

APPROVED MINUTES

The City Council held Council Meeting # 1599 on Tuesday, February 22, 2022, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was completed, and Roll Call commenced. Present were Mayor Peggy Williams, Councilors Gary Beach, Melissa Berke, Zachariah McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, City Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and Attorney Dean Chisholm.

Mayor Williams welcomed all present.

Approve City Council Minutes #1598 dated Monday February 7, 2022.

Councilor McNew **MADE A MOTION** to approve, and Councilor Beach **SECONDED**.

Councilors Taylor and Zimmerman abstained from voting due to their absence from the previous meeting.

Councilors Beach, Berke, McNew, and Smith voted **FOR**.

MOTION PASSED.

Announcements:

Mayor Williams announced the electric car charger at Fireman's Park is not operational yet, there will be future updates.

Committee Reports:

City Administrator Report: Administrator Sam Sikes reported The Cabinet View Golf Club (CVGC) will be breaking ground on the new clubhouse in the next couple of weeks with the contractors already purchasing materials. The building should be completed within the next 3 - 4 months.

Mr. Sikes announced the Streets Department have been cleaning sewer main lines which may cause issues with dry lines or backing up in houses. The public is asked to let the city know so the problem can be resolved.

Mr. Sikes reported that the city and state have been collaborating to fill potholes in the apron along US Highway 2 in town, and chip sealing is being planned for this year. The amount of materials, rock chips, and crush on hand is being calculated to determine how much chip sealing can be done. The two key areas being considered for reconstruction are by McDonald's and the tennis court, if the city gets the opportunity financially.

Lights/Streets/Sidewalks: Councilor Beach reported the recent meeting discussed issues with parking downtown.

Building: Councilor Beach reported a committee meeting will be planned soon to discuss assisting the Food Pantry to search for a new location.

Zoning Commission/Planning Board: Councilor Smith announced a meeting is scheduled for February 28 with an update on Growth Policy.

Public Comment on Non-Agenda Items:

Dave Kemmerer, 124 Pioneer, inquired about pothole repair. Mr. Sikes replied that repairs are planned when the weather warms up.

Old Business:

Approve Kootenai Pets For Life (KPFL) Building Expansion:

Councilor Smith **MADE A MOTION** to approve KPFL building expansion and Councilor Beach **SECONDED**.

Mayor Williams asked for discussion: Councilor Smith inquired if there was an update. Faith Lee, president of KPFL, announced a 4 hour live Facebook fundraiser that raised \$15,727.00 for the project. Ms. Lee thanked Mayor Williams for participating in the fundraiser and thanked the community for support. Ms. Lee announced future fundraising ideas were being brainstormed to possibly have the funds available for the project within a year.

Councilor McNew asked if there were plans available for the expansion. Jeff Sharp, Director of KPFL, explained there is currently only a rough draft to explain the expansion. Ms. Lee announced KPFL had received a couple of bids for the project to get an idea of the cost and who to hire for the expansion and that KPFL is taking things slowly to ensure that the project is completed appropriately. KPFL is looking for ways to cut costs, such as building supplies and labor volunteers.

Council Beach inquired if the expansion would be built by a contractor or if they would be corroborating with a contractor to ensure everything was up to code. Mr. Sharp explained they would seek volunteers for labor but a contractor would defiantly oversee the project to keep everything up to code. Ms. Lee said to be covered by insurance the expansion would be done properly.

Mayor Williams stated she had informed them a building permit would be required and the expansion would have to meet all state codes.

Councilor Smith inquired if the council would like to see building plans before construction begins. Councilor Beach explained building plans have been required in the past for other facilities and recommended a similar request be made to move forward.

Councilor Smith amended her motion to request quarterly reports from KPFL as well as a review of the final building plans before construction begins.

Councilor McNew proposed having the Building Committee oversee the KPFL expansion. Councilor Beach agreed to add KPFL to the Building Committee. Councilor Smith withdrew her motion since KPFL will be working with the Building Committee moving forward.

Public Comments: Jennifer Nelson, 1026 Washington Ave., supports the project and encourages the Building Committee and Council to require proper engineering of the building and provide blueprints and surveys necessary for construction, along with verification that the septic system will be adequate for the expansion.

Dave Kemmerer, 124 Pioneer, stated he has volunteered at KPFL and encouraged people to volunteer and supports the expansion to help more animals.

Mr. Sharp, director of KPFL, stated a licensed plumber updated the drain field and septic system up to code requirements last summer.

Pursuant to parties settlement agreement the City of Libby approves certificate of survey provided to Council- Brooks Holdings, LLC.:

Mayor Williams stated that any questions would be directed to Attorney Dean Chisholm.

Attorney Chisholm explained the history of Brooks Holdings and stated with the recent approval of a settlement agreement, which included dismissing the City of Libby from litigation, paying nothing in damages, and cooperating in approving a plat that would replace a couple of roads with a couple of private easements. Mr. Chisholm stated requests for the agreement have been met. Brooks Holdings' attorney has asked, on behalf of the clerk of recorders, approval of the plat, which would speed up the process of getting the settlement to take effect. Mr. Chisholm explained there were some concerns of the plat map not showing current utilities the City has running through that area but assurances have been made that those will be maintained in future documents. Currently, Council would need to approve the certificate of survey to move forward.

Councilor Smith expressed concern about the guarantee of easement for access to all utilities. Mr. Sikes replied that paperwork is being prepared to state the city maintains a 30-foot utility easement for all main sewer, storm, and water lines, as well as an easement for any main not currently shown on the survey. Mr. Chisholm confirmed with Brooks Holdings attorney the easements would become part of the further assurance clause in the settlement agreement following the Council's approval. Council discussed the different survey maps available that show all of the main lines running through the property that the city would have an easement on for future access.

Councilor Smith **MADE A MOTION** to approve the certificate of survey or 4835 as recorded and presented, and Councilor Beach **SECONDED**.

Council or Public Comments: None

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

New Business:

Approve Resolution #1998 amending budget for fiscal year 2020-2021 to reflect actual income/expenditures:

Mayor Williams explained the resolution was recommended by the city auditor, part of which stemmed from unexpected revenue and unanticipated expenses in 2020–2021 associated with COVID reimbursement money received and split between 2 years. Some other expenses were not recorded on the budget, and the resolution would allow the budget to be brought into alignment for the audit.

Councilor Beach **MADE A MOTION** to approve Resolution #1998, and Councilor Smith **SECONDED**.

Council or Public Comments: None

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve City of Libby seeking bids for wastewater bar screen construction project:

Mayor Williams explained the project has been cleared by DEQ and Mike Fraser is ready to advertise a request for bids.

Councilor Zimmerman **MADE A MOTION** to approve putting bids out for wastewater bar screen, and Councilor Smith **SECONDED**.

Council or Public Comments: None

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve Tina Oliphant as City of Libby grant administrator for upcoming wastewater/water construction projects:

Mayor Williams announced that the position had been advertised for applications. Mayor Williams stated Ms. Oliphant's application was received, she has worked efficiently with the city in the past, and Mike Fraser recommended approval.

Councilor Zimmerman **MADE A MOTION** to approve Tina Oliphant as the City of Libby grant administrator for the upcoming wastewater and water construction project, Councilor Smith **SECONDED**.

Council or Public Comments: None

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all business licenses received to date:

Mayor Williams read the businesses to be approved: Honey-Do Crew and Point Property Management.

Councilor Smith **MADE A MOTION** to approve business licenses received to date and Councilor Beach **SECONDED**.

Council or Public Comments: None

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all Beer, Wine and Liquor Licenses received to date:

Mayor Williams read the beer license to be approved: Pizza Hut.

Councilor Zimmerman **MADE A MOTION** to approve beer, wine and liquor licenses received to date and Councilor Smith **SECONDED**.

Council or Public Comments: None

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Unfinished Business:

IP negotiations: Mayor Williams stated a letter was sent to EPA requesting a meeting, an email and call was received stating they need to speak with their attorney before a meeting could be held. Their attorney would be out of the office until the 28th contact would be made after that.

Council or Public Comments: None

General Comments from the Council: Councilor Smith stated the current online course, Fundamentals of Montana Municipal Government, has been very helpful with current agenda items and would like to discuss the readings after the course has finished and highly recommends the reading material to anyone not currently enrolled.

Councilor Taylor announced receiving an update from Fish, Wildlife, and Parks on deer harvesting for Chronic Waste Disease (CWD). To date, 50 deer have been harvested: 21 bucks and 29 does. 2 deer have tested positive, 28 have been donated to the food bank, and 20 are waiting for results. 14 of which have come from the city limits; the others are from the surrounding area.

Councilor Zimmerman inquired if there was mention of enough staff to assist with the testing. Councilor Taylor responded there was no mention of understaffing, but 10 local landowners have agreed to the use of their property.

Mayor Williams inquired when the testing would be completed. Councilor Taylor stated testing would conclude at the end of February.

Councilor Zimmerman expressed his gratitude to the state road crew for clearing snow from the sidewalks for pedestrian safety along Highway 2 business fronts after the recent large snowfall.

Paul Thornton, 193 Mud Lake Rd., asked to introduce himself and his new business, missing his opportunity earlier in the meeting. Mayor Williams asked him to approach and granted Mr. Thornton 3 minutes. Mr. Thornton stated he would be starting a new business called Uncle Paul's Family Fun Center and wanted to introduce himself and ask if there would be any preliminary questions after recently working with Walter Snyder, City Building Inspector. Mr. Thornton announced space and insurance would determine the activities that could be offered.

Councilor Zimmerman inquired where the center would be located. Mr. Thornton replied the center would be located in the space next to Henry's Restaurant and provide a bouncy house, skill arcade games such as skeet ball, arcade hoops, air hockey, and similar games, and plans are to make a separate space to accommodate birthday parties.

Adjournment:

Councilor Smith **MADE A MOTION** to adjourn and Councilor Zimmerman **SECONDED**.

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:36 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold

