

APPROVED MINUTES

The City Council held meeting #1584 on Monday, September 7, 2021, in the Council Chambers at City Hall.

CALL TO ORDER:

The meeting was called to order at 7:00PM by Mayor Peggy Williams.

Present were Councilors Gary Beach, Hugh Taylor, Rob Dufficy and via Zoom were Councilors Smith and Zimmerman and City Attorney Dean Chisolm. Also present were City Clerk/Treasurer Sam Sikes and Deputy Clerk Charlotte Luedecke. Absent was City Administrator Jim Hammons.

Prayer was offered by Benjamin Girod.

Approve Minutes from meeting #1580 dated August 16, 2021.

Beach **MADE A MOTION** to approve the minutes from meeting #1580 dated August 16, 2021 and Smith **SECONDED**.

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

MOTION PASSED.

Approve Minutes from Public Hearing held on August 23, 2021.

Smith **MADE A MOTION** to approve the minutes from The Public Hearing dated August 23, 2021 and Beach **SECONDED**.

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

MOTION PASSED.

Approve Minutes from Special Council meeting #1581 dated August 23, 2021.

Smith **MADE A MOTION** to approve minutes from the Special Council Meeting #1581 dated August 23, 2021 and Dufficy **SECONDED**.

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

MOTION PASSED.

Approve Minutes from Special Council Meeting #1582 dated August 23, 2021.

Beach **MADE A MOTION** to approve minutes from Special Council Meeting #1582 dated August 23, 2021 and Zimmerman **SECONDED**.

Public comment was made by D.C. ORR, 1117 Nevada Ave., Regarding previous finding by the Commission of Political Practices.

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

MOTION PASSED.

Approve Minutes from Special Council Meeting #1583 dated August 23, 2021.

Bach **MADE A MOTION** to approve the minutes of Special Council Meeting #1583 dated August 23, 2021 and Zimmerman **SECONDED**.

Smith, Beach, Dufficy, Taylor and Zimmerman voted **FOR**.
MOTION PASSED.

ANNOUNCEMENTS:

Mayor Williams reminded of the City wide water shut off beginning September 13, 2021 at 10:00PM which should last approximately 6 hours. This will be followed by a boil order for an undetermined length of time. Call City Hall during business hours with questions.

Also noted was that the date was changed due to the Chainsaw Carving event being held this weekend.

Jim Beasley has withdrawn his request for a conditional use public hearing and will not be in attendance this evening. He has chosen to go in a different direction.

As an overall comment for the Council Mayor Williams stated that legal has reviewed all of the resolutions, ordinances and grant applications.

COMMITTEE REPORTS:

City Administrators Report – None

Fire – None

Police – None

Ordinances – None

Lights/Streets/Sidewalks – None

Building – None

Water/Sewer – Sikes gave a report of an employee having covid and that water/sewer is very short handed. Water/sewer bills will be late getting out as we are trying to get all the meters read.

Zoning – Smith reported the committee met on August 25, 2021, there was not a full committee, but members were present, discussion on residential district A. This follows a field trip around town noticing things to improve upon. Next meeting scheduled for September 22, 2021.

Cemetery/Parks – Will be scheduling a committee meeting soon.

Budget – On tonight's agenda

KRDC – None

City-County Board of Health – None

Park District Manager of Projects – On tonight's agenda.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

Linda Bell, 182 Garden Road, Bell states she received a letter from an engineering firm regarding a recreational pond being put by the Libby Middle School. Bell expressed concern over the pond being only a block away from the school and the safety of small children.

OLD BUSINESS:

American Legion Auxiliary #95, Statue in cemetery repair. Tabled and moved to unfinished business. There is some confusion of exactly which property it is on.

NEW BUSINESS:

Tony Petrusha, 559 Florence Road, Petrusha is here to discuss a request for the purchase/donation of the Lower Reservoir Sampling Building for Turner Mountain. Petrusha wanted to make certain that no one thought anything “sneaky” was done to get the building.

Mayor Williams pointed out that this topic was not shared with Council and tonight is for discussion only.

Discussion followed.

Request for Easement by Sewage Treatment Plant.

Chris Noble, 140 Antler Ridge Road - Mr. Noble gave an overview of reasons for the purposed easement from City Service Road onto the BNSF right-of-way. Noble stated BNSF would like to get rid of the “Pamida” crossing as it is a hazardous crossing. BNSF has not yet been approached Noble to assist in paying for any of the improvements. Noble continued saying that this could be good for community growth; it would give a corridor for city services up to the end of the four lane on Highway 2 at no cost to the city for future growth. Noble is only asking for a letter granting they have an easement so they can approach the railroad.

Discussion followed.

Adopt Resolution 1993 – Authorization to Submit to Montana Coal Endowment Program (MCEP) Infrastructure Planning Grant.

Mike Fraser, Engineer for the City of Libby explained the reasons for these grants and also provided printed material for the Council members. In March 2021 Fraser met with City Council to talk about ongoing activities and public works planning. Last year two applications were submitted to Renewable Resources for loan grants as well as to MCEP for a grant, both of which were funded to replace instrumentation and controls at the treatment plant. Those applications were based on a report done in 2018. Also, in 2018 City Council amended the Water PER that had been completed in 2013. Fraser thinks that enough changes and improvements have been made to the system that an evaluation of the entire system is in order.

Submitting an application for a planning grant to Renewable Resources would be the second component of the plan to submit to MCEP. Then the City could advertise and select an engineer to look in depth at the water system.

Fraser is requesting that the resolution approving the application to MCEP and for the mayor to sign the same.

Mayor Williams read Resolution 1993 aloud.

Smith **MADE A MOTION** to adopt Resolution 1993 – Authorization to Submit to Montana Coal Endowment Program (MCEP) Infrastructure Planning Grant Application and Beach **SECONDED**.

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

MOTION PASSED.

Mike Fraser updated on other projects and provided written information on them.

Approve street closure on September 15 for Timberline Auto from 8:30-11:00am.

Ryan Andreesen, 617 Mineral Ave., Asking to close Mineral Ave. from Lincoln Blvd to 6 Street from 8:30 – 11:00am to take delivery of a very special vehicle for which Timberline was selected.

Taylor **MADE A MOTION** to approve street closure September 15, 2021, from 8:00 to 11:00am and Dufficy **SECONDED**.

Smith, Dufficy, Taylor voted **FOR**.

Beach and Zimmerman **ABSTAINED**.

MOTION PASSED.

Adopt Resolution 1987 – Requesting Distribution of Bridge and Road Safety and Accountability Program Funds.

Smith **MADE A MOTION** to adopt Resolution 1987 – Requesting Distribution of Bridge and Road Safety and Accountability Program Funds and Beach **SECONDED**.

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

MOTION PASSED.

Adopt Resolution 1989 – Fixing the Annual Appropriations for FY22.

Beach **MADE A MOTION** to adopt Resolution 1989 – Fixing the Annual Appropriations for FY 22 and Zimmerman **SECONDED**.

Taylor stated he appreciated all of the time and efforts put in by the budget committee to set the budget. Also, stated that he is a bit gray on the budget, but trying to figure it all out. Said somewhere in this budget things need to be tightened up.

Beach, Dufficy, Zimmerman and Smith voted **FOR**.

Taylor **OPPOSED**.

MOTION PASSED.

Adopt Resolution 1990 – Setting the Tax Levy for FY22.

Taylor **MADE A MOTION** to Approve Resolution 1990 Setting the Tax Levy FY22 and Beach **SECONDED**. Discussion followed.

MOTION PASSED.

Adopt Resolution 1991 – Setting Salaries and Wages for FY22.

Dufficy **MADE A MOTION** to adopt Resolution 1991 – Setting Salaries and Wages for FY22 and Beach **SECONDED**.

Discussion followed.

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

MOTION PASSED.

Ordinance 1992 – Changing the Zoning for Certain Properties in the Cabinet Heights Neighborhood from Highway Commercial to Residential B and Parks and Open Space. (First Reading)

Beach **MADE A MOTION** to approve Ordinance 1992 - Changing the zoning for Certain Properties in the Cabinet Heights Neighborhood from Highway Commercial to Residential B and Parks and Open Space. (First Reading) and Zimmerman **SECONDED**.

Discussion followed.

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

MOTION PASSED.

Approve all business licenses received to date:

Amanda Steele, Individual, 1312 Montana, Libby, Home cleaning and sitting.

Familiar Raven, LLC, 145 Spencer Rd. Libby, Arts and Craft Sales

First Choice Cleaning Services, LLC, 310 W Flower Street, Libby, Commercial and residential cleaning

M.T. Washing, LLC, 713 Wisconsin Ave., Libby, Power washing services

Ward Enterprises, LLC, 362 Vanderwood Rd., Libby, Hauling, grading, dirt work

Wild Woods Inc. of Libby, LLC, 108 E. 9th Street, Libby, Personal care products, cosmetic injections

Taylor **MADE A MOTION** to approve all business licenses received to date and Dufficy **SECONDED**.

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

MOTION PASSED.

Approve Claims and Payroll for August 2021.

Beach **MADE A MOTION** to approve claims and payroll for August 2021 and Taylor **SECONDED**.

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

MOTION PASSED.

COMMENTS FROM COUNCIL:

Taylor asks what is going to be done to fill the vacancies on Council and the committees created when Williams moved up to the mayoral position.

Mayor Williams states that this will be rectified at the September 20, 2021, Council meeting.

Mayor Williams has been approached by Bruce Vincent regarding the City making a letter of support for the Chamber of Commerce so they can try to obtain a tourism grant.

After some discussion Mayor Williams said she will draft a letter from the City supporting the Chamber for the grant.

UNFINISHED BUSINESS:

IP Negotiations –

Allen Payne is representing the City in these negotiations and is present at this meeting to speak about the ongoing negotiations.

Payne explains that there has not been much progress.

Payne stated that there are some things that need to be discussed with council in closed session.

Mayor Williams states that the EMA conference room has been made available in anticipation of a closed-door session.

Taylor expressed that since this affects the City of Libby, it should be discussed in open session.

Mayor Williams asked for Dean Chisholm to give his thoughts on doing this in open session.

Chisholm explained that typically it is a very bad idea to discuss litigation strategies in an open meeting as it shares privileged attorney/client materials with the public and the other side. This is why there has been an exception in the law to be able to go into a closed – door meeting to discuss litigation strategies. If Payne was only giving an update and not discussing litigation that would be a different situation.

Payne purposed to begin in open session and lay out options the City has going forward and if the discussion goes toward litigation strategy he can try to avoid that. Ultimately Payne would like to have a sub-committee set up to come up with ideas moving forward with IP.

Discussion followed. Smith and Taylor volunteered to be the sub-committee.

Taylor asks when the sub-committee could meet.

Payne is willing to meet after the Council meeting tonight. Taylor and Smith agreed to this.

PUBLIC COMMENT OUTSIDE OF IP:

D.C. Orr, 1117 Nevada Ave., Orr commented on his opinion of Payne and the IP negotiations.

Payne responded to Orr's comments.

Other public comments were made by:

Diane Hicks, Renwood Drive, Libby and Dave Kemmemer, 124 Pioneer Road, Libby.

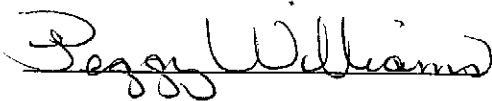
AJOURNMENT:

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

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

MOTION PASSED.

Meeting adjourned at 8:37pm.



Mayor, Peggy Williams



Deputy Clerk, Charlotte Luedecke