

## APPROVED MINUTES

The City Council held meeting #1577 Tuesday, July 6th, 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.

### Announcements:

None.

### Committee Reports:

**City Administrator's Report:** None.

**Fire:** Councilor Zimmerman reported June numbers would be presented at the next meeting and TCI was awarded the bid to start construction on the new concrete apron at the Fire Station so the doors will finally seal.

**Police:** Chief Kessel, for June of 2021, reported 216 calls for service, 22 arrests, 16 citations, and 17 ordinance violations. For the same period last year there were 254 calls, 13 arrests, 24 citations, and 13 ordinance violations. The increase in calls being attributed to COVID 19 with additional domestic disturbances. Pre-COVID numbers for June of 2019 were 260 calls, 28 arrests, 24 citations, and 13 ordinance violations with 40 of the calls being related to the DUI Taskforce.

Chief Kessel reported that one Officer had just gotten cleared after having COVID 19 adding that 50% of the force has now had COVID. There were no firework complaints, however, officers assisted in extinguishing 2 fires by the Country Inn and Nazarene Church.

Councilor Dufficy asked if the ordinance violations were warnings or tickets to which Chief answered tickets. It was explained that only 1 warning is given for fireworks unless the people are known to be frequent violators.

**Ordinances:** None.

**Lights/Streets/Sidewalks:** Councilor Beach reported that the grinding of the asphalt is complete, and the cleanup and curb replacement is underway with paving to start on the 19<sup>th</sup> of July.

Councilor Beach gave an update on the Libby Water System Improvements from Mike Fraser stating that the portion of the contract dealing with the Highway 2 area in almost completed.

**Building:** None.

**Water/Sewer:** Councilor Zimmerman nothing except for what Councilor Beach presented.

**Zoning Commission:** Councilor Smith reported that the next Zoning Meeting would be on the 12<sup>th</sup> of July at 6 pm in the City Council Chambers of City Hall to continue working on Residential A.

**Cemetery/Parks:** Councilor Smith reported a request had been received from U-Serve too late to be included on this agenda but added would be on the next agenda.

**Finance:** Samuel Sikes reported working on FY-22 budget expenditures and revenue stating the LGS had accepted the city's corrective action plan regarding the recent audit.

Councilor Williams called for a Budget Committee meeting on the 14<sup>th</sup> of July at noon to be held at City Hall. Councilor Williams reported that the City was now in MCA compliance with the Fire Relief Fund, as it now has 3 years of Reserves on hand.

**KRDC:** None.

**City-County Board of Health:** Amy Fantozzi reported the last meeting was on the 8<sup>th</sup> of June, there is an opening on the Board for anyone concerned. There is currently 1 new COVID case and 6 active cases in the County with vaccinations ongoing. New legislation, HB 121 and 257, will be discussed at the next meeting which is on the 13<sup>th</sup> of July at 6 pm and the location will be announced.

**Park District Manager:** Tony Petrusha reported FS 128, the Flower Cr. Road, was punched in and the road mix will be laid soon. The vault toilet for the Flower Cr. Recreation area is being redrafted currently. LIDAR has provided information on a 2" to a 6" contour for the Flower Cr. area. An architect is currently working on the Libby Pool drawings to be completed mid-July and the Pool Committee needs members.

**Public Comment on Non- Agenda Items:**

Brandon Haugen, 21 Voves Ave. of the Lincoln County Junior Fair, requested 2 patrol cars be available on 16 July at 10 am to escort a parade down Mineral Ave. to the Senior Center with roughly 30 children. It is hoped this will be the beginning of larger parades to come as in the past.

Mayor Teske asked Chief Kessel if the request could be accommodated to which the Chief said it would be done.

**New Business:**

**Cabinet Affordable Housing, LLC. – Inform Council of qualifications for property tax exemptions.**

Mayor Teske introduced Gerald Fritts, Kalispell, who explained the annexation from the last meeting was for assisted living (facility), this new development will be for commercial purposes (affordable housing). Gerald introduced Cassidy Kipp to assist in the presentation. It was explained, to fulfill State and Federal rules on tax exemption, this public presentation was required with the offering of public opinion. Montana had already approved the application for the development tax status with the final award being expected in October.

Cassidy Kipp explained the development will offer low income housing and other onsite services such as heat assistance, educational, and financial resources as these factors are necessary for the growth away from low income earnings.

Councilor Dufficy asked how many units would be provided and if the units would be rented or sold. Gerald and Cassidy answered that there would be (10) 2 bedroom units and (14) 1 bedroom units that would be rented.

Councilor Beach asked if the units would be similar to the other low income units in the area. The answer was yes. Copies of a map were handed out showing 13 smaller units within a 4 acre area.

Councilor Dufficy asked whose responsibility the yard work would be, if there were any age requirements, and if the city would receive any property taxes. Gerald and Cassidy answered that lawn care would be completed by a professional. The minimum age allowed to rent would be 21 and the income of the renter had to be less than 50 or 60% of the local area income to meet the eligibility criteria. The city would not receive property taxes, according to State code, as part of the effort to keep the rents to a minimum. State and Federal tax credits will help defer a portion of the rent.

Councilor Williams asked if there was an expected completion date. Developer hopes the project will be completed in March of 2023.

Councilor Smith expressed excitement in the project as there is a huge need for affordable housing within the community for hard working folks and wondered if the public had any questions.

DC Orr, 1117 Nevada, stated that there was a requirement for a public hearing contained in the grant process that this meeting did not fulfill.

Mayor Teske cited MCA 15-6-221 concerning notification and the need for a Public Hearing. The mayor set a public hearing to be held at City Hall on 19 July 2021 at 6:30 pm. Councilor Smith requested that technology be set up for the presentation and Samuel Sikes requested Mr. Fritts send the presentation early to be set up.

#### **Adopt Source Water Protection Plan.**

Mayor Teske explained that the SWP was the same document that has been through all the committees and meeting before.

Councilor Dufficy **MADE A MOTION** to adopt the SWP and Councilor Smith **SECONDED**.

Councilor Smith questioned if the plan should be a resolution. All agreed it should, so Mayor Teste ordered that it be set up as a resolution and be placed on the agenda for the 19<sup>th</sup> of July.

Councilor Dufficy **WITHDREW THE MOTION** to adopt the SWP.

**Approve Mitigation construction on Flower Creek Dam spoils pile.**

Mayor Teske explained that the spoils pile had to be dealt with sooner or later. The last time it was suggested that the pile be leveled to create a parking lot and now the topic is back on the agenda to look for ideas of exactly how the Council wants to deal with it.

Councilor Dufficy requested to table the whole idea until Mike Fraser, the City Engineer, can be in front of the Council to answer questions.

Councilor Smith agreed to wanting to speak to the engineer and expressed full support in mitigating the problematic spoils pile.

Mayor Teske tabled the discussion and ordered the Clerk to place it on the agenda as such.

Jennifer Nelson verbalized agreement with the tabling and requested to know what the original plan was with the spoils pile. Mayor Teske said the original plan was to make the pile go away and vowed to have Jim Hammons research the issue.

DC Orr stated that there should be a record of negotiation that did away with the requirement to mitigate the pile in the Dam contract. DC went on to speak of the damages caused by losing many of the requirements in the Dam Contract that has created turbidity in the water system. DC questioned why previous flood event damage was not considered to be mitigated at the same time.

**Approve Resolution 1984 – Budget Amendment for FY-21 receiving ARPA Grant. (First half)**

Mayor Teske read over the Resolution and asked Samuel Sikes to explain. Samuel explained that the Resolution was required as the ARPA funding was not budgeted as expected revenue in the FY-21 budget adding this was the first half and the second half would be accounted for in the upcoming budget.

Councilor Smith **MADE A MOTION** to approve Resolution 1984 and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Approve request for Police radios using ARPA money.**

Mayor Teske read over the request from Chief Kessel and a letter of support by Lincoln County Sheriff Darren Short.

Chief Kessel spoke to the request explaining that the current radios are 7 years old and can no longer be feasibly repaired. Additionally, the current radios lose operability when entering buildings such as the Hospital and schools and are not compatible with the radios of sister agencies like the County Sheriff's. This could cause a problem at the time when they are most needed in times of duress or emergencies.

The Councilors questioned the type and cost of the current and requested radios. Chief Kessel explained that 6 new car radios and 6 new Officer radios are requested for a cost of \$73,271. The new radios are a lessor version of those used by the County to save on the costs because trunking capability is not required by the city force. From research by the Mayor and Treasurer, it seems that this is an acceptable disbursement under the ARPA rules.

Councilor Smith **MADE A MOTION** to approve the radio purchase with ARPA funding and Councilor Beach **SECONDED**.

Councilor Dufficy asked Samuel to explain the ARPA funding to which Sikes read excerpts from HB 232 as included in the supporting documents.

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

**MOTION PASSED.**

#### **Approve payroll increase for Firefighters and Elected Officials.**

Clerk/Treasurer Sikes explained that the increase was simply rounding the numbers on the budget spreadsheet and meant to open the conversation of a raise for the salaried personnel. The raise for the Mayor would be \$21.46 a year was one example.

Councilor Williams spoke to the budgeting spreadsheet and Mayor Teske asked the Council to vote on the increase or leave the pay the same. Councilor Williams suggested moving forward on the increase.

Councilor Dufficy **MADE A MOTION** to separate the Firefighters and the Elected Officials and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

#### **Approve payroll increase for Elected Officials.**

Councilor Smith **MADE A MOTION** to increase the Elected Officials pay and Councilor Williams **SECONDED**.

Councilor Williams stated, and the mayor agreed, that the Elected Officials had not had a raise in over 12 years. Councilor Beach asked Sikes if it would save time to which was answered yes.

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

**MOTION PASSED.**

**Approve payroll increase for Firefighters.**

Councilor Smith **MADE A MOTION** to approve the pay increase for the Fire Chief and Assistants, and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Approve Lauer/Wood Lincoln County Rural Fire Department contract 2% COLA Increase.**

Mayor Teske read over the contract, such as it is.

Councilor Zimmerman asked if the raise was for the Fire Chief or Fire Marshall to which Sikes answered Marshall.

Councilor Smith **MADE A MOTION** to approve a 2% COLA increase and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

**Approve 2% COLA and 1% Step increase for Department Heads to match union employees.**

Mayor Teske read over the request.

Councilor Smith **MADE A MOTION** to approve a 2% COLA increase and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Approve bid for Propane.**

Mayor Teske read over the only bid received, City Service Valcon.

Councilor Dufficy **MADE A MOTION** to approve the bid and Councilor Zimmerman **SECONDED**.

Councilor Beach asked what the rate was last year to which the mayor answered unknown.

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

**MOTION PASSED.**

**Approve bid for Fuel.**

Mayor Teske read over the only bid received. (Moore Oil)

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

Councilor Taylor asked who made the bid and the mayor conjectured Moore Oil. Councilor Dufficy requested the name be put to the Council once it is ascertained.

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

**MOTION PASSED.**

**Approve bid for crushed aggregate.**

Mayor Teske read over the only bid received, Noble Excavating.

Councilor Smith **MADE A MOTION** to approve the bid and Councilor Zimmerman **SECONDED**.

Councilor Dufficy stated Noble had bought the competitor.

Brandon Haugen questioned the Council, after 3 instances of only receiving 1 bid, is the city doing enough advertising. Mayor Teske answered that this is a normal occurrence and explained the bidding process.

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

**MOTION PASSED.**

**Approve bid for hot mix asphalt.**

Mayor Teske read over the only bid received, Noble Excavating.

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

Councilor Dufficy asked why TCI had not bid and was informed that TCI did not have a plant.

DC Orr requested that the actual cost numbers be read aloud so the mayor backtracked and read over all the prices for the bids.

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

**MOTION PASSED.**

**Approve Girod subdivision.**

Jake Mertes read over the subdivision report creating 2 lots from one 4.1 acre parcel that was already zoned as business. Included in the discussion were the 7 criteria required for subdivisions per MCA 76-3-608(3) (A), and Jake recommended approval with 7 conditions that were discussed.

Councilor Smith asked if the easement was purposely drawn at an angle as depicted in the Plat map provided and if lot 1 would have access from the entire west side of the property.

Byron Sanderson, Kootenai Surveyors, explained the easement was from a memo of understanding with Jim Brooks and lot 1 would only have access from one corner of the property. Byron added the driveway will be shared by both lots.

Councilor Beach started to question Libby's standards and Councilor Smith asked that all questions wait for a motion to be made.

Councilor Smith **MADE A MOTION** to amend condition #2 to include the clause "must be approved by the City Engineer and meet Libby Road standards" and Councilor Williams **SECONDED**.

Byron requested that condition #2 be stricken because the standard is only for subdivisions consisting of more than 2 lots. Jim Brooks, owner of Big Sky Lumber, recently erected a fence that will help designate the driveway which consists of 50% compact, 25% asphalt and 25% concrete.

Councilor Beach commented that lot 2 is still sizeable and if it were ever subdivided again everything would have to change. Mayor Teske questioned if the Councilors wanted the city engineer to review the subdivision first and Councilor Smith said no. Councilor Beach was simply worried about the traffic in the area.

Andrew Smith, 543 Hammer Cutoff, informed the Councilors that the business in lot 2 was only expecting 10 employees and roughly 3 trucks a week with an occasional client to be the extent of the traffic. Councilor Smith asked what the proposed business for lot 2 was and Andrew answered that it would be a log rail manufacturer.

Councilor Beach made the comment if you keep the road, you must have dust abatement. Jake Mertes said dust mitigation could be part of the approval. Councilor Smith agreed because of such a long driveway. Councilor Beach suggested using Magna chloride.

Councilor Zimmerman asked, with a new fence going in, if this shut Noble out of the area to which Andrew answered no.

Councilor Smith **WITHDREW THE MOTION**.

Councilor Smith **MADE A MOTION** to change condition 2 to say that the driveway must meet the City standards and that dust mitigation must be maintained in perpetuity and Councilor Beach **SECONDED**.



Jennifer Nelson was concerned about the dust as the property is adjacent to the tennis courts believing that occasional treatment was not enough, and that more was needed.

Andrew asked if there was any way to have a probationary period prior to the motion taking effect to which Councilor Smith said no adding that the city infrastructure affects everyone.

Councilor Williams asked what lot 1 was to be used for and Andrew answered wood product manufacturing expecting roughly the same traffic as lot 2. Councilor Williams asked if the driveway was supposed to go as long as depicted on the map from Hwy 2 all the way to the northern edge by tennis courts. Byron answered it was and spoke to the gravel, asphalt, and concrete portions of the driveway.

Councilor Williams commented that the whole area was a dust producer and Byron mentioned that BNSF and Brooks have their own driveways. Jake Mertes stated that dust was supposed to stay on your own property.

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

**MOTION PASSED.**

Councilor Smith **MADE A MOTION** to approve the subdivision as amended and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Approve claims and payroll for June of 2021.**

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

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

**MOTION PASSED.**

#### Unfinished Business:

##### **IP negotiations.**

Mayor Teske reported nothing new.

DC Orr stated that the contract with IP ran out in June declaring that he had warned the Council to watch out for Alan Payne before making his belief that the Council is, "screwing the thing up."

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

Mayor Teske reported that the plans should be received shortly.

**Approve Road Closure – Gail Burger, Halloween, and Timberline to the Brewery. (Tabled)**

Mayor Teske and Dean Chisholm discussed there was no real sponsor for the event and that the Libby Area Businesses stepped in just to help. Gail Burger stated that the insurance policy would cost around \$330. Dean Chisholm offered his legal opinion it is in the best interests of the City to require an insurance policy be taken out on the event.

Councilor Smith **MADE A MOTION** to require insurance and approve the road closure for Halloween and Councilor Zimmerman **SECONDED**.

Brandon Haugen asked why insurance would be needed because if the road is closed it could not be the City's fault.

Mayor Teske explained that, yes, the city could still be held liable even with the road closed.

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

**MOTION PASSED.**

Mayor Teske requested Gail give a copy of the insurance policy to Samuel Sikes once written.

**General Comments from Council:**

Councilor Smith encouraged consideration be used when organizing the agenda to put people that are waiting on top and completing internal business last.

**Adjournment:**

Councilor Williams **MADE A MOTION** to adjourn, and Councilor Taylor **SECONDED**.

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

**MOTION PASSED.**

Meeting adjourned at 8:39 pm.



Mayor Brent Teske

Attest;



Clerk/Treasurer Samuel Sikes