

**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 #1689 on Monday, November 17, 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:** None

### **Reports:**

Administrator: Administrator Sikes reported he represented the city at a League of Cities and Towns meeting with BNSF Railway to discuss statewide issues regarding extreme permit fees and lengthy approval times for projects requiring work underneath BNSF property. Mr. Sikes gave the example of Colstrip, a small town that paid \$41,000 for a permit just to replace a water main via pipe bursting underneath BNSF track. A process that took over two and a half years to complete. Also discussed North Dakota law, which limits railroad permit fees to 10% of the original fee or \$3,000. This discussion prompted concern from BNSF representatives. Montana State Legislators are considering legislation to mirror North Dakota's fee limits. The city has an interest in this because Libby has two water lines, two sewer lines, and one storm water line that would require permits. At the current rate of \$40,000 to \$50,000 each, the city could face a couple hundred thousand dollars just in permit fees, not including flagging fees and other associated costs. BNSF's argument is that they have real estate interest, they are giving up interest in their real estate, and they pay taxes and insurance on it, therefore cities should compensate them accordingly. Mr. Sikes performed preliminary calculations and determined the railroad right-of-way in question represents approximately 0.1 acres, which, based on real property values in Libby, would be valued at approximately \$1,900. The city is waiting to see what recommendations the League of Cities and Towns develop for the next meeting.

Building Report: For the month of October, the city sold eight building permits: two for new buildings, one for a deck, one for an addition, and four new roofs, generating \$3,894.85 in revenue. Year-to-date, 14 permits totaling just over \$6,000.

**LORA:** Tony Petrusha, Libby Outdoor Recreation Association, reported the swim pond project is still in progress, working with Department of Public Health and Human Services to meet their requirements and working with the county on a maintenance agreement. The pump track is up and running. New NRDP project; a Parmenter Creek Trail, as of now passes through four or five pieces of private with their agreement and seeking permanent easements on those private properties and running the trail through Forest Service property, down through Ski Dale and over to Pioneer Park along Balsam Street. Snowshoe Trail continues, Norgart Trail easements are in place and will connect Snowshoe Hannah Lane up through to the ski course. Mr. Petrush wanted to address council about a new NRDP project involving the Libby Haul Bridge renovation. He met recently with Councilman Kolp and Sam to review the project scope, which includes replacing rotted curbs, installing new fencing, and addressing additional structural needs as they arise. Items under consideration include a full bridge assessment, structural integrity, snow-removal needs, ADA-accessible parking, and existing parking limitations on Fifth Street, noting a possible opportunity for additional parking at a vacant property on the north end of the bridge. The plan also includes developing signage to identify the structure as a historic feature of Libby. Sam spoke with the city engineer, who is familiar with the project and has prepared a preliminary report to support initial cost estimates and outline anticipated engineering requirements. Once the project details are finalized, it will be submitted for NRDP funding in the 2026–2027 cycle, with additional grants to be pursued as appropriate. Identified project partners include the City of Libby, Lincoln County, the Port Authority, Montana DEQ, the Army Corps of Engineers, Burlington Northern, and the community of Libby.

### **Committee Reports:**

**Cemetery/Parks:** Mayor Williams reported the Parks committee is still working to get the wings in the ground.

**Streets Committee:** Councilor Burger announced a Streets Committee meeting is scheduled for Wednesday at noon.

### **Public Comment Non-Agenda:**

Rosemarie Irish expressed concern about a Facebook post regarding questions she had asked about a TAC committee. Ms. Irish read the questions and responses she was given. Ms. Irish felt this is not how council members should respond to citizens with questions and referenced the Montana Code of Ethics and Conduct.

DC Orr stated the TAC is firmly grounded in Montana Code Annotated 2-2-144 and that Montana law allows and encourages it. Mr. Orr stated one council member comments under fake names on Facebook and urged Council to address behavior that is embarrassing the whole body.

**New Business:**

**Approve street closure request on Mineral Avenue and Second Street for Christmas parade on December 20<sup>th</sup> 4:45 - 6:30pm:**

Kaylee Cohenour requested a road closure of Mineral Avenue and Second Street from 4:45 to 6:30 p.m. The parade will start at 5:30 p.m., and hot cocoa stations will be set up at 5:00 p.m.

Councilor Zimmerman **MADE A MOTION** to approve the street closure on Mineral Avenue from Lincoln Boulevard to Second Street and on Second Street for the Christmas parade on December 20 from 4:45 to 6:30 p.m., Councilor Burger **SECONDED**.

**Public Comment:** None

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

**MOTION PASSED.**

**Approve LOR Foundation grant of \$9,150 to the City of Libby for the purchase of 3D imaging equipment-decision:**

Tabitha Viergutz, representing the LOR Foundation, explained a request was received from Chief Ercanbrack for a LIDAR system, which is 3D imaging equipment used to enhance public safety within the City of Libby. The request totals \$9,150, and the funding is designated for the project during the grant period, which will end on November 2, 2026, pending the completion of all expenditures.

Councilor Smith inquired about the specific intent to use this equipment. Chief Ercanbrack explained that the LIDAR units are primarily designated for the measurement of crime scenes and are used to measure crash scenes specifically, as well as any large-scale scenes. The equipment can also be utilized for speed enforcement, giving the department an extra tool to help protect the citizens of Libby. Chief Ercanbrack clarified that while it is described as 3D imaging, it is not used to scan people's homes but for the measurement of scenes.

Councilor Zimmerman **MADE A MOTION** to approve the LOR grant of \$9,150 to the City of Libby, Councilor Burger **SECONDED**.

**Public Comment:** None

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

**MOTION PASSED.**

**Approve LOR Foundation grant of \$27,401 to the City of Libby for the purchase of flashing speed signs-decision:**

Tabitha Viergutz explained the request and solution was brought forward by Libby Streets Department Supervisor Justin Williams to purchase flashing speed signs and the various equipment that accompanies them, including solar panels and USBs that are required. This grant also has a funding period that will end November 2, 2026, pending the completion of expenditures.

Councilor Zimmerman **MADE A MOTION** to approve the LOR Foundation grant of \$27,401 to the City of Libby, Councilor Smith **SECONDED**.

Councilor Taylor inquired how many signs the grant would provide. Mr. Williams stated the grant would provide three signs.

Councilor Zimmerman inquired whether locations have been picked out. Ms. Viergutz explained the equipment was described as mobile, so would be able to be used in various locations depending on traffic issues.

Public Comment: DC Orr requested in the future to see an itemized cost of the projects.

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

**MOTION PASSED.**

**Review of gravel pit/parking lot 90% plans and discussion on moving forward-discussion:**

Scott Dunkelberger, WWC Engineering contract engineer, was hired to design the Flower Creek waste gravel reclamation project, explained the project is located up on the Flower Creek Road near the Nordic ski area. There were a couple of design parameters WWC was aiming for; the major one was to protect the City of Libby's source water supply at Flower Creek. WWC looked at the upstream watershed and then performed downstream analysis to verify that there would be very limited to no impacts to the surface waters with sediment runoff. The upstream analysis started at the ridgeline, and WWC determined that

the existing gravel pile is located along a ridge, meaning the watershed upstream sheds easterly and westerly away from the gravel pile. This means large storm events are not going to drain through the site and create additional sediment loading downstream. The downstream analysis included a detention pond. That pond was sited to capture the 100-year storm water event, so all runoff from the parking area is going to drain to a channel and then into that pond before it outlets downstream into the grassy area. WWC proposed a berm around the pond as well as a secondary measure to make sure runoff does not go down those exposed slopes.

The other part of the design WWC looked at was staying within the NRDP budget. The two factors considered were the pad size and the volume of earthwork. The volume of earthwork has a cost per cubic yard. WWC raised or lowered the pad and expanded or decreased the pad footprint to balance those factors and stay within the proposed construction budget. With the 15% contingency, the project is approximately at the construction budget within NRDP funds. The contract will also have a requirement for a SWPPP (Stormwater Pollution Prevention Plan), a permit the contractor obtains through DEQ to set up BMPs such as silt fences, straw wattles, and other temporary sediment measures during construction. This is a two-phase project through NRDP. Phase One is the design and preparation of bid documents. If Council approves those bid documents, Phase Two would be the construction.

Joe Taylor, President of the Kootenai Cross Country Ski Club, described the club's long-standing role as a volunteer-run nonprofit that promotes winter recreation, youth development, and community wellness through 13 miles of groomed trails and a variety of educational programs for children. He highlighted the club's stewardship work, inclusive community events, and commitment to providing accessible, affordable winter sports opportunities for all ages. Mr. Taylor emphasized the importance of the proposed parking improvements at the Flower Creek facility, noting that safe and adequate parking is essential for youth programs, future race events, and broader community access, he thanked the City for advancing the NRDP-supported project.

**Public Comment:** DC Orr stated he had questions about the project and referenced concerns about the gravel pile removal contract from when the dam was built.

Councilor Zimmerman called **POINT OF ORDER**, stating the comment has nothing to do with the project in front of Council.

Mayor Williams asked Mr. Orr to speak to this project, not history that the current Council has no control over and could speak about how the parking lot is constructed or not constructed but otherwise should sit down.

Jared Lampton, Vice President of the Kootenai Cross Country Ski Club, thanked the city for taking on the project and emphasized the significant need for proper parking at the Flower Creek trail area for both the ski club and other recreation users. He noted ongoing parking challenges during events and described the existing gravel pile as an eyesore, urging the Council to convert the area into something functional.

Tony Petrusha also expressed support for reshaping the gravel pile into a usable parking area, stating that impacts would be minimal and that, since people are already parking there, the city should formalize the space, manage runoff, and proceed with the project.

Justin Williams questioned if this project goes through and there is a parking lot built there, who is going to maintain the parking lot—all aspects, including plowing. Mr. Williams stated he knows it is on city property; he just does not want to see the city inheriting additional maintenance responsibilities.

Councilor Kolp stated he has driven up there several times this past week to see what it looks like while it is raining and when it is dry. It is being used as a parking lot right now with uncontrolled runoff. There is a deer carcass on top of that hill. It has been used as a shooting range. Councilor Kolp said he picked up probably half a bag of soda and beer cans, and that was not even near all of it up there. By creating a proper parking area with controlled drainage, Council can discourage some of the inappropriate behavior that goes on up there.

Councilor Smith concurred with Councilor Kolp because the area looks like an eyesore, and people are attracted to places to do various activities when a site looks like a dump or a giant pile of gravel. With some appropriate signage, it would improve the area. Agreeing with everything the cross-country ski group has said. Reminding everyone that NRDP is a source of funds not from the taxpayers; it is funds the governor's team has negotiated with ~~International Paper~~ WR Grace in this case, so it is already paid for, and the money has already been granted to the city to complete this work. Encouraging Council to consider the project.

Councilor Zimmerman stated one thing he likes seeing about the project is the 100-year flood protection, which has always been a major concern for him. Having the proper drainage so the watershed is taken care of and protected is important.

Mayor Williams stated the item was on the agenda for discussion only.

**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 Smith **SECONDED**.

Public Comment: None

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

**MOTION PASSED.**

**Unfinished Business:**

**Employee Policies and Procedure Manual update-Discussion:**

Mayor Williams explained the updated policies and procedures manual was introduced at the last meeting for discussion. It is a document that needed some updates. The manual took two documents and made them into one. It is an employee document outlining the city's policies and procedures and how the city tries to proceed in the workplace. The last update to the personnel policies and procedures was in 2020. The city updated the manual regarding firearms and relationships, updated the computer use and retention policy, and made sure that it aligns with the CBA (Collective Bargaining Agreement). The old documents do not always align, so staff tried to make sure that this manual aligns with all existing agreements. Since the police are no longer in the CBA, the city also put language in the manual regarding some issues specific to the police department. Mr. Chisholm provided some updates in one section, which Council will be looking at.

Councilor Taylor explained he spoke with Administrator Sikes earlier about page 13, the firearms policy, and asked Mr. Chisholm to look at that because things have changed since Councilor Taylor obtained his concealed weapon permit.

Mayor Williams stated the city will make sure the firearms policy reflects current standards. She noted the city has run the manual through legal review and through MMIA to make sure they approve some of the updates, especially in areas of discipline and hiring. The union has also looked at it, so the city tried to capture all those potential concerns.

Councilor Smith stated he would like to see what the clause Councilor Taylor referred to says in relation to the standard for general public entry.

**Public Comment:** None

Mayor Williams reminded the public that copies are available if they would like to look at the manual here at City Hall, or if they really want a copy to take home, they should let staff know. Electronic copies are also available and can be linked to anyone who requests them, as it is quite a large document, Council will be looking at it again at the next meeting.

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

Miranda Craven stated the Chamber received the most recent version of the lease from Mr. Chisholm, and they are happy with it. They would like to move forward if Council approves it. Ms. Craven stated the Chamber was originally under the impression that they owned the building. After finding all the documents, everyone is now on the same page. Ms. Craven said the Chamber respects Council's wish to be consistent with all the leases, so they are happy with the final version of the lease.

Councilor Smith explained it is important that the city and the Chamber continue to have good relations and work cooperatively toward the greater good, noting everyone has the best intentions. Ms. Craven agreed it is important to the Chamber as well.

**Public Comment:** none

**Grant Writer/Community Development Coordinator Job Description-Discussion:**

Mayor Williams suggested putting the item on the agenda for the next meeting to have a vote on the current position description as it has been presented for the last couple of meetings and see if Council wants to move forward that way.

Public Comment: None

**General Comments from Council:**

Councilor Taylor stated given the recent election, he would be resigning his position on the Local Government Study Commission as the ex officio member. He noted Councilor Kolp will fulfill that role, but that appointment needs to be on the next agenda for a vote to officially appoint Councilor Kolp to that position.

Mayor Williams inquired whether anyone else was interested in filling that role. Councilor Kolp confirmed he is willing to do it. Mayor Williams stated she would put that on the agenda.



Mayor Williams explained the city has a couple of Planning Board vacancies coming up at the end of December. One of them is the position appointed by the city commissioners. That person would like to be replaced and would like to move on from the Planning Board. The other vacancy is Councilor Burger's position as a city representative, which will be expiring next year. Mayor Williams stated she is going to advertise those positions. She will be contacting the county commission regarding their position to see if they have someone in mind or if the city needs to find someone to fill that position.

Councilor Taylor stated he had mentioned to Mayor Williams about going ahead and posting the council vacancy regarding his seat. Mayor Williams inquired whether that is Councilor Taylor's wish. Councilor Taylor stated that it is his wish. He noted he does not know how the rest of Council feels, but the council policy and procedure indicate Council can refill that seat effective the first of the year. That is up to Council to decide how they want to handle it. Councilor Kolp agreed it would be nice to do that, so all the faces are present on the first of the year. Mayor Williams stated she would get that vacancy posted.

**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 7:50 pm.

\_\_\_\_\_  
Mayor Peggy Williams

Attest: \_\_\_\_\_  
Clerk/Treasurer Leann Monigold