

APPROVED MINUTES

The City Council held meeting #1556 on Monday, November 2, 2020, in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:00 pm by Mayor Brent Teske.

The Pledge of Allegiance was completed and Roll Call commenced. Present were Mrs. Williams (via Zoom), Mr. Beach (via Zoom), Mr. Dufficy, Ms. Smith (via Zoom), Mr. Taylor, Mr. Zimmerman (via Zoom), City Clerk/Treasurer Mr. Sikes, and City Administrator Mr. Hammons.

Mayor Teske welcomed all in attendance and requested a prayer be given by Mr. Benjamin Girod who was not present. The meeting continued without prayer.

Approve City Council Meeting minutes for #1555 dated 19 October 2020. Councilor Beach **MADE A MOTION** to approve and Councilor Dufficy **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Announcements:

Mayor Teske announced that Election Day is tomorrow and urged the community to vote pointing out his "I Voted" sticker from his vote earlier in the day.

Committee Reports:

City Administrator's Report: Mr. Hammons reported that the newer vacuum truck that the city had previously considered was back on the market for sale adding that hopefully the City would buy it by the first of December when it was ready. The announcement was made that there will be an opening in the Waste Water Treatment Plant due to an employee moving to Washington State to further his career and that his position would be posted in-house, followed by advertisements being posted quickly to fill the position.

Mr. Hammons went on to explain that this Wednesday through Friday would likely be the last days for the City to pick up the leaves from the City streets. Councilor Dufficy brought to light that there is still up to 90% of the leaves on the trees. Mr. Hammons agreed that with the early frost and snow that he may have to complete additional pickups if there was a need in the City.

Mayor Teske brought to everyone's attention the repaired condition of the Water Treatment Plant tanks and facilities, recommending all to go by for visual confirmation. The Mayor was pleased that, with the repairs and painting, the facilities should be preserved for the next 20 to 30 years.

Fire: None. Reports will be given at the upcoming meeting.

Police: Chief Kessel reported (via Zoom) that there were 267 calls for service last month up from 233 last year, that there was 8 arrests down from 23 last year owing to the jail being so selective with COVID-19 and that there were 36 citations written, up from 31 last year. The Chief commented that the request for service numbers are up because he is seeing more disturbances along with intimidation and harassment calls due to COVID-19 restrictions and lockdowns. Chief Kessel went on to confirm that hopefully he would be cleared to return to work on Wednesday the 4th of November having COVID-19 himself since the 15th of October.

Councilor Smith asked the Chief how he was doing and if his symptoms were mild. The Chief confirmed that he and his wife were doing well and had experienced moderate symptoms. Mayor Teske sent his best wishes for recovery which was supported by all Council members.

Resolution/Ordinances: Councilor Williams reported there was nothing except for what is on the Agenda.

Lights/Streets/Sidewalks: Councilor Beach reported that there was a meeting held last Friday that discussed multiple stop sign issues within the City on Cedar, Spruce and Montana Streets and Avenues. Mr. Beach informed the Council that, while still in research phase, he would return recommendations once they are concluded. The Mayor asked to be kept current with any new recommendations.

Building: None.

Water/Sewer: None.

Cemetery/Parks: None.

Finance: Mr. Sikes informed the Council that all current outstanding liabilities are up to date and that the bank reconciliation for July should be complete in 7 to 10 days.

KRDC: Councilor Smith reported that there was a phone conference last week that discussed current projects with nothing new at this time.

City-County Board of Health: Mayor Teske noted that the next briefings would be held at mid-month meetings due to Ms. Crismore's schedules and meetings.

Park District Manager: Mayor Teske informed the Council that many conversations were had with Mr. Petrusha discussing guidance on the vault Toilet and that all parties would return to the Council once preparation is completed on a more in-depth plan.

Public Comment on Non- Agenda Items:

Mr. Theodore Montgomery, 491 Cabinet Heights, approached the council with concerns on how the City was engaging in the leaf pickup program by using the largest loader and truck the city has for the removal of two bags of leaves. Mr. Montgomery went on to voice his worries that there was not a safety officer or signs around the leaf gathering equipment stating that he and two other vehicles had to stop and wait on the City crew which blocked the street. He believed this was a gross waste of resources.

Mr. Montgomery stated that he had just received his tax bill and that he felt the City had used poor management of its resources in the leaf program stating that videos of the Cities actions would have been posted on social media if the proper camera was available. Mr. Montgomery went on to add his opinion that all that is necessary for leaf removal is a truck and 2 guys walking around to load it.

Mayor Teske agreed to look into the matter and Mr. Hammons included that there was indeed good cause for the size of the equipment that was being utilized continuing on that, through past experience, there are times when there are 15 plus bags per pickup site and that 11 to 12 large truck loads have be hauled a day due to the sheer volume of the City's leaves. Mr. Hammons added that the City was looking into a vacuum truck that will remove leaves from the gutter instead of bags like is completed in Kalispell for the future of Libby.

Mr. Montgomery stated that the public only sees the a huge loader and truck loading 2 bags of leaves wasting resources and that in the future maybe the City could drive around first to survey that amount of leaves and use the proper sized equipment to pick it up. Mayor Teske agreed to look into the matter.

Mr. Wheatley Ryan of 1309 Washington Ave. approached the Council to introduce himself as a Tree Climber from the good part of California that has requested a Business License for consideration at the next meeting. Mayor Teske welcomed Mr. Ryan to the community.

New Business:

Approve Ordinance 1973 (Second Reading) – Approve changes to Libby Municipal Code, Chapter 5, Business Licenses. Removing Sections 5.08 and 5.12 while creating Section 5.10 titled “Alcohol.”

Mayor Teske read through the Ordinance and looked for a motion. Councilor Williams **MADE A MOTION** to Approve and Councilor Beach **SECONDED**.

Councilor Williams spoke of the proposed changes to the verbiage in the Event Catering License paragraph (5.10.140) in the Ordinance making it similar to that used in other City and State Ordinances. Councilor Smith asked if this change would update the language to make it appropriate at the State level and Mrs. Williams answered in the affirmative.

Mayor Teske agreed with Councilor Williams that this new wording would correspond to that at the State level on all forms.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Approve Resolution 1974 – Approve the Schedule of Fees for Alcohol Sales Licenses.

Mayor Teske read through the Resolution. Councilor Smith **MADE A MOTION** to Adopt and Councilor Zimmerman **SECONDED**.

Councilor Dufficy was curious if the Fees had been changed. Councilor Williams went on to explain that these fees were taken directly from the Ordinance Book but the Council had to reset the price with this Resolution since Ordinance 1973 did away with the Fee Schedule adding that there was a change in a single price that was pointed out.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Mayor Teske commented that he was pleased that this should clean up any issues with the antiquated rules.

Unfinished Business:

City of Libby Wildlife Management Plan. Councilor Taylor informed the Council that the draft had been sent back to Fish and Game but with hunting season underway it would be difficult to get the required people together for action at this time. Mayor Teske agreed that, while hunting season is open, the focus will not be on new business until hunting concludes as this is FWP's busy season.

IP Negotiations. Mayor Teske said he had not heard from Mr. Payne since he sent a reply letter to the EPA about obtaining a ground water temporary stay or hold. Mr. Payne asked the Mayor for follow-up calls that when they were made went straight to voice mail with no responses thus far.

Councilor Dufficy and City Attorney Mr. Chisholm held a back and forth conversation concerning if, or any, timeframes existed in receiving replies from attorneys. Mr. Chisholm stated that a response time depends on the type of matter that is being discussed saying that active litigation takes longer than procedural matters. Mr. Chisholm added that professional courtesy dictates that two to three weeks should be the longest wait and if that timeframe is not practical that the Council could instruct the Attorneys to make a request for more prompt action. Mr. Chisholm did not believe that we were at this point yet.

Mr. Chisholm stated that, dealing with the Brooks Holdings litigation, he filed a motion for a Summary Judgment on Friday. This motion will start a 2 to 3 week process for the Plaintiff to respond while in negotiations adding that hopefully there would be movement soon. Mayor Teske Requested that the Council be kept informed.

Approve location for vault toilet at the Cross-Country Ski Course.

Mayor Teske informed the Council that he was keeping the vault toilet on the Agenda as it has been tabled at this time and that he did not want to lose it from the agenda. Mr. Teske updated the Council that Mr. Petrusa came in today to talk about the Codes for County septic received from Mr. Jake Mertes along with building codes and requirements for the grant process.

General Comments from Council:

Councilor Smith requested that the Council consider adding the Zoning Commission under the COMMITTEE REPORTS section of the Agenda adding that they have resumed meetings to discuss Residential Ordinances to clarify items that cause problems. Ms. Smith is going to hold future meetings covering the best practices and industry standards for the City's zoning on the forth Monday of each month.

Mayor Teske agreed that it would be good to add the Zoning Commission to the Committee Reports starting with the next Agenda as they can clean up the antiquated City Zoning Codes.

Adjournment:

Mrs. Williams **MADE A MOTION** to Adjourn and Mr. Dufficy **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Meeting adjourned at 7:23 pm.

Mayor Brent Teske

Attest; _____

Clerk/Treasurer Samuel Sikes