would like to have this business, he is retired, so there would only be one or two items a week.

Councilor Taylor expressed appreciation for Mr. Best coming forward with the request instead of just starting a business in their garage.

John Bebee expressed support for Mr. Best.

Councilor Smith inquired if notice was sent to adjacent property owners and if the Conditional Use permit would only apply for Mr. Best in this location for as long as he conducts the activity. Mr. Sikes explained all property owners within 100 feet of his property have been notified, with no response and yes, if the house was to be sold, it would be null and void. Mr. Sikes explained the Conditional Use request and why he recommends approval.

Mayor Williams closed the Public Hearing at 7:37 pm and explained the decision would be made at the next meeting due to miscommunication.

Old Business: None

New Business:

Fish Wildlife and Parks CWD update:

Sam Martinez from Fish, Wildlife, and Parks provided a PowerPoint presentation with an update on the CWD situation in Libby, providing a brief history about CWD testing and included the goals of reducing urban deer densities, monitoring CWD prevalence, and educating the public. Mr. Martinez showed maps of the areas in and around Libby where the deer were harvested, described the process used to harvest, and statistics of the study

highlighting the ability to distribute hundreds of deer carcasses over the years, that tested negative, to individuals that were grateful to have access to wild game.

Mr. Martinez announced two meetings would be held tomorrow in the Ponderosa Room at 12pm and 6pm, which would be a deep dive into some of the topics from CWD presentation.

Councilor Smith noted the problem with people feeding wildlife and inquired how they are tackling that on an individual basis and how they are responding to tips from people that see their neighbors feeding animals. Mr. Martinez explained the problem and risk of transferring CDW between the deer population by feeding them, if reports come in, they try to reach out to those individuals in person to help educate before issuing tickets and enforcing the law.

Approve LOR's Noise Variance request for Anniversary Event at Riverfront Park, June 21st:

Tabitha Viergutz with the LOR Foundation requested a Noise Variance for the Fred Brown Pavilion on June 21st from 10am to 4pm while hosting their 3-year anniversary. Ms. Viergutz gave a brief background of LOR and highlighted the 193 grants totaling \$1.7 million LOR has been able to provide to the Libby community, explained their anniversary is a way to celebrate Libby and all the things that have been accomplished in the last 3 years by having live music, barbeque, and games.

Councilor Zimmerman **MADE A MOTION** to approve the Noise Variance for LOR on June 21st, Councilor Burger **SECONDED**.

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

MOTION PASSED.

Approve contract with Libby Youth Base and Softball for Remp's Fields:

Mayor Williams explained the contract.

Councilor Zimmerman **MADE A MOTION** to approve the Youth Baseball and Softball for Remp's Fields, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Loggertown Baseball Club funding request for Remp Fields improvement project (Kelly Morford):

Kelly Morford gave a quick overview of the Community Development fund request presented at the previous meeting, highlighting all of the funding, donations, and in-kind contributions they have currently received for the list of projects to improve aesthetics, safety, and playability at Remp Fields. The Club is planning to have the projects done before the tournament on June 14th and 15th. The tournament will have 16 teams coming from out of town and the Clubs is hoping to make the tournament an annual event. The total cost of the projects will be about \$17,038.28 and are requesting \$1 to \$4,450 from the Community Development fund to close the gap.

Councilor Zimmerman **MADE A MOTION** to approve the Loggertown Baseball Club funding request for Remp Fields improvement project from the Community Development Fund for \$5,000, Councilor Burger **SECONDED**.

Patty Rambo commented on the reputation Kelly has built through the Legion Field that makes this town look good.

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

MOTION PASSED.

Approve Libby Area Business Association Mineral Avenue Street closure request for Summer Solstice June 22nd from 10am - 3:30pm from 6th Street to 3rd Street and for Halloween, October 31st from 4 -6pm, Lincoln Blvd to 2nd Street:

Councilor Burger recused herself being a member of Libby Area Business Association.

Carla Darrar, on behalf of Libby Area Business Association, requested two Street Closures on Mineral Avenue. One for Summer Solstice on June 22 from 10am – 3:30pm from Stiches to 3rd St. and there will be vendors. One for Halloween on October 31st from 4pm – 6pm from Timberline to 2nd St.

Mayor Williams reminded them of the requirement for a street closure permit, insurance, \$2 million with the city as insured, responsible for all the trash, and the barricades get delivered on a trailer. You place them and put them back on the trailer.

Councilor Zimmerman **MADE A MOTION** to approve the Libby Area Business Association Mineral Avenue Street closure request for Summer Solstice June 22nd from 10am - 3:30pm from 6th Street to 3rd Street and for Halloween, October 31st from 4 -6pm, Lincoln Blvd to 2nd Street, Councilor Smith **SECONDED**.

DC Orr commented that Councilor Burger did the right thing, recusing herself as a member of the LABA and appreciated the clarification for concerns about the Halloween and Summer Solstice events.

Gail Burger, president of the LABA, commented the LABA is a non-profit and all members are volunteers. The Association donates time and funding to the community through beautification sites and family orientated events.

Councilor Smith inquired if all businesses along Mineral Avenue have been contacted. Ms. Burger stated about 80% were contacted, 4 did not respond, they do the best they can to get the information out to everyone.

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

MOTION PASSED.

Approve Workforce Expo 2025 request for Lincoln Blvd closure (Memorial Center side) on April 23rd from 7am to 4pm. (Toya Laveway):

Mayor Williams confirmed with Ms. Laveway the street closure requirements.

Councilor Zimmerman **MADE A MOTION** to approve the Workforce Expo 2025 request for Lincoln Blvd closure, Mineral side on April 23rd from 7am to 4pm, Councilor Smith **SECONDED**.

Toya Laveway, Department of Labor and Industry Job Service Montana, requested a street closure for the second Annual Workforce Expo at the Memorial Center and requested a street closure on just the Memorial side, Louisiana to Mineral, 7am to 4pm on April 23rd.

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

MOTION PASSED.

Approve County's Libby Parks District request to include City owned Haul Bridge as part of the route for the "Circle Swede Gravel Ride" on September 13, 2025:

Joe Taylor, on behalf of the County Libby Park District Board, requested the use of the Haul Bridge as part of the multi-route bike ride on September 13th. Mr. Taylor explained the routes and acknowledged they will have the City listed as an additional insured for the event policy.

Councilor Zimmerman **MADE A MOTION** to approve County's Libby Parks District request to include City owned Haul Bridge as part of the route for the "Circle Swede Gravel Ride" on September 13, 2025, Councilor Smith **SECONDED**.

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

MOTION PASSED.

Approve the Street committee's recommendation regarding the abandonment of the city owned right-of-way off City Service Road:

Councilor Zimmerman presented the Light/Street/and Sidewalks Committee recommendation for the Sooters request to abandon the City owned road and alleyway off City Service Road, on the property they own, surrounding it, and in it. Explained, Mr. and Mrs. Sooter have been maintaining the property and looking to enhance it. The property does have easements for the transmission lines, storage drain system, and a sewer main they would be looking to tie into for future growth on the property, development would be future revenue for the City.

Council discussed the potential benefits and drawbacks of abandoning the right-of-way, including the possible impact on future development and city infrastructure. Councilors Smith and Zimmerman supported the abandonment, Councilor Burger and Taylor did not support the abandonment.

Councilor Zimmerman **MADE A MOTION** to approve the Street Committee's recommendation regarding the abandonment of city owned right-of-way on City Service Road, Councilor Smith **SECONDED**.

Councilor Kolp inquired if the abandonment was to build more housing. Jeff Sooter explained they would like to have a wedding venue, the portion of the property that could be utilized would be planted with grass, make flower beds, and potential parking for the venue.

Jeff Sooter explained that a portion of the requested land has power line setbacks and the stormwater easement, the other would be used as part of a wedding venue and would be taken care of, planted with grass, flower beds, and be a potential parking area for the venue.

Jennifer Nelson commented on concerns about electrical infrastructure on the property and the possibility of future conflict if those lines needed to be improved or expanded.

Lisa Sooter explained they have been working with Kootenai Surveying about the concerns that a lot that would be landlocked, after a recommendation of they paid for the aggregation so there would not be a landlock. Stated they were under the impression, after receiving a recommendation by email, the aggregation was part of the process to request the abandonment, they do understand there is an easement for the powerlines and water, nothing would be built on the requested property.

Jeff Sooter explained they were informed of the possible landlock, so after the recommendation from the Committee to do an aggregation, they paid to have that done and assumed the request would be granted.

DC Orr commented on the lack of minutes from the Committee and felt it would be easier to sort out if those were available.

John Bebee does not support the request to abandon the right of way and suggested having a contract allowing them to use the land until which time the City would need it back for development.

Council discussed the aggregation Mr. and Mrs. Sooter paid for so the property would not be landlocked.

Mayor Williams requested to have the motion withdrawn to have time to go back and review the minutes to see what was said at the previous meetings and continue the request in a future meeting.

Councilor Zimmerman **WITHDREW THE MOTION** to approve the Streets Committee for Sooter's, for an investigation into the minutes from Committee meetings.

Mayor Williams called a 5-minute recess at 8:31pm, called meeting back to order at 8:36pm.

Approve Parks Committee recommendation for Rambo Memorial Plaque:

Councilor Berke explained the Parks Committee met with Patty Rambo and the Press about the State Bill passed for a memorial plaque that will be placed in Riverfront Park and names the bridge near the park as the Staff Sergeant Authur J Rambo Memorial Bridge. Ms. Berke explained the Committees recommendation for placement.

Councilor Zimmerman inquired if the plaque would be on a concrete base, so it is easy to mow around for the City Crew. Mayor Williams acknowledged there would be and said she spoke with the Department of Transportation, according to SB 59 the State owns the memorial plaque and will be responsible for maintaining it, with help from Justin, the State will install it.

Patty Rambo spoke about the Memorial Plaque and the Committee's recommended location in Riverfront Park.

John Bebee commented in support of the memorial plaque.

Councilor Gail **MADE A MOTION** to approve the Parks Committee recommendation for the Rambo Memorial Plaque, Councilor Smith **SECONDED**.

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

MOTION PASSED.

Rotary request for City support of proposed area veterans (introduction, George Gerard):

George Gerard, Rotary Club of the Kootenai Valley, presented their public awareness campaign about Veteran suicide and informed Council they are posing two things that doesn't affect the city and will primarily be taking place on private property. One is Veteran parking spaces, and the second would be a plaque that businesses could display in the window that would have a QR code that would lead them to phone numbers for Veteran services both locally and nationally. If the City decided to have a Veteran parking place at City Hall, he would work with Brian. Mr. Gerard wanted to bring this attention to Council and the Rotary is looking for support in promoting awareness.

Mayor Williams informed Mr. Gerard only designated handicapped parking are enforceable, Mr. Gerard acknowledged the idea is not to enforce, but to recognize the veterans.

Councilor Zimmerman agreed it was a great idea, but there were concerns about the difficulty of using smart phones and QR codes for the older generation. Mr. Gerard said it is mostly younger people committing suicide.

Councilor Taylor, a veteran himself, stated he does not need special parking and asked if there was anything personally, he could do to help with the program.

Linda Gerard, a Rotarian, said she is a Veteran, 77 years old, and knows how to use a smartphone.

Alani Holcom commented she had done a school project on the National Veteran suicide rate and gave statistics.

Tabitha Viergutz, president elect of Libby Rotary, stated she had done some research and there is a blanket policy, disabled Veterans do not automatically qualify for a handicapped spot. Commented, George would like to put signs in areas like Rosauers and Watson's Market in Troy to allow Veterans in the community to be recognized.

Libby Government Study Commission request to be on agenda:

Councilor Taylor explained the Libby Local Government Study Commission have a newly elected spokesperson, Mr. Backen, and requests to be added to the agenda to give an update every meeting or one meeting a month, on what they are doing and what progress they are making.

Councilor Zimmerman does not agree to having the Study Commission regularly on the agenda.

Council majority agreed, if they have a specific item to talk about, make a specific request to be added, but not as a regular reoccurring update to the agenda.

John Bebee suggests having occasionally having the Study Commission on the agenda throughout their process to give updates, initiate partnering, encourage ideas, and communication from the Council.

DC Orr commented he feels the Council does not want the Study Commission to succeed, given email that is unmanageable, given an office they felt was inadequate, and censored from giving reports. Mr. Orr feels the Commission is being stifled for the work they are doing and hopes they will be given the opportunity to give reports occasionally so people can hear what they were doing.

Approve all liquor license applications received to date:

Po Sam's

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

Councilors Berke, Burger, Kolp, 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 Burger **SECONDED**.

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

MOTION PASSED.

Approve all business license applications received to date:

Northwest Montana Plumbing Services, Sonship Tekon LLC, Tiffany's Helping Hands, and Your Home Improvement Company LLC.

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

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

MOTION PASSED.

Unfinished Business:

Discussion to amend Libby Development Fund Policy and application process:

To be discussed at the next meeting.

General Comments from Council:

Mayor Williams commented by MCA one Police Commissioners term is up May 1st, it has been advertised in the Newspaper. Arbor day is April 25th, Jennifer Nelson is working to plant a couple of trees and a celebration. Sam brought up the hydrology study and the spoils pile, so that is good news to get that taken care of. In January, Montana Department of Commerce, Main Street Program, offered a technical assistance grant they were distributing to communities. It will provide the opportunity to revisit Mineral Avenue Beautification, to upgrade the sidewalks and upgrade the lighting, that will be starting sometime in April. The Department of Commerce has consultants on retainers that provide assistance with these projects. They will be coming to look at the downtown and talk to the community. We'll have hearings to see what the community would like to do, and a part of the proposal is also to figure out implementation money. IP discussion sounded very positive, but to date, we've received no written proposal, until we receive that written proposal, there's not a lot more to say, other than they came, they talked, they sounded positive. It's the only conversation we have had with IP since early 2021, they had outside counsel from Denver, his job seemed to be stymie the city, he was a hard no, he never moved from hard no, now they are replacing him, and they're more open to conversation.

Councilor Burger inquired if IP had stopped communication with the city. Mayor Williams acknowledged they had made an insulting offer in early 2021, after the City said no, they stopped communicating. So hopefully they will, in the next week or so, come back with an offer that revisits that 2010 contract, and that sounds positive.

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 9:02pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold