

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 #1691 on Tuesday, December 15, 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.

Approve minutes for Regular Council meetings #1690 on Monday, December 1, 2025:

Councilor Zimmerman **MADE A MOTION** to approve minutes for the council meeting 1690 dated December 1, 2025, Councilor Burger **SECONDED**.

Public Comment: D.C. Orr, commented on corrections to the meeting minutes and clarified his comment submitted in writing related to constitutional rights to participate in and be informed of Council proceedings and noted his comments regarding hazardous materials was related to the parking lot discussion, so the point of order was incorrect. Expressed concern about potential impacts to the water supply.

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

MOTION PASSED.

Public Information on Flooding Event:

Nick Holloway, Public Information Officer with Western Montana All Hazard Incident Management Team, provided an update on the flooding event. The team took command at 8:00 a.m. Montana Disaster and Emergency Services deployed damage assessment teams to determine if damages meet federal disaster declaration threshold. Five roads were reopened, with 10 to 12 roads still closed. Federal declarations typically provide 75-25 match funding, with the 25% potentially covered through volunteer hours at approximately \$30 per hour. Red Cross shelter has distributed substantial bottled water. Forecasts predict 60-70 mph wind gusts Tuesday night into Wednesday morning.

Regarding the Lower Flower Creek diversion dam owned by the City, DNRC Dam Safety Program coordinated inspection by licensed engineers. Engineers reported damage from seepage and internal erosion. Actions on December 14 evening and December 15 morning lowered the dam's water level and stabilized the damaged area, reducing failure risk. The

area has been sandbagged and stabilized. Mr. Holloway showed inundation maps for worst-case scenario. Mr. Sikes clarified the inundation map was calculated using 24 acre-feet of water, but with the water level reduction of two and a half feet, they're down to approximately four acre-feet of water. The City needs 1,200 gallons per minute and held five hours of meetings with state officials. Specialized engineers are being brought in. Army Corps of Engineers offered technical assistance but the work is outside their scope. DNRC activated three engineers for preliminary assistance. Mr. Holloway noted they are developing a website as part of Lincoln County Emergency Management with a disaster landing page containing frequently asked questions and updates.

Councilor Burger asked for clarification that the inundation map pertains to the lower diversion dam, not the main Flower Creek dam. Mr. Holloway confirmed it's the lower Flower Creek diversion dam. Mr. Sikes stated he was physically on the upper dam yesterday - they're running about two inches over the primary spillway, and the upper dam contains on average between 240 and 248 acre-feet of water. He confirmed there is no threat to the upper reservoir whatsoever, it's a newer facility.

Fire Chief Steve Lauer stated they are very well prepared for any event. The biggest concern right now is the wind. He doesn't anticipate significant flooding like last week, though stream flows will increase. They are prepared for wind events Wednesday and Wednesday timeframe. They have contingency plans in place with interconnected local law enforcement, search and rescue, fire and EMS prepared to respond to and take care of the community.

Boyd White, local Emergency Management, addressed the Code Red message timing, noting information was received at 8:00 pm and they felt they had to push something out to let the public know there was a concern.

Department Head Reports:

Administrator: Administrator Sikes reported he has been working with engineers on the lower reservoir and ensuring the upper dam's integrity. The sewer plant ran flawlessly. The Source Water Protection Plan worked properly with no street sheet flows. Water plant peak was at 1:35 pm on December 11 when they lost capability to remove turbidity enough to guarantee safety without a boil order. DEQ was immediately contacted and issued the boil order. If the plant hits 15 NTUs it's a struggle, but within four hours they were over 100 NTUs. Currently running 7 NTUs at 2:00 pm today. The plant is running fine but using double the amount of water they don't have in storage with the lower reservoir reduced. More engineers are coming in for solutions. The water department is waiting for the storm and meeting parameters for chloroform, bacteria, and heavy metals before lifting the boil order. Emergency samples were sent to Kalispell today and tomorrow at 10:00 am. Hoping to lift boil order in a couple days depending on the storm. Mr. Sikes was at the lower reservoir four hours prior to the meeting and remaining water causing concern. The City had five hours of meetings today with officials across the state bringing in specialized

engineers. Army Corps of Engineers offered technical assistance but it's outside their scope. DNRC activated three engineers for preliminary assistance.

Committee Reports:

Lights/Streets/Sidewalks: Councilor Burger announced the next meeting will be held in January.

Public Comment Non-Agenda:

DC Orr stated a former city employee acknowledged the lower dam was patched with bentonite maybe eight to ten years ago. Pictures show problems that were neglected. He discussed neglect of creek beds and settling ponds, noting bed load in creeks is four feet higher than in 1997 when dredging finished. Water doesn't have room without spilling out of banks because settling ponds haven't been properly maintained.

City resident at 341 Cedar Street Extension expressed concerns about lack of coordination between City and County regarding dam impacts. Describing a mudslide above their house from a City water leak from the View Trailer Court that has leaked for approximately 20 years. Now has a flood on one side and mudslide on the other and pays a \$70 bill on Pioneer Road for connection with no water.

New Business:

Approve Resolution 2065 of Intent to consider annexing Parcel H, C.O.S. 4993 known as Timberlands Business Park:

Mayor Williams read Resolution 2065

Jeremy Fadness, contract engineer, provided staff report. The agenda order is annexation, zoning, and subdivision because the property is currently outside city limits. For the City to have authority to review and set zoning and review the subdivision application, they first must review the request to annex and approve a resolution to annex the property. The property is 31.625 acres adjacent to the City of Libby. Applicant is requesting city water and sewer services to develop the property into 16 commercial and industrial lots. The request meets Montana State law requirements for annexation. Property is adjacent and contiguous to the city, not part of another municipality, has a petition from 100% of property owners, and complies with the City's growth policy. Proposal is in compliance with the growth policy and was reviewed against the zoning established in the TED district, and in compliance with TED zoning infrastructure. The resolution of intent to annex, which does not annex the property into the city at this time, it only informs the city has the intent to annex as long as the applicant meets the conditions. Staff recommends approval with conditions that prior to final plat the subdivider must comply with all applicable city codes, install water and sewer infrastructure to city standards, provide necessary easements, and record covenants restricting residential use on lots 4-12 due to EPA Superfund site restrictions.

Mayor Williams asked Jeremy to explain exactly what a TED is - a Targeted Economic Development district - and how it affects the taxes the City will collect off the annexation. Mr. Fadness explained the base tax rate would stay the same. Once the property is annexed into the city and the 16 lots are final platted and annexed, each lot will be taxed at the base rate the city currently taxes property. What the TED does is captures any additional value added to the property after it's developed. The city would get their taxes for basically unimproved lots, and then once a lot is developed, that additional increase in property taxes is captured by the TED district, that money is used to fund infrastructure within the TED. The district is time sensitive, not forever. He could not find the actual ordinance that passed this TED, but it was adopted in 2016, so it's almost 10 years old now. MCA allows for 15 to 20 years per TED, so they potentially have another five to 10 years on the TED. Once the TED expires, then all the tax essentially goes to the city.

Andy Evenson from Noble Investment Properties stated they are excited about the project and have been working on this for over two years through EPA processes. The hotel alone represents approximately \$100,000 in plant investment fees to the City.

Councilor Zimmerman **MADE A MOTION** to approve resolution 2065, of intent to consider annexation parcel H, cos, 4993, known as Timberlands business park, Councilor Smith **SECONDED**.

Public Comment:

DC Orr, commented it was a big document with short time to look it over. Noting one of the great things the city has going for it in commercial development is plant investment fees, which are prepayment of the impacts developments have on infrastructure. Mr. Orr wanted to make sure the city is planning on charging plant investment fees and that Mr. Noble pays. Also expressed concern about meetings between the mayor, administrator, Port Authority attorneys, and Mr. Noble, requesting information about what was negotiated in those meetings.

Councilor Taylor inquired about plant investment fees and hookup fees. Mr. Sikes explained the hotel alone will bring in approximately \$100,000 in plant investment fees. They are charged on all new hookups. There are capping fees which are the connecting fee at \$500, then a plant investment fee. Both are charged for all new hookups. Councilor Taylor inquired if there's a formula. Mr. Sikes confirmed there is. It's on the sheet when they sign up - tapping fee \$500, they have to provide their own curb stop, meter pit, but if the City installs them, prices are \$100 and then \$900 for plant investment fee. There's a formula for a hotel with X amount of rooms times X.

Mayor Williams pointed out once this property is annexed it would also be paying into the street and lighting maintenance funds based on the formula that applies to them.

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

MOTION PASSED.

Public Hearing: Prezone Timberlands Business Park:

Mayor Williams opened the public hearing at 7:54pm

Andy Evenson explained the zoning plan has two different zoning categories. Along US Highway 2 will be highway commercial zoning district, and internal to the business park will be light industrial. That is consistent with the rest of Libby and moving towards highway commercial throughout the highway corridor. The industrial zoning internal to the rest of the business park is consistent with other uses in that area, given they border the rest of the Kootenai Business Park with the Lincoln County Port Authority and existing businesses to the north like UPS.

Jeremy Fadness provided staff report. Prepared a review memo for the ordinance to prezone the property. The proposal is to consider amendment of the Libby zoning map to designate the property to be known as Timberlands Business Park subdivision - lots 1, 2, 3, 13, 14, 15, and 16 to highway commercial district, and lots 4, 5, 6, 7, 8, 9, 10, 11, and 12 to industrial district. This was reviewed against the growth policy as required for zoning. The request meets the growth policy requirements. They also looked at it in relation to TED district zoning, and the proposed zoning meets TED district zoning. MCA state law requires review of a zone map amendment. With the zoning put in place once the property is annexed into the city, all the requirements will be met as far as public health and safety, protection from fire and other dangers, provision for water and sewer with annexation and subdivision, development and access. Staff recommends approval of the ordinance to prezone the property.

Public Comment: None

Councilor Smith explained when the Zoning Commission was evaluating the zoning request, they put a lot of work into most all other zoning districts that govern the City of Libby. The one district that has not gotten attention yet is the industrial district. The Zoning Commission wanted those parameters regarding lots 4 through 12 because the industrial district is very broad and anything goes there. Knowing this is a Superfund site with restrictions from the EPA on residential uses, the Zoning Commission recommends those restrictions be codified with the annexation document.

Mayor Williams closed the public hearing at 8:03pm.

Approve first reading of Ordinance 2066 to approve amending the Libby zoning map to prezone the property known as Timberlands Business Park:

Councilor Zimmerman **MADE A MOTION** to approve the first reading of Ordinance 2066, Councilor Smith **SECONDED**.

Public Comment: None.

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

MOTION PASSED.

Public Hearing: Subdivision Timberlands Business Park:

Mayor Williams opened the public hearing at 8:04pm

Jeremy Fadness provided an extensive staff report reviewing Montana State law and subdivision regulation requirements. The proposal covers 31.625 acres with lot sizes ranging from 0.463 to 15.433 acres to be developed in one phase with a three-year deadline for final plat completion. Access is proposed from Highway 2 at its intersection with Cedar Street via a new road called Dawson Mill Road, with secondary access via Industrial Way to the east. MDT approval for the highway approach is required prior to final plat. The subdivision will be served by city water and sewer with new gravity sewer mains proposed and a looped water main. Due to insufficient storage capacity for 3,500 gallons per minute fire flow, buildings will be required to install fire sprinklers to supplement fire protection. A grading and drainage plan shows stormwater will be managed through drainage channels and retention ponds. Mr. Fadness reviewed the required criteria including effects on agriculture, local services, natural environment, wildlife habitat, and public health and safety, finding no significant negative impacts with proper mitigation. The Planning Board recommended approval with conditions, including requiring dry utilities to be installed and available to each lot, and requiring covenants that lots 4 through 12 shall not be used for residential purposes with inclusion of Montana Fish, Wildlife and Parks living with wildlife information.

Andy Lisac added that the property has a complex history with two Superfund sites involving asbestos and groundwater contamination. They began working with the Asbestos Resource Program and EPA in 2022 to address development concerns. The vast majority of conditions of approval have already been completed, including design plans for water and sewer infrastructure submitted to and approved by DEQ. Some infrastructure is already installed, with the water system constructed of ductile PVC to address groundwater contamination concerns. The MDT approach permit onto Highway 2 has been obtained, with MDT concurring with the traffic impact study. He confirmed any new buildings will need to supplement fire protection with sprinkler systems.

Public Comment: None

Mayor Williams closed the public hearing at 8:23pm.

Approve the Timberlands Business Park Major Subdivision with conditions:

Councilor Zimmerman **MADE A MOTION** to Timberlands Business Park major subdivision with conditions, Councilor Smith **SECONDED**.

Public Comment: None.

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

MOTION PASSED.

Reappointment to Libby Shade Tree Committee (Tree Board) Discussion:

Mayor Williams explained the Shade Tree Committee existed previously but went defunct, though the ordinance allows for it. Jennifer Nelson, the driving force behind reorganizing the tree board, was not present. Mayor Williams will ask her to attend the next meeting. Trees planted haven't been getting attention including pruning, which the tree board can assist with.

Approve appointments to Planning Board/Zoning Board:

Mayor Williams explained three openings exist as Kristin Smith's appointment as Council representative is expiring, Gail Burger's term would be expiring, and Jennifer Nelson's term as County representative is expiring. Since no applications were received, adjustments will be made. Kristin Smith is willing to continue and will move to City representative position. Gail Burger will move to representative appointed by Council from its membership. This leaves only the Commissioners' appointment vacant, which can be from the city or greater planning board area.

Councilor Zimmerman **MADE A MOTION** to approve appointments to the planning board/zoning board, Councilor Berke **SECONDED**.

Public Comment: None

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

MOTION PASSED.

City Council appointment:

Mayor Williams noted three applications were received. City Attorney Chisholm addressed questions about whether Council could make an appointment before the vacancy occurs. A 1955 Attorney General's opinion indicated an elective spot should not be filled prior to vacancy. A Supreme Court case indicated as long as the candidate isn't installed prior to vacancy, it meets Montana constitutional requirements. Several cities including Missoula have the same policy and have never been challenged. An abundance of caution suggests waiting, but it's a difference of degree.

John Beebe read his letter of interest expressing interest in serving in an unbiased and nonpartisan manner, supporting citizens of Libby. Councilor Taylor asked if he would remain silent or bring forward information of misconduct. Mr. Beebe said bring it forward. Councilor Kolp asked if getting the seat would affect his government study commission

position. Mr. Beebe confirmed he would have to resign. Councilor Zimmerman asked about the city's greatest daily operations concern. Mr. Beebe stated public safety, infrastructure, and budget. Councilor Berke asked how he'd involve the community. Mr. Beebe said public interest drives his decision making, and the public is the greatest resource. Councilor Burger asked about reconciling open meeting laws with his current committee. Mr. Beebe stated everyone has opinions and he's checked codes and statutes. Councilor Zimmerman asked about voting for what's right versus what people want. Mr. Beebe said he would vote in the public's best interest. He noted hundreds of hours studying government operations and procedures over the past year.

Brooke Bolin, 1323 Cabinet Ave, is a previous federal government employee with the military, worked in nonprofit realm, now works with the state. She's working on her MBA, involved in community garden project, food pantry project, Libby Housing Committee, and previously served on Kootenai Forest Stakeholders Collaborative Group. Councilor Burger asked about goals. Ms. Bolin wants community discussions empowering residents to work together and motivate community behind projects. Councilor Berke asked about balancing duties. Ms. Bolin explained she thrives in busy environments. Councilor Zimmerman asked about important daily operations. Ms. Bolin stated collaboration and communication. Councilor Kolp asked about partnering with county and state. Ms. Bolin suggested creating specific communication paths and collaborative groups with representation. Councilor Taylor asked the misconduct question. Ms. Bolin said bring it forward following proper policy.

Corky Pape, 821 Minnesota Ave, worked for the City approximately 26 years, now works for Thompson Contracting. Councilor Taylor asked the misconduct question. Mr. Pape said he would remain silent. Councilor Kolp asked about balancing full-time work with obligations. Mr. Pape is out of town approximately four nights a month. Councilor Zimmerman asked about daytime meetings. Mr. Pape confirmed he could attend if scheduled. Councilor Berke asked about involving community. Mr. Pape said listening to people and concerns. Councilor Burger asked about goals. Mr. Pape wants to give back, feels it's turned to working against citizens rather than for them.

Public Comment:

Vince Backen works with John Beebe on government study commission. Mr. Beebe thoroughly researches everything, is diligent, honest, soft-spoken, and would enhance the council. Rocky Gifford works with Mr. Beebe and highly recommends him as honest, open-minded, and hardworking. Mike and Diana Texter stated John Beebe speaks on behalf of people, does his studies, doesn't form opinions until he knows facts, puts work into it, has no secondary agendas and noted John Beebe has lived here his whole life, loves this place, has integrity, and wants to help make it better. Tony Wickham endorsed John Beebe. Mr. Beebe understands constitution, process, and procedures, is very approachable, enjoys healthy debate. Sandra Epps endorsed John Beebe as educator and mentor who could represent people of Libby.

DC Orr, objected to procedures, stating the attorney seemed to prefer waiting. Newly elected members will work with the selected person and should have a vote. He stated Councilor Smith refused to ask questions showing disinterest, and Councilor Burger was openly hostile to John. He recommended reconsidering voting tonight.

City Attorney Chisholm clarified he was not suggesting the vote should not occur. Mayor Williams noted the request to proceed came from Mr. Taylor.

Councilor Smith **NOMINATED** Brooke Bolin. Councilor Kolp **NOMINATED** John Beebe. Councilor Taylor **NOMINATED** Corky Pape.

Voting by show of hands: Brooke Bolin received five votes (Councilors Berke, Burger, Kolp, Smith, and Zimmerman). Councilor Taylor voted against.

MOTION PASSED. Brooke Bolin was selected to fill the City Council vacancy.

Approve all alcohol license applications received to date:

American Legion, Cabinet Mountain Brewing, Cabinet View Country Club, Crosscut Casino, Gold Pan, Kaiju Bar & Grill, Libby Empire Foods, Maggie's 2 Casino, Po' Sams, and Red White and Brews.

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

Public Comment:

Rocky Gifford, 25 Pineapple Haven Road, requested Council reconsider the American Legion alcohol license, stating over drinking and drug/alcohol is a main factor in that club.

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

MOTION PASSED.

Approve coin operated amusement license applications received to date:

American Legion.

Councilor Zimmerman **MADE A MOTION** to approve all coin operated amusement license applications received to date, Councilor Burger **SECONDED**.

Public Comment: None

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**.

Public Comment: None

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

MOTION PASSED.

Approve all business license applications received to date:

Great Day Improvements LLC, Lincoln County Tree Service, Paramedic Professional Incorporated, and Sassy Crafters.

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.

General Comments from Council:

Mayor Williams noted at the last meeting Council approved the city signing on the Mineral Avenue improvement project with the tourism grant application from the Chamber of Commerce. Sherry Turner from the museum is insisting on being on the agenda for January 5 regarding her museum grant. There is guidance from the state that the city needs to be on only one application, and that decision was already made for Mineral Avenue. She will proceed with caution but will add it to the agenda per the request.

Mayor Williams thanked outgoing Council members Melissa Berke and Kristin Smith for their years of service and integral part in decision making.

Councilor Smith thanked Mayor Peggy for 20 years of service, noting she has modernized the city with more technology, improved staff morale, and done house cleaning to ensure policies and procedures are aligned and modernized.

Councilor Burger thanked Kristin and Melissa and Mayor Peggy, stating it's been great serving together and they'll be missed.

Councilor Zimmerman thanked everyone. Since 2006 he started serving with Peggy and Kristin came along, and Melissa won her last term. People stepping up is not an easy task to find anymore. He was grateful for three applications tonight.

Mayor Williams stated she has enjoyed all these years, especially the last four years, and appreciates the trust placed in her.

Clerk/Treasurer Monigold thanked everyone, noting she had her training wheels on with each of them. It's been an honor to work with the Mayor and Council and presented a Certificate of Appreciation to each exiting member.

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 9:16 pm.

Attest: _____

Mayor Hugh Taylor

Clerk/Treasurer Leann Monigold