

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 #1682 on Monday, August 4, 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, Ethan Kolp, Hugh Taylor, Brian Zimmerman, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm. Councilor Kristin Smith and Administrator Sam Sikes were not in attendance.

Announcements: Mayor Williams announced EPA groundwater public meeting would be held August 5th at 6pm in the Ponderosa Room.

Approve Approve minutes for Regular Council meetings #1681 held July 21, 2025:

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting minutes 1681, Councilor Burger **SECONDED**. Councilor Berke **ABSTAINED**, she was not in attendance.

Public Comment: None

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

MOTION PASSED.

Committee Reports:

Fire: Councilor Zimmerman reported for the month of June LVFD responded to 7 calls, 1 city, 4 Rural Fire District, and 2 outside city and RFD. 1 vehicle, 3 grass/wildland, 1 mutual aid, 1 false alarm, and 1 miscellaneous. Other items, Fire Department thanked the City for helping make the Fire Convention a success. For the month of July LVFD responded to 12 calls, 4 in city and 8 Rural Fire District. 2 grass/wildland, 6 mutual aid, 1 false alarm, 2 powerline, and 1 miscellaneous. For a total of 70 calls for 2025. Other items, Thank you to Justin for providing the manpower to conduct the annual hydrant flushing and inspections.

Public Comment Non-Agenda: None

New Business:

Libby Groundwater five-year review update EPA/DEQ:

EPA Project Manager Jason Rabby also joined by Beth with EPA and Melody with DEQ gave a PowerPoint presentation for the five-year review of the Libby Groundwater Superfund Site. Beginning the presentation with the history of the Superfund Site. The review found that contamination from creosote and other chemicals remain in the upper and lower aquifers, with treatment ongoing through a new oxygen-injection system. While current measures are preventing known human exposure but there are gaps in well restrictions, especially outside city limits, that pose potential future risks. The lower aquifer and possible PFAS contamination from past firefighting practices are still under investigation, and results will be issued in an addendum. Soil cleanup is nearly complete, with the land farm and Corrective Action Management Unit scheduled for closure and reseeded this fall. Next steps include completing the investigations, starting the final oxygen-injection system this spring, and working with the City and Lincoln County to strengthen institutional controls to prevent exposure.

Councilor Brian Zimmerman inquired whether the 5-year review had sufficient recent activity to evaluate, noting a meeting from a couple of years ago indicated little work had been done for 20 years. Mr. Rabby responded that while activity had been limited, there was a decent amount of work completed in the last five years, including the installation of multiple wells to better define the upper aquifer plume. Old documents had shown two distinct upper aquifer plumes, one near the river and one near the site, and investigations were conducted to determine whether there was interaction between the upper and lower aquifers or if prior data was incomplete. Over two to three years, wells were installed and investigations performed, resulting in new information about plume characteristics. Additional data from the ISB system was also collected. Confirming aside from these activities and continued soil treatment, no other major remediation occurred during the review period.

Councilor Zimmerman inquired about treatment of the lower aquifer, referencing reports that Columbia Falls was using a treatment method that might be applicable to Libby. Mr. Rabby explained that the lower aquifer already has a selected remedy, and under the Superfund process, new technologies can only be considered if evidence shows the existing remedy is no longer protective. In that case, a new investigation would be required, followed by evaluation of possible technologies. The process would essentially restart from the investigation phase, making it more complex than directly adopting another site's approach.

Council Hugh Taylor inquired about the recent drilling of wells on the site and its effect on the plume. Mr. Rabby stated that they have not seen changes in plume characterization but will continue to monitor all the surrounding wells in the area and if there are any changes, modifications would be made as necessary. Councilor Taylor inquired how wells were allowed to be drilled on a Superfund site and why protective restrictions were not placed in the property deed. Mr. Rabby responded that the deed restrictions were not as restrictive as they had hoped.

Councilor Taylor inquired, referenced the Technical Impracticability Waiver issued in the 1980s, noting that newer technology might now make cleanup of both the upper and lower aquifers possible. He suggested that full removal of contamination, rather than containment, should be the goal, pointing out that if the aquifers were cleaned, residents could again use wells for purposes like lawn watering. Mr. Rabby confirmed that if it was not protective, the end goal would be to remove as much as possible.

Public Comment:

DC Orr expressed concern that the EPA allowed large industrial wells to be drilled, calling it a major oversight. Mr. Orr believes the City is stealing the IP settlement money while residents will see no benefit and claims the settlement was improperly negotiated and illegal.

Approve 2025-2026 Preliminary Budget:

Mayor Williams explained the Budget Committee had been meeting over the last several months, figures were being updated as they came in from the State agencies on the revenue side and evaluations were being made on the expenditure side for any needed changes.

Clerk/Treasurer Monigold reported the main expenditure increases were due to higher electricity, phone, and gas costs, as well as updated wages per the Collective Bargaining Agreement. Most other items carried over from the previous year.

Councilor Taylor inquired why there was a 48% increase in Cemetery wages. Ms. Monigold explained it was identified last year but was missed being placed in the budget, the budgeted wages are for two more seasonals employees if needed.

Councilor Zimmerman **MADE A MOTION** to approve the 25-26 Preliminary Budget, Councilor Burger **SECONDED**.

Mayor Williams noted the Preliminary Budget can be modified up until final approval and explained the PowerPoint presentation will provide details of the budget, including expenditure increases and tax information and highlighted an upcoming resolution that would shift the city from a mill-based to a dollar-based property tax system, explaining part

of recent state legislation affecting residential and second-home tax calculations and provided Council with materials that included the current levy procedure, the state's proposed tiered approach, and legislative summaries, to provide as much informed possible before the Budget public hearing and would be providing more detail during the PowerPoint presentation for the proposed resolution.

Public Comment: None

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

MOTION PASSED.

Grant writer discussion:

Mayor Williams explained back in January, Council looked at the request for qualifications for grant writing services. The RFQ handout seems to be the most tailored to what Council wanted, and was looking for comments, possibly approval of posting it and to see if there is somebody interested in grant writing. Councilor Kolp recommended changing two dates identified as incorrect. Mayor Williams stated it on the agenda as discussion and would add it to the next agenda for approval.

Public Comment:

DC Orr inquired, where it says, "a list of qualified grant consultants will remain active for three years at the discretion of the city, the list may be added to at any time for any reason." If that would be a corporate decision, or an individual decision?

Committee recommendation of re-installation of the Labor and Industry banners:

Councilor Taylor reported he spoke with Cody from Flathead Electric and their corporate office will not allow them to put up the banners and has not spoken with Montana Sky yet, trying to find a point of contact. Councilor Zimmerman mentioned Todd Jensen.

Public Comment: None

Approve all claims received to date:

Mayor Williams reminded the public that if anyone is interested in viewing the claims they are available during the day of the meeting.

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

Public Comment: None

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

MOTION PASSED.

Approve all business license applications received to date:

Best Buds Pizzeria, Sparkle and Shine Libby, and Empower Physical Therapy PLLC.

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

Public Comment: None

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

MOTION PASSED.

Unfinished Business: None

General Comments from Council:

Councilor Taylor commented on having issues with the project on Cedar Street that one of the local contractors is performing. There was no public notice given to citizens before they blocked access. There was no time frame given to the public on how long it was going to be. They're driving equipment up and down the city streets full of gravel. They cross the US highway and city streets with a tracked piece of equipment without blocking the highway, laying anything down to protect the roadway. They are actually making multiple block loops with frontend loaders full of gravel instead of hauling their material to and from the site. Mayor Williams said they would speak to Mike Fraser tomorrow so he could speak to their engineer. Councilor Taylor stated Sam has taken care of most of the problem, but their contract states they are not to start work until seven o'clock in the morning, they're starting at 6am in a residential area. Suggesting Council develop a policy that when these contractors don't abide by their contract this is what the city will do.

Councilor Berke commented that the same thing had happened when the water was shut off this last fall, there was no notification, and it affected her personally. Councilor Zimmerman explained the lack of notice for incident. Council discussed issues they had seen in the past with water shut offs. Councilor Berke recommended finding a way to give the public notice. Mayor Williams explained our call out system only goes to those numbers that have been registered with us to receive text or call and sending out paper notices often times would not be time to give notice.

Mayor Williams informed everyone the notice is currently in the paper for the Wastewater PER for a Request for Qualifications (RFQ) for the PER. The next meeting there will be two Public Hearings, Mike Fraser will be here for CDBG application for the 1st and Montana lift station grant and another Public Hearing for the Budget.

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:56 pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold