

APPROVED MINUTES

The City Council held meeting #1575 Monday, June 21st, 2021, 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 Mayor Teske, Councilors Williams, Beach, Dufficy, Smith, Taylor, Zimmerman, and City Clerk/Treasurer Samuel Sikes.

Mayor Teske welcomed all present and prayer was offered by Joseph Miller.

Approve City Council Meeting Minutes for #1574 dated 7 June 2021. Councilor Zimmerman **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Announcements:

Mayor Teske read over City Code 9.32.030 to ensure the public knew the Ordinance on fireworks and announced that the CVGC had paid back the entire loan of \$1,541,000.25.

Committee Reports:

City Administrator's Report: Jim Hammons left reports with Councilors Zimmerman and Beach.

Resolution/Ordinances: None.

Lights/Streets/Sidewalks: Councilor Beach reported that city crews were using the asphalt zipper to prepare roughly 20 to 25 blocks for repaving with 10th to Nevada being the largest area and asked the citizens to be patient and careful in the area due to exceedingly high crests in the roads.

Mayor Teske reiterated caution to the public during the process explaining that the preparation takes most of the time while laying the asphalt is a relatively quick process.

Building: None.

Water/Sewer: Councilor Zimmerman reported that the Fire Department had finished flushing the hydrants which caused several leaks, with a large leak being located at 3rd and Louisiana. Noble Excavation is now working on pipe bursting the old main between Hamann Ave. and the Two-bit RV Park prior to going under the highway to connect at Education Way. The whole project should be completed in August.

Zoning Commission: Councilor Smith reported that the next Zoning Meeting would be on the 12th of July at 6 pm in the City Council Chambers of City Hall to continue working on residential zoning including lighting and signage. The rezoning of the CVGC area will be added to the Code.

Cemetery/Parks: None.

Finance: Samuel Sikes reported that the city has received the first half of the American Recover Plan Act (ARPA) money amounting to \$354,932.94 and that the second half would be deposited within 12 months. No further details could be added as the State explained that “the plane is being built while in flight.” The biggest issue is the definition of “infrastructure”.

KRDC: None.

City-County Board of Health: None.

Park District Manager: None.

Public Comment on Non- Agenda Items:

None.

New Business:

Approve Road Closure – Chainsaw carving, Troy Douthit, 8-13 September, Mineral and 2nd.

Mayor Teske read the request and introduced Troy to explain the variance request. The closure would be the same as last year with a minimal change, adding that the business owners affected had been contacted and a pass through would be maintained for emergency vehicles and business owners. Requested was a variance on the open container code for two days during the event.

Councilor Beach inquired how many competitors were participating and Councilor Dufficy asked how many carvers were entered last year. Tony explained that there are 22 entrants with 10 in back-up for this year whereas last year had 20 carvers including those from foreign countries.

Councilor Zimmerman **MADE A MOTION** to approve the road closures and alcohol variance as requested and Councilor Williams **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve Road Closure – Crazy Days, Gail Burger, 28 August, Sears to the Pastime.

Mayor Teske read the request and introduced Gail who explained that the closure would require utilizing the City's barriers that would be moved after the event adding that insurance would be purchased.

Councilor Zimmerman **MADE A MOTION** to approve the road closure as requested and Councilor Smith **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve Road Closure –Gail Burger, Halloween, Mineral Ave.

Mayor Teske read the request and introduced Gail who explained that last year a child was almost struck by a vehicle prompting the public to desire closing Mineral Ave. from 3:30 to 6:30 on Halloween to allow for trick-or-treating of local businesses and groups setting up tables. Gail requested that the insurance requirement be waved due to the cost and because there is no official leader for the event that was started by Managhan's Furniture.

Councilor Smith asked if the businesses would be open on a Sunday and Gail answered that the local owners contacted were opening for the occasion adding that members will be standing by to move the barriers for emergency vehicles if required.

Councilor Dufficy asked why insurance would not be provided and Gail informed that Council that it was due to the cost and this being the first year of the closure to see how it goes.

Councilor Dufficy **MADE A MOTION** to table the request so the City Attorney could be consulted.

Mayor Teske agreed to the motion taking the lead on looking into the matter and directed the Clerk/Treasurer to make note and table the request.

REQUEST TABLED.

Approve construction of parking lot at Flower Creek recreation area.

Mayor Teske read an email from Tony Petrusha and Mike Fraser describing the area and work to be completed prior to introducing Tony to explain the request.

Tony Petrusha, 559 Florence, stated that the development of a parking lot, where currently the spoils pile from the dam construction is located, would help mitigate the issue of debris running into the water flowing into the Water Treatment Plant. The county is now completing work in the area and is willing to complete in-kind work with the spoils pile only for a short period after which the cost would fall onto the city. Under the proposed plan the spoils pile would be spread out to three feet thick with any concrete remnants being used to armor the slope to further mitigate the dirty runoff.

Councilor Dufficy questioned the current runoff during heavy rains with the current drainage and if the city is responsible. Tony Petruscha stated that the runoff is currently uncontrolled flowing to the north and west through a narrow vegetation zone which could be shifted to the east where the vegetation is wider adding that the City will have to mitigate the issue sooner or later. The concrete in the pile will be used for vehicle restraints and the slope will be altered to a 1 – 3 % to the northern sediment fence that is already in place.

Councilor Zimmerman **MADE A MOTION** to approve the construction of a parking lot by the County crew and Councilor Beach **SECONDED**.

Councilor Taylor requested to hear from Kenneth Rayome who works at the Libby Water Treatment Plant.

Kenneth Rayome, 1314 Dakota, professed speaking for Jeff Haugen and Robert Salter, disagreed with any development in the watershed. Any development in the watershed must be proven prior to completion and the spoils pile is not a threat to Libby's water. There has been noticeable changes to the water clarity since the construction of the cross country ski area adding that it would be too risky to change the spoils pile.

Councilor Zimmerman asked if the logging above in the watershed contributed to pollutants in the water system to which Rayome answered that it was better to log than to have a fire in the area, feeling that the risk of logging was worth it. Rayome added that there is not a specific plan from Fraser, the engineer, to properly handle the spoils pile to decrease organics in the water system as the water treatment plant is currently using 15 to 20 lbs. of chlorine a day.

Councilor Zimmerman again asked Rayome to answer the question of logging to which Rayome stated that the new work would be right above the reservoir.

Councilor Smith asked if calculations had been made by Fraser, the City Engineer. Discussion was held between Mayor Teske and Councilor Williams as the engineering report was completed for the County's benefit and not for the safety of Libby's water.

Councilor Beach asked Kenny Rayome if he was qualified to speak on the engineering of the spoils pile to which Rayome answered that he was not. Councilor Beach explained he had previous certifications and the spoils pile was already releasing material into the water system and explained how it could be fixed by new slopes, armoring the outer edge, and planting grasses. Rayome admitted the only problem he had was the area was going to become a parking lot.

Councilor Taylor read a letter from Mike Fraser stating that there should be a master plan and not always having groups stating that work is needed, "now." Discussion was held between the Councilors' and Mayor that spoke to the SWP as the master plan. The spoils pile remediation is part of that plan. The issue was if the City wanted to jump on the remediation of the pile quickly as the County was already in the area working and would simply complete the work and save the City money.

Discussion continued that the County would only be in the area working for one more week, so a decision had to be made and that either way the pile had to be remediated.

Ken Rayome, 1314 Dakota, stated understanding with the financial responsibility but did not want the area to be a parking lot opting for a better plan that includes no recreation in the watershed.

Jennifer Nelson, 1026 Washington, expressed the desire to protect the watershed adding the SWP had to work with stakeholders and the public should be part of the discussion. Nelson inserted the belief that everything with the cross-country course was a ploy to simply push through work not wanted by the public adding, with no other water source, the area must be protected.

Ted Montgomery, 491 Cabinet Heights, asked where the Environmental Impact Statement (EIS) was. Mayor Teske explained that the SWP was the EIS and the permit is being processed by Jake Mertes adding that the road work is a separate item. Councilor Beach added the road work was for the USFS. Ken Rayome added that the road work did not affect the water.

Dr. Ben Scott, 252 Woodland Heights, spoke to the tonnage in the spoils pile and the logging above the reservoir adding that the pile was a small piece that needed mitigated.

Councilor Dufficy read an email dated 26 October 2020 from Mike Fraser that spoke of the dangers of the pile in the area for the future. Councilor Beach pointed out that there will be less leaching if the pile is properly mitigated with leveling and planting.

Councilor Dufficy **MADE A MOTION** to table the approving of the construction of a parking lot at Flower Creek recreation area.

Mayor Teske stated that the window to have the County complete the work will be gone. Councilor Williams reiterated that there was a motion on the table.

Councilor Zimmerman stated that the letter Councilor Duffy read was old and outdated with all the work that has been completed. Mayor Teske and Councilor Zimmerman discussed how the SWP addressed all the concerns about the area.

Councilor Zimmerman stated that the motion on the table was not going to be amended.

Jennifer Nelson stated the SWP is only a framework and the whole plan should go through the entire process. Jennifer added the plan is being pushed from the rear and needed more discussion as all previous plans had been disregarded.

Councilor Smith asked what the cost would be to the City. Discussion was held between Mayor Teske, Councilor Taylor, and Dr. Ben Scott concluding the cost would be roughly \$30-40k.

Jennifer Nelson stated that, due to Dr. Ben Scott, the City and County had been hit twice without the public having a say adding the watershed had been deeded to the city in 1980 for protection.

Ted Montgomery wanted what was best for the environment adding that the city was “a hypocrite” for using a large loader to pick up leaves in the fall but not using the same to fix the spoils pile.

Councilors Williams, Beach, Dufficy, Smith, and Taylor voted **AGAINST**. Councilor Zimmerman voted **FOR**.

MOTION FAILED.

Adopt Resolution 1983 – Annexation of Property for American Covenant Senior Housing.

Mayor Teske read over the Resolution adding that, agreeable to the MCA, a public hearing was not required as this is a single owner who is requesting annexation.

Councilor Smith **MADE A MOTION** to approve the contract and Councilor Beach **SECONDED**.

Councilor Taylor asked if the area was on Education Way and Councilor Smith asked if services were available to which Mayor Teske answered yes to both.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve CBA Local 3034 for 4 July 2021 to 30 June 2023.

Mayor Teske explained the basic changes in the CBA which were cash-in-lieu of medical coverage, 2% COLA raise, and a grade promotion for the Deputy Clerks.

Councilor Smith **MADE A MOTION** to approve the CBA and Councilor Dufficy **SECONDED**.

Mayor Teske and Ken Rayome applauded the negotiation efforts without the use of lawyers this year. Councilor Williams spoke to the stiff lawyer fees and Mayor Teske stated lawyers were not worth it.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve Growth Policy Contract with Land Solutions, LLC.

Mayor Teske read over the contract and Dean Chisholm expressed no legal issues with the contract as Jim Hammons had answered all previous questions.

Councilor Beach **MADE A MOTION** to approve the contract and Councilor Smith **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all business licenses received to date.

Mayor Teske read through the application for Lasting Beauty and Darios.

Councilor Smith **MADE A MOTION** to approve the licenses and Councilor Beach **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Unfinished Business:

IP negotiations.

Mayor Teske reported meeting with Alan Payne to go over the numbers and strategy and will discuss with Councilors' Taylor, Smith, and City Administrator Jim Hammons.

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

Mayor Teske reported that the plans for the toilet were still on an engineer's desk.

General Comments from Council:

Councilor Zimmerman went back to the motion to table the parking lot construction at Flower Creek wondering if it could be brought up later. Councilor Smith asked if there could be another meeting to discuss the matter later. Mayor Teske responded that a decision had to be made by Wednesday the 23rd for the mitigation to happen.

Discussion was held as to the area being designed as a field instead of a parking lot or just reducing the slope of the pile while seeding and armoring against runoff. Councilor Smith stated that emotions were compounding the issue.

Mayor Teske called for a Special Meeting to be held at 6:15 pm on the 24th of June 2021 agreeing to have Mike Fraser and Mark McCully from the County in attendance.

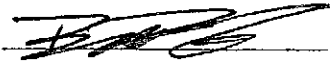
Adjournment:

Councilor Williams **MADE A MOTION** to adjourn and Councilor Dufficy **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor and Zimmerman voted **FOR**.

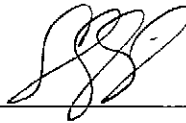
MOTION PASSED.

Meeting adjourned at 8:24 pm.



Mayor Brent Teske

Attest; _____



Clerk/Treasurer Samuel Sikes