

APPROVED MINUTES

The City Council held meeting #1580 Monday, August 16th, 2021, in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:00 pm by Mayor pro tem Peggy Williams.

The Pledge of Allegiance was completed, and Roll Call commenced. Present were pro tem Mayor Peggy Williams, Councilors Gary Beach, Rob Dufficy, Kristin Smith, Hugh Taylor, Brian Zimmerman, and City Clerk/Treasurer Samuel Sikes.

Pro tem Mayor Williams welcomed all present and prayer was offered.

Approve City Council Minutes 1579 dated 2 August 2021. Councilor Zimmerman **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

Pro tem Mayor Williams, and Councilors Beach, Dufficy, Smith, Taylor, and Zimmerman **FOR**.

MOTION PASSED.

Announcements:

None.

Committee Reports:

Fire: Councilor Zimmerman reported 18 calls in July 2021 consisting of 4 City, 10 Rural, and 4 outside of either. The total number of calls for 2021 is 85 as of July 2021.

Police: Mayor pro tem Williams reported Chief Kessel was unable to attend but will have all hands on deck for this weekend with Hot August Nights.

Water/Sewer: Councilor Zimmerman reported that the Water/Sewer bills for August will be an average for the last three months due to unforeseen circumstances. Councilor Dufficy asked why an average was being used and Councilor Zimmerman pointed to the fact that, at the last meeting, it was briefed that there as going to be a staffing issue with two employees unable to work.

Public Comment on Non- Agenda Items:

Allen Olsen voiced derogatory remarks towards pro tem Mayor Williams to which several Councilors called for a point of order. Allen reminded the Council and Mayor pro tem that "they worked for him."

Old Business: Mayor pro tem Williams spoke of the statue located in the cemetery that the Legion Auxiliary is raising money to have repaired. The mayor stated that the city can only fund projects like the statue if it is owned by the city and opened the door that money could be allocated from the Community Development fund if the Council desired.

Discussion commenced on who had ownership of the statue. Councilor Zimmerman agreed that the Legion owned the statue as it was originally created for the Parks Department and the American Legion. Councilor Smith was under the impression that if the statue was on city property that the city would have ownership.

Mayor pro tem Williams asked if the Council was interested in donating. Councilor Smith wanted more information while not wanting to lose the item from the agenda. Councilors Taylor and Beach were interested in what the city was allowed to do.

Councilor Zimmerman informed the Council that the city had provided in-kind work on the current statue on Mineral Ave. by preparing the base for the statue. Pro tem Mayor Williams stated that the Legion Auxiliary did not need any in-kind work to complete the project.

Councilor Smith informed the Council of meeting with the auxiliary and the press at the cemetery and requested more investigation into the ownership of the property and statue because the statue is located on cemetery plots. Councilor Beach asked who owned the other statues and monuments in the cemetery.

Pro tem Mayor Williams stated that all the other statues and monuments were personal property except for the Knights of Columbus monument to still born children.

Councilor Smith stated that plots that have not been sold belonged to the city. Councilor Dufficy wanted the city attorney to investigate the matter. Mayor pro tem Williams announced that the statue would be placed under the unfinished business section on the agenda.

New Business:

Mayor pro tem Williams opened the new business section of the meeting.

Councilor Beach **MADE A MOTION** to renew Resolution 1987, Conduct Mail Ballot Election, based on new information that there are 1702 registered voters of which 1060 are absentee and the cost would increase by over \$4,000. Councilor Smith **SECONDED**.

Mayor pro tem Williams informed the Council that 2/3rds of the Council would have to vote in the affirmative to renew the resolution.

Pro tem Mayor Williams, and Councilors Beach, Smith, and Zimmerman voted **FOR**. Councilors Dufficy and Taylor voted **AGAINST**.

MOTION PASSED.

Mayor pro tem Williams stated that 2/3rd majority had been reached and thus resolution 1987 – Conduct Mail Ballot Election was renewed and open for discussion.

Councilor Beach spoke of a meeting with Paula Bluff and discussed the cost of \$7,000 to \$9,000 for a poll election to pick up the 646 voters that are not absentee and questioned the fiscal responsibility of the decision. Councilor Smith agreed that fiscal responsibility reflected the sentiment of the voting public.

Councilor Dufficy thought that everyone was missing the point believing that 62% were registered absentee due to COVID and that, by not having a poll ballot, 38% of the public was being disfranchised. Councilor Dufficy stated that it costs to run a government and \$5,000 or \$6,000 is nothing compared to having the right to vote, adding that COVID will be here forever.

Discussion continued on topics such as specific demographics, pre-COVID balloting, other city expenditures, and if the resolution could even be renewed. Mayor pro tem Williams read Resolution 1987 – Conduct Mail Ballot Election in full. Discussion then continued on the difference in the general fund and community development fund.

DC Orr, 1117 Nevada, voiced the opinion that, by not handing out the information prior to the meeting, renewing the mail ballot resolution was a dirty trick. Integrity is a hot topic right now and people need to have faith in the elections and in the responsible officials. Allegations that the Mayor pro tem and County Clerk have previously broken the law were made.

Allen Olsen stated the belief that the polls should be open for the people to vote.

Discussion was held with Councilor Dufficy stating that the mail ballot resolution was defeated 4 to 1 and was not on the agenda for this meeting. Councilors Beach, Smith, and Zimmerman stating that the mail ballot resolution was the same resolution that was on the last agenda from two weeks ago.

Discussion continued with Councilor Smith reading from Roberts Rules and speaking to trusting the vote in Libby, Councilor Dufficy bringing up the disfranchisement of 38% of voters, Mayor pro tem Williams stating that Libby had to adopt a resolution 55 days prior to the election, and Councilor Beach speaking to reconsideration versus renewal.

Councilor Dufficy, wanting to make the information public, **MADE A MOTION** to table the resolution and Councilor Taylor **SECONDED**.

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

MOTION PASSED.

Approve preliminary budget for FY22.

Mayor pro tem Williams stated that the preliminary budget is subject to change until it is passed on the 7th of September and listed all the Budget Committee meetings that have been held on the subject.

Councilor Smith and Mayor pro tem Williams gave special thanks to the Clerk/Treasurer for preparing the FY22 budget.

Councilor Smith **MADE A MOTION** to approve the preliminary budget for FY22 and Councilor Beach **SECONDED**.

DC Orr questioned how the city could operate without any new IP money being received, among many complaints about Attorney Payne, so Mayor pro tem Williams explained that the IP money is a completely different fund and would not affect the budget.

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

MOTION PASSED.

Approve Noble Construction and TD&H Engineering Grant claims for Water System.

Mayor pro tem Williams explained that the two claims had to be paid to keep current with the contractual agreement for the water systems improvement project.

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

DC Orr requested and received that the amounts were Noble Construction \$281,000 and TD&H \$21,000.

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

MOTION PASSED.

Approve all business licenses received to date.

Pro tem Mayor Williams read over the requests from Groomer Has It, My Hearing Centers, NDY, and Tudor Construction pointing out the NDY still had to have a propane tank moved to be in compliance with Code.

Councilor Smith **MADE A MOTION** to approve all licenses except NDY and Councilor Taylor **SECONDED**.

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

MOTION PASSED.

Councilor Smith **MADE A MOTION** to approve NDY conditional on the propane tank being moved and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Unfinished Business:

IP negotiations.

Pro tem Mayor Williams reported nothing new. Clerk/Treasurer Sikes reported preparing reports for Attorney Allan Payne. Councilor Beach requested a phone call be made between the Council and Attorney Payne for an update on the case. Mayor pro tem Williams volunteered to make the arrangements.

DC Orr voiced his opinions on perceived secret meetings, attorney client privilege, and how it is a public duty to restore public trust.

General Comments from Council:

Pro tem Mayor Williams announced that there will be a 6 pm meeting on the 23rd for Cabinet Affordable Housing to obtain public comments for tax credits and a 7:15 pm meeting to conduct interviews and appoint a new Mayor. The final Budget will be presented at 6 pm on 7 September during a Public Hearing and Jim Beasley will speak to a Conditional Use Permit during the regular meeting at 7 pm on the same date.

Pro tem Mayor Williams informed the Council that State monitors were here on Wednesday the 11th to conduct an onsite visit regarding the CDBG and the TSEP grants. Libby had a perfect score with Engineer Mike Fraser, Grant Administrator Melissa Stone, and Clerk/Treasurer Samuel Sikes having all the information and documentation readily available.

Wheatly Ryan will start trimming trees on the Boulevard and Louisiana Ave. and the paving should be completed for the year by the end of the week.

KPFL wanted to be on the agenda for this meeting but missed the posting deadline. KPFL will be given a Special meeting on the 23rd to request the fee be waived for the use of the Ponderosa Room on the 27th and 28th of August for a yard sale.

Councilor Duffy informed the Council that discussion is being had to look at pulling the Committee Reports section out of the agenda for the second meeting of the month.

Adjournment:

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

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

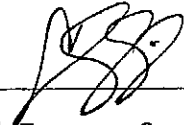
MOTION PASSED.

Meeting adjourned at 8:52 pm.



Mayor Peggy Williams

Attest;



Clerk/Treasurer Samuel Sikes