

## **APPROVED MINUTES**

The City Council held Council Meeting #1618 on Monday, December 5, 2022, in the Council Chambers at City Hall.

### **Call to Order:**

The meeting was called to order at 7:02 pm by Mayor Peggy Williams.

The Pledge of Allegiance was completed, prayer was by Tom Cole, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

### **Approve Council Minutes #1615 dated October 17, 2022, Council Minutes # 1616 dated November 7, 2022, and Council Minutes #1617 dated November 21, 2022:**

Councilor Beach **MADE A MOTION** to approve Council Minutes #1615 dated October 17, 2022, Council Minutes # 1616 dated November 7, 2022, and Council Minutes #1617 dated November 21, 2022, and Councilor Smith **SECONDED**.

DC Orr, 1117 Nevada Ave, inquired about having his wording amended in #1616 Council minutes. Council did not amend.

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

### **MOTION PASSED.**

**Announcements:** None

### **Committee Reports:**

**Administrator:** Administrator Sikes reported the Water Treatment Plant is being quiet with it being winter and newest hire Brad Lee is doing great and fitting right in. Sewer Plant's underground storage tank was removed and pouring of concrete pad has been postponed due to weather and plowing but up to State standards so does not have to be done this year.

The new Building Permit Regulation and Application packet has been updated; all the information remains the same; the only changes were updating the Building Inspector's name, changing the wording for fences and obtaining a building permit from a City. An expiration of 180 day was added to the building permit application with the Building Inspector able to grant an additional 90 days as per the adopted Building Code. The Fire Chief was added to look at any new construction or major demolition to make sure there is fire flow, fire hydrants are close enough, and if a fire suppression system is needed.

**Streets Department:** Streets Supervisor Williams reported Streets Department has been identifying leaking hydrants and what needs rebuilt. Repair kits for hydrants are being ordered, some are on back order, a schedule is being created for yearly maintenance. Water meters that were back ordered for a year, have been received and more have been ordered due to the amount of time it takes to receive them.

Plowing and cleanup went well this early in the winter and a reminder to businesses not to plow snow from their parking lot into the City street berms due to unforeseen items such as wood, metal, wire, concrete parking bumpers, garbage, etc. that can cause damage to the blower during berm removal. Plowing will begin at 1-2am depending on how much time is estimated for snow levels, North-South streets no parking between 4-8am, East-West streets no parking between 8am – Noon. Snow berms down town will be moved accordingly as time allows between snow events due to limited man power, equipment, and other city needs. Snow plowing will begin when snow levels reach 4 - 5 inches on average, if 4 – 8 inches more is expected throughout the day and night during a snow event, plowing will begin when snow stops unless it is expected to continue for more than 2-3 days plowing will be done the best possible to keep things flowing. The new snow plow purchased is working well.

A hazard tree was removed from Fireman’s Park. For public safety do not crowd City equipment operators or try to squeeze around them, stay far enough back so they can see you.

**Fire:** Councilor Zimmerman reported 14 calls received for November 2022, 3 calls city, 5 rural, and 6 outside city and rural that included 3 structure, 1 chimney, 6 mutual aid Libby Ambulance, 1 false alarm, 1 fuel spill, and 3 miscellaneous for a total of 102 calls for 2022.

**Police:** City Attorney Chisholm stated 3 city officers resigned and the city has begun an inquiry to the circumstances surrounding their resignations. Montana law prohibits the Mayor or Council from commenting on personnel matters or an inquiry at this time related to the situation, during the public comment period of the Council meeting as a reminder to everyone to follow the policies of public comment and respect the rules that have been employed to handle situations like these. Mayor Williams announced the City is working with the County to ensure all of the law enforcement shifts are covered.

**Ordinance:** Councilor Smith stated the Ordinance Committee met Thursday, December 1st to discuss some items and will have upcoming recommendations.

**Zoning/Planning:** Councilor Smith announced Zoning Commission held a meeting Monday, November 28<sup>th</sup> and will meet again December 26<sup>th</sup> to finalize changes to Residential A.

**Finance:** Clerk-Treasurer Monigold reported MMIA is in the process of updating the City's dental policy and new coverage will start January 1st, new insurance cards will be mailed out shortly after the new policy begins and preparation for the Annual Financial Report (AFR) has begun, due at the end of December. The auditors are working on getting their portion of information to be entered into the report in time to meet the deadline.

**Public Comment on Non-Agenda Items:** Dave Kemmerer, 124 Pioneer, inquired why the street lights flash yellow through the night. Mayor Williams informed Mr. Kemmerer Department of Transportation is in charge of the street lights.

Jennifer Nelson, 1026 Washington, on behalf of a neighbor, Kerry Waldron, inquired what the current status is for Wildlife Management Plan and if FWP has started with the management of deer in the city. Council Taylor responded an email was sent to Tonya but a response has not been received yet and hopes to provide an update by the next Council meeting.

Al Kelly, 163 Scenery Rd, expressed concern about being able to still access the DNRC and US Forest Service land behind the gated road for outdoor activities. Mr. Kelly suggested, if the gate gets moved, having parking available to still allow access to the area. Mayor Williams expressed thanks for the comment and stated it would be referred to Mr. Petrusha as they work on the South Flower Creek/Old Snowshoe trail plan.

DC Orr, 1117 Nevada Ave, expressed concern about learning out about the loss of half the City Police force and what financial burdens it may impose on the City, potentially causing it to go over budget, and requested transparency of financial reports be made available to the public so they know how much it ends up costing.

Tom Cole, 747 Flower Creek Rd, wanted to let everyone know there would be a live nativity scene, for the third year, December 17th and 18th in the Assembly of God Church parking lot.

Tish Silva, 275 Westland Rd, inquired about the lack of sidewalks between the Middle School and High School on Education Way and concerned about the safety for kids seen walking in the roadway asking if that could be looked into.

Mark Andreasen, 596 Parmenter Creek Rd., expressed concerns about the safety of kids on the sidewalks and stated he had spoke with several people about the sidewalks and a plan he had came up with but had not gotten anywhere with it.

Danielle Hebert, 1302 Areth Ave, (via Zoom) inquired about receiving a comment on possible pedophiles near Fireman's Park. Attorney Chisholm explained that this is a time for public comment, it is not a time for questions and answers from the Council. Ms. Hebert expressed concern about a possible pedophile near a city park.

**Old Business:** None

**New Business:**

**Growth Plan Draft-Discussion Only:** None

**Approve all Beer, Wine or Liquor Licenses received to date:**

Crosscut Casino, Gold Pan Casino, Harold's Casino, Kaiju Bar & Grill, Maggie's 2, and VFW #1548.

Councilor Zimmerman **MADE A MOTION** to approve all Beer, Wine or Liquor Licenses received to date, and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

**Approve all Coin Operated Licenses to date:**

VFW #1548.

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

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

**MOTION PASSED.**

**Approve all claims received to date:**

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

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

**MOTION PASSED.**

**Approve all business licenses applications received to date:**

Space Lift.

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

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

**MOTION PASSED.**

**Unfinished Business:**

**IP Settlement:** Mayor Williams said an email has been received from the EPA about another meeting with the Sub Committee potentially in February. Mr. Orr inquired if it would be a public meeting and was informed it would be a Sub Committee meeting.

**LORA South Flower Creek/Old Snowshoe Recreation Development Plan:** Tony Petrusha, 559 Florence Rd, Executive Manager of Libby Outdoor Recreation Association (LORA), announced the plan has been approved by the Libby Park District. Mr. Petrusha responded to the earlier comment from Mr. Kelly and explained the area inquired about with the gate is private property up to the State section and there is a plan with the developer to include public access to that area and explained different trail head location in the plan. A meeting has been setup with DNRC to reestablish a land use license for their section.

Council Taylor inquired about the parking lot on the plan and explained there are concerns about the parking lot because Council voted against it and would like to see something in the plan that states any building or projects on city property would have to be approved by the Council. Mr. Petrusha agreed to have a coordination/cooperation clause put into the plan for permission of city property use.

Mr. Petrusha gave a detailed description where the trails would run and be located and requested City Council to adopt the Recreation Development Plan as part of a template on how to move forward. Mayor Williams inquired about County approval needed for the plan. They have not yet been approached to have it on their agenda. Mr. Petrusha explained since the County is the owner of the entities and the County or City are owners of the land, transfer of the assets needs to be transferred into the County. That includes recreation property at Port Authority, bike trails down Libby Creek, fishing pond, etc. and needs to go from entities into the County's hands. An organization in the County needs to receive those recreational assets and manage them. Mr. Petrusha said this is being ironed out along with trying to get some City Council members to be involved and a Commissioner, somebody from the Libby Park District and himself to get an agreement together that will take care of recreation management at a government level.

Mayor Williams inquired about a RAC grant Ben Scott had mentioned in regards to the parking lot. Mr. Petrusha stated it was not a RAC grant it was an American Trails/Heritage Trails grant.

Teri Kelly, 163 Scenery Rd., inquired about the gated road by the golf course that leads to the reservoir where the housing development ends is where the possible request of a parking area could be located when the gate gets moved up to that section.

Councilor Taylor inquired if it was a motorized or non-motorized trail. Mr. Petrusha responded it will be non-motorized due to complying with Forest Service Rules because of their easement.

Dave Kemmerer, 124 Pioneer Rd, didn't think it was right he could not take his motorized bike on the trails.

Kenny Rayome, 1314 Dakota Ave, (via Zoom) wanted to applaud Mr. Petrusha for the work he has done with the trail project and applaud Council for holding firm on the parking lot and encouraged everyone to keep up the good work.

#### **Montana Sky proposal to update City phone system and internet:**

Mayor Williams stated Council had previously asked we look into Zippy and that was trying to be done. Clerk-Treasurer Monigold explained an email was received from Zippy but was uncertain if they fully understood the proposal request. The email stated only City Hall had Fiber and without Fiber they could not install VoIP phones. Ms. Monigold said response request would be sent back to Zippy to make sure the request was understood.

#### **General Comments from the Council:**

#### **Adjournment:**

Councilor Zimmerman **MADE A MOTION** to **Adjourn** and Councilor Taylor **SECONDED**.

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:53 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold