

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 #1688 on Monday, November 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, Ethan Kolp, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Announcements: Mayor Williams announced City Hall will be closed Tuesday, November 11 for Veterans Day. Final leaf pickup will be November 12 and 13. Councilor Berke announced the Kootenai Valley Christian School will hold a program for veterans, details to be confirmed.

Approve minutes for Regular Council meetings #1686 held October 6 and #1687 held October 20, 2025:

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting minutes 1686 and 1687, Councilor Burger **SECONDED**.

Public Comment:

DC Orr expressed concern about wording in the October 6 minutes regarding a meeting with Lincoln County Port Authority, stating the language could be misconstrued. He attempted to expand his comments beyond the minutes. Councilor Burger called Point of Order, Mayor Williams directed Mr. Orr to speak only to the minutes under consideration. After an exchange about staying on topic, Mr. Orr was asked to sit down when his comments went beyond the agenda item.

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

MOTION PASSED.

Reports:

Administrator: Administrator Sikes reported the city received 90% completed draft for the spoils pile from WWC Engineering. A problem had been identified with the biathlon course entrance, which had a switchback design would make it difficult for plowing. The parking lot level could not be lowered due to funding constraints; the entrance has been redesigned. Council members were asked to review the 90% plans packet and provide feedback. Once reviewed, WWC will prepare cost estimates for Council to vote on whether to proceed.

Councilor Smith inquired whether the county plows the road to the project area. Mr. Sikes confirmed the county plows the main road, while the ski club will plow the small parking lot.

Phase II of Spruce Street project is several weeks behind schedule. The first lift of asphalt has been completed, and the second lift is expected in the next few days. Once finished, the city can move on to future parking lot work. Due to contract penalties of \$1,200 per day for late completion, the city anticipates some cost savings. The mayor and the engineer will be working on that to figure out the legalities.

Mr. Sikes gave an update on the Reese Court water leak and said it has slowed down significantly.

Presenting a map of the lower reservoir, Mr. Sikes explained the current situation and the long-term temporary fix that will be made. The city has coordinated with Noble Excavation, and the repair plan involves using underwater JB Weld epoxy (water-safe) to seal cracks, removing riprap, repacking with clay to reinforce the structure, and replacing the riprap. The city is awaiting word on a \$30,000 grant from DNRC for repairs, but the work must be completed regardless due to risk of catastrophic failure.

Mr. Sikes emphasized the importance of a proper capital improvement plan and adequate base rates, noting that preliminary engineering report repairs for the lower reservoir are estimated between \$3.5 and \$5 million. Even with maximum potential grant funding from Rural Grants and Loans (\$125,000), MCEP (\$434,000), and CDBG (\$600,000), the city would still face a shortfall of \$2.3 to \$3.8 million. Using the state's rate matrix, this would require an additional \$5 to \$7 per month per end user in base rates to cover loan payments, principal, interest, short-lived assets, and increased reserves. This demonstrates why adequate funding of the capital improvement plan is critical.

Mr. Sikes announced that Charlotte, a city employee of over 10 years, will be leaving the city for a different position. She has contributed significantly to city operations and will be greatly missed. The position will be advertised in-house by the collective bargaining agreement before opening to the public.

Streets: Street Supervisor: Justin Williams reported crews have been busy with street maintenance, patching potholes, sweeping, and leaf pickup. Sewer work included camera inspections and root cutting on mains, sprinkler blowouts and bathroom winterization has been completed. Three alley approaches received lay-down curb replacements, one on Sixth Street and two on Cedar. One water disconnect was performed at Michigan and Sixth due to a lingering water leak.

Crew spent a week at the water plant cleaning out one of three backwash basins and explained the process. A culvert was installed to DNRC standards on the city's access road to the lower reservoir. The DNRC contacted and approved the installation; the city has a user agreement for that road.

One cremains burial was performed last month. Maintenance work included rebuilding the snow blower and rear end of one dump truck. The truck had been neglected and is now in good condition for several more years.

The seasonal employee completed his last day on October 20 and performed excellently. A pre-construction meeting was held for the affordable housing complex on Commerce Way. The city has a plan for water main tie-ins, and two new valves will be added during construction to enable more efficient isolation and support future loop system development.

All city street openings have been sealed for winter. The cone signs and candlesticks ordered through LORS transportation grant arrived last week. The screens at the lower reservoir have required additional attention due to leaves and foliage. The upper reservoir is also being monitored; on October 24, the dam measured 6 feet at the gauge, and six days later it had risen to 8 feet 2 inches, showing good conditions.

Two water main repairs were completed in October. Mr. Williams noted the skate ramp sod at Fireman's Park was completed and thanked Councilor Berke for ensuring completion before winter.

Chief Ercanbrack reported 421 calls for service in October compared to 207 in 2024, attributed to new officers being eager to engage through traffic stops and community contact. Calls included 2 assaults, 7 disturbances, 5 threatening calls, 5 thefts, 2 mental health calls, 22 public assists, 9 juvenile problems, 22 walkthroughs, 46 city ordinance enforcements, 19 suspicious people/vehicles, 9 crashes, 3 DUIs, 160 traffic stops, and 51 agency assists. An additional 35 calls involved officers backing up other officers.

All officers completed field training in October and firearms training this month. Officer Thomas completed rifle armorer and Glock armorer courses, enabling him to maintain all department firearms and increase their longevity.

The Chief addressed community concerns about businesses selling nitrous oxide. While selling nitrous oxide is legal, it creates problems and mentioned Kratom, another legal substance sold in gas stations, if taken in high doses, can mimic opioids, highly addictive and can cause psychosis.

Finance: Clerk/Treasurer Monigold reported the city held a surplus auction and was able to dispose of most items for a total of \$3,365.

Committee Reports:

Cemetery/Parks: Mayor Williams reported on the wings project. A new location had been identified for the wings currently on the ground at Peace Officer Park, but there appears to be a disconnect between what the school is telling the concrete contractor and what the committee had worked out. The issue will be addressed to get the wings installed.

Public Comment Non-Agenda:

DC Orr raised concerns about transparency regarding the parking lot at the reservoir, questioning why the city is paying to remove materials that should have been covered under the original dam construction contract. He also referenced the lower reservoir dredging and dam's overtopping incident, suggesting contractor insurance should have covered damages. Mr. Orr urged Council to investigate the matter and provide transparency to taxpayers.

Public Hearing - FY25 Budget Amendment:

Mayor Williams opened the public hearing at 7:29 pm and noted the hearing was published in the newspaper on October 24 and October 31.

Clerk/Treasurer Monigold explained the budget amendment is needed to close out the year based on auditor recommendations. The amendment involves balancing increased revenue with corresponding expenditure adjustments. The resolution shows the funds identified by the auditor that require adjustment.

Mayor Williams noted part of the revenue increase came from grant funding that exceeded initial projections.

Public Comment: None

Mayor Williams closed the public hearing at 7:30 pm.

New Business:

Approve Resolution 2062 amending the fiscal year 2025 budget:

Councilor Smith **MADE A MOTION** to approve Resolution 2062 amending the fiscal year budget, Councilor Zimmerman **SECONDED**.

Public Comment: None

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

MOTION PASSED.

Approve Wastewater Preliminary Engineering Report Work Order Number 6 with WWC Engineering:

Mayor Williams explained this work order advances the process for completing the Wastewater Preliminary Engineering Report by next spring.

Administrator Sikes reported the project initially started at \$50,000. After meeting with WWC Engineering and Mayor to expand the scope for future growth planning and detailed analysis of specific improvements, including an additional clarifier, oxidation ditch, and second press—the total cost increased to \$78,000. However, the city received a \$40,000 grant, making the net cost reasonable given the expanded scope and more comprehensive final product.

Councilor Zimmerman **MADE A MOTION** to approve the Wastewater Preliminary Engineering Report Work Order Number 6 with WWC Engineering, Councilor Smith **SECONDED**.

Public Comment: None

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

MOTION PASSED.

Approve submission of Montana Main Street grant for Mineral Avenue Master Plan:

Mayor Williams explained the grant application would support improvements to create a more attractive downtown, including banners, flowerpots, planters, and construction of two parklets (movable, attractive seating areas). Exact items will be finalized during next week's public meetings. Gail has been assisting with the Main Street application preparation.

Councilor Zimmerman **MADE A MOTION** to approve the submission of Main Street Montana Main Street Grant for Mineral Avenue Master Plan, Councilor Burger **SECONDED**.

Public Comment: None

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

MOTION PASSED.

Employee Policies and Procedures Manual update. (Introduction):

Mayor Williams introduced the updated city policies and procedures document, noting it has been months in development. The update consolidated two documents that did not necessarily say the same things. The revised document ensures proper alignment, incorporates provisions for the Police Department now that it is no longer covered under the Collective Bargaining Agreement (CBA), and confirms all policies align with CBA requirements. The document is being presented for review and public comment over the next couple of meetings. Note: the document has been sent through Montana League and sent to the City Attorney to review.

Administrator Sikes noted having all supporting documents from the State and Montana legal department. The union has reviewed the document and provided feedback. Major changes include adding a detailed firearm policy, expanding the drug policy with more specificity, and clarifying the discipline process, which was previously too vague. The revised discipline section outlines a clear, steady process. Mr. Sikes stated he has all email documentation from state agencies available for review.

Approve all claims received to date:

Mayor Williams reminded the public, anyone interested in reviewing the claims may do so at City Hall on Mondays before Council meetings.

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

Public Comment: None

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

MOTION PASSED.

Approve all business license applications received to date:

Fish Hawk Fly Shop.

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

Public Comment: None

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

MOTION PASSED.

Unfinished Business:

Chamber of Commerce request for long-term building lease-Discussion:

Mayor Williams reported the Chamber sent documentation on Friday, but it arrived after she had left for the weekend and was not distributed until prior to the meeting. She was uncertain whether Council had adequate time to review it.

Councilor Smith inquired if Mr. Chisholm had any comments.

City Attorney Chisholm explained that the revised lease from the Chamber still contains language giving them ownership of a building on City ground, but it does not address some of the current concerns Council has raised about what happens at the termination of the lease. If the Chamber owns the building, will they be required to remove it? Do they get to control who leases it after the end of their lease? Those are the crux of the discussion. Most of the rest of the terms the City proposed are still in place in the Chamber's suggested revision.

Councilor Smith inquired what was the necessity for the Chamber to own the building.

Devenne Leiss, current president of the Chamber board, explained the Chamber's request to maintain ownership language in the lease. She noted concern exists on both sides, the Chamber wants assurance it will not be evicted and lose its investment, while understanding the city has similar concerns. Ms. Leiss explained the building's history, community members and Chamber had raised funds and took out loans to construct it. During a period when the Chamber struggled financially and could not pay taxes, the city agreed to take ownership to eliminate the tax burden. Ms. Leiss stated the building was originally funded by Chamber and community member dollars.

Councilor Smith clarified her understanding that the current grant does not require ownership. Ms. Leiss confirmed that is correct, but noted other grants under consideration do require ownership.

Councilor Burger stated she is not in favor of designating the Chamber as owner of the building. She believes City Attorney Chisholm's proposed lease was clear and fair. Councilor Burger also noted the revised Chamber proposal removes the requirement to upgrade water and sewer lines if a new building is constructed and includes language allowing the Chamber to sell the building back to the city if they relocate. She does not support those provisions and believes Mr. Chisholm's lease terms are fair.

Councilor Smith emphasized the importance of consistency in lease agreements, noting the City has established relationships with other lease holders such as the ski club, which holds a long-term lease and has constructed multiple buildings but does not own them. Should that entity cease to exist, the City would need to find another tenant. The same principle would apply to the Chamber. Councilor Smith stated she does not see the city being interested in owning buildings long-term but supports long-term lease arrangements. Councilor Burger agreed.

Ms. Leiss asked for confirmation that in other leases, tenants do not own the buildings. Mayor Williams confirmed that is correct, using examples of the ski course and KPFL, where tenants treat buildings as their own, maintain them, and use them, but ultimate ownership remains with the city. Should a conflict develop, the buildings revert to city ownership. Ms. Leiss noted the property where Fireman's Park is located is designated only for tourism-related use.

Councilor Zimmerman acknowledged that none of the Council is opposed to the Chamber or to providing long-term leases that allow community involvement and organizational missions. However, the concern is about setting precedents with property and building ownership that could create problems for future councils. He noted none of the current Council will likely be in office in 25 years, and they are trying to avoid leaving unresolved issues for successors.

Ms. Leiss responded that the current situation resulted from past decisions, the Chamber did own the building under the original lease.

City Attorney Chisholm interjected, stating he has reviewed the original documents and that characterization does not appear to be accurate.

Ms. Leiss acknowledged she has documents but is not a lawyer, so she may be interpreting them differently.

Mayor Williams asked if there were further questions. Hearing none, indicated the conversation would continue at the next meeting.

Grant Writer/Community Development Coordinator Job Description-Discussion:

Mayor Williams explained that based on efforts to move toward a 1099 contractor position, the previous position description was reworked to be more city oriented. Asking if Council had reviewed it and whether it appears to be heading in the right direction.

Councilor Burger stated it looks like progress and would like to see it gain traction and be advertised publicly.

Councilor Smith stated her ongoing position that the City needs a dedicated person, not someone contracting with multiple other entities. She has been reviewing employment

opportunities through the Western Association of Planners and found that municipalities across western states employ community development directors whose job descriptions exactly match what is needed, pursuing grants and fostering economic and community development relationships—and who are beholden solely to the city. She emphasized the importance of having someone on the ground with local knowledge, understanding relationships between entities, ability to stay current with opportunities, maintain community trust, and respond immediately to agencies like the Department of Commerce. She expressed frustration that it had been nearly five years since Tina Oliphant left the position, with no one performing that essential work.

Councilor Burger agreed but stressed the need to start somewhere. She noted that continuing to go back and forth without moving forward keeps the position only on Council's desk rather than in public view. She stated part-time is better than no time and would like to see the position advertised so the city can at least get started.

Mayor Williams asked if there was specific feedback on the wording of the position description. She clarified that one version labeled "draft" is a reworked version of an earlier description. She directed attention to the version titled "City of Libby Position Description: City Grant Writer and Community Development Coordinator, Part-Time, 1099 Contractor" and highlighted essential functions including producing and executing a community development work plan in coordination with the mayor and identifying projects within growth boundaries.

Mayor Williams suggested giving Council additional time to review the document before the next meeting for potential approval.

Public Comment:

DC Orr commented on two items: first, suggesting if the City Attorney has documentation contradicting the Chamber's ownership claim, it should be made public; second, recommending the grant writer position include mandatory regular reporting to Council and the public to ensure transparency.

Mayor Williams explained copies of the original lease and the current lease, were included in council packets for earlier meetings. She stated this is the same documentation the Chamber has and what City Attorney Chisholm has reviewed. Councilor Taylor added similar documentation exists for other properties.

Councilor Smith asked how the Chamber came to believe they owned the building. Mayor Williams explained that in the early years, because the Chamber had raised construction funds, there was a perception among board members that it was their building. However, conflict arose in the early 1990s when a property tax was assessed based on the assumption of ownership. The Chamber did not want to pay the tax and therefore transferred the building to the city. This history is documented in the materials provided.

Councilor Burger confirmed that the grant writer position description states the position reports to the mayor and Council.

General Comments from Council:

Councilor Berke provided dates and times for the Veterans program, Friday, November 7, at 6:30 pm at the Assemblies of God Church on Collins Avenue. The program is open to the public, and veterans are especially welcome.

Mayor Williams reported that a large notebook is available containing the preliminary application for the Park Timberlands subdivision adjacent to the city. The application has been submitted and will go before the Planning Board on November 24. WWC Engineering is working on all documentation and has sent letters to agencies and the community. WWC will prepare a report for the Planning Board's review in a public hearing. After Planning Board review, the matter will proceed to Council for another public hearing, tentatively scheduled for December 15.

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:59pm.

Mayor Peggy Williams

Attest: _____
Clerk/Treasurer Leann Monigold