

## APPROVED MINUTES

The City Council held Council Meeting #1610 on Monday, August 1, 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, prayer was by Bill Sonntag, and roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristin Smith, and Brian Zimmerman, Administrator Samuel Sikes, City Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm. Councilor Taylor was not in attendance.

Mayor Williams welcomed all present.

**Announcements:** None.

### Committee Reports:

**Administrator:** Administrator Sikes reported Hwy 2 repairs by Deshazer Realty and Bus Barn have been completed. Alley behind Esther's Beauty Salon has been repaired. TCI repaired opening by Harold's. Chip sealing will begin soon and cover 15-20 blocks.

Several street openings still need filled and with the street opening permits now that are sold it is the contractors responsibility to make repairs needed in a timely manner or the city will charge for labor and material if the City crew does the work. A new method of street crack sealing "cold flow" will be tried at the Water Plant.

The sludge press has been repaired, beautification of the land is underway by pulling shrubs and placing gravel around the tanks; the backup emergency generator went down, needing repairs or replacement. A temporary has been rented for backup while waiting on parts to fix the main generator, which should be done in the next two weeks. The West Aero motor that circulated the aeration ditch has electrically shorted out and been sent to Kalispell for rewinding. Libby is on the list to have the UST removed in August, and a new double-walled tank is in Kalispell ready for a concrete pad and barriers.

**Fire:** Councilor Zimmerman reported 9 calls in July, 1 in city, 6 rural, 2 outside rural district. 2 structures, 3 grass/wild lands, 1 power line, 3 miscellaneous, and 2 dumpster fires a total of 59 calls for 2022. TCI started apron project at the fire hall July 29<sup>th</sup> and all fire hydrants have been inspected and flushed the week of July 18<sup>th</sup>.

**Zoning/Planning:** Councilor Smith announced the Planning Board should have a draft for the Growth Policy by the end of August.

**Parks:** Councilor McNew reported all of the playground equipment is in town and working on getting a local contractor to put it together.

**Budget:** Mayor Williams, together with Mr. Sikes and Leann have been reviewing the budget to identify any updates needed and a committee meeting will be scheduled to go over the budget prior to the preliminary budget August 15<sup>th</sup>.

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

DC Orr, 1117 Nevada, read a letter he had written about his feelings and concerns over the Pride event that took place July 9<sup>th</sup>.

**Old Business:** None

**New Business:**

Troy Douthit requested a street closure from September 7<sup>th</sup> - 11<sup>th</sup> the same as previous 2 years. Mr. Douthit described the Chainsaw Carving event, and announced equipment was purchased with a street sweeper attachment to help with the final clean up.

**Approve Chainsaw Carving street closure:**

Councilor Smith **MADE A MOTION** to approve **Chainsaw Carving street closure**, and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

Tabatha Viegutz introduced the LOR Foundation (**Livable, Opportunity, and Responsibility**). A private family foundation that works to improve quality of life for rural areas. LOR is a problem-solving foundation that hires locals to listen to community needs and support local ideas. LOR puts ideas into action by providing funding and resources. LOR recently worked with David Thompson Search & Rescue and was able to provide funding, through the grant process, for 25 new radios and 5 new repeaters for their trucks. Funding was granted to assist the school district in revitalizing the Central School's park. LOR is working with the Libby Dam to gain funding to help increase visitor numbers and with Libby Area Business Association (LABA) to help cover costs to provide a safe space for the kids to see Santa. LOR has supported local events such as the Rodeo, Blues Festival, Crazy Days, Chainsaw Festival, and RC races.

LOR selects projects that are ready to go and will produce immediate results with lasting change, and it focuses on solutions that improve quality of life in eight areas: economy, education, engagement, environment, health, housing, transportation, and water. LOR's funding is a public charity and cannot provide funding to businesses to enhance their business unless it is a public service then certain funding can be provided.

Dave Kemmerer, 124 Pioneer, asked if LOR would be able to work outside of city limits. Ms. Viegutz stated LOR is hyper-focused on Libby and not restricted to city limits but will stay within the Libby area.

**Approve Resolution #2004, Adopting updated editions of building codes as amended per ARM 24.301.202(1) referenced by chapter 14.04, Building Codes, of Libby Municipal Code:**

Mayor Williams read the resolution aloud.

Councilor Smith **MADE A MOTION** to approve **Resolution #2004**, and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Approve Resolution #2005, requesting distribution of road safety and accountability program funds:**

Mayor read resolution aloud and explained request is for money from the BaRSAA gas tax HB124 funding to update the sidewalk and fix the street by the tennis court as the identified project.

Councilor Smith **MADE A MOTION** to approve **Resolution #2005**, and Councilor Zimmerman **SECONDED**.

DC Orr, 1117 Nevada Ave, inquired how much money is involved for the project. Mr. Sikes explained BaRSAA funding this year will be \$87000 with the matching fund of \$5000 currently in the account. This fall an itemized list of costs for the project will be put together and funds may need to be carried over into the next year to make sure the city has the money or find more matching funds to complete the project as a whole.

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

**MOTION PASSED.**

**Ordinance #2003, First Reading, Amending section 14.32.010 Floodplain Regulations of Libby Municipal Code:**

Mayor Williams read ordinance and explained DNRC recommended the city and county adopt the exact same floodplain regulations.

Jesse Haag with County Environmental Health/Planning said with the County and City updating floodplain regulations it will be brought up to the State and Federal Standards.

Councilor Smith **MADE A MOTION** to approve **Ordinance #2003, First Reading**, and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

### **Discuss Ordinance Solutions regarding garage sales/businesses in residential areas:**

Mayor Williams stated a complaint had been brought to council about an ongoing garage sale in a residential area and potential solutions would be checked into for the neighborhood complaints. Attorney Chisholm has suggested checking current zoning regulations.

Attorney Chisholm suggested there are two ways to approach the issue. First, draft a new set of ordinances and regulations to regulate garage sales or second-hand sales. By doing so, it can be regulated where and how long, signage, number of days per year, and number of hours per day. Second, look at current zonings because commercial activities are not allowed in certain zone areas. Elaborate more on current zoning definitions so people understand what falls under commercial activities and what doesn't. How many days of operation could be added to the definition to clarify commercial activities.

Council discussed identifying problem and what possible ordinances changes or other possible solutions could be reached before the problem spreads and for an immediate problem solution have the police chief, building inspector or fire marshal pursue the zoning issues then send to committee to look into changes in ordinances.

DC Orr, 1117 Nevada Ave, discussed the different rules and regulations already in place within the city that could help to fix the issue at hand.

### **Approve all claims received to date:**

Councilor Zimmerman **MADE A MOTION** to approve **all claims received to date**, and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

### **Unfinished Business:**

**IP negotiations:** Mayor Williams announced IP has pulled out of the meeting August 15<sup>th</sup> and the City is trying to reschedule for October 26<sup>th</sup>.

**Public Comments:** DC Orr, 1117 Nevada Ave., asked if there was a paper trail that shows what has been going on with the IP negotiations.

**General Comments from the Council:** Mayor Williams informed Council the upcoming Blues Festival, August 13<sup>th</sup> and 14<sup>th</sup>, failed to get with the Council in time to request a noise variance. After looking at the ordinance it was felt that a variance could be granted this time on a one time only basis with the understanding they will need to get organized next year to request correctly.

### **Adjournment:**

Councilor McNew **MADE A MOTION** to **Adjourn**, and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:45 PM.

---

Mayor Peggy Williams

---

Clerk-Treasurer Leann Monigold