



## CITY OF LIBBY

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### REGULAR COUNCIL MEETING #1620

JANUARY 3, 2023 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

#### **CALL TO ORDER:**

- Pledge of Allegiance
- Prayer by Phillip Coblenz
- Roll Call
- Welcome
- Approve City Council meeting #1619 minutes dated December 19, 2022.

**ANNOUNCEMENTS:** Snow removal-parking ordinance/towing.

#### **COMMITTEE REPORTS:**

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- City-County Board of Health
- Park District Manager of Projects

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** This is an opportunity for the public to offer comments related to issues that are not currently on the agenda that the council has jurisdiction over. Public comment is limited to 3 minutes.

**OLD BUSINESS:** Each previous agenda item will be introduced by the mayor with a description of the item and explanation for the recommended action to be taken. Following council discussion on each item there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

**NEW BUSINESS:** The mayor will introduce each new agenda item with a description of the item and an explanation for the recommended action to be taken. Following council discussion on each item, there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Approve Resolution #2012 Libby City Council Resolution of Intention to Adopt the City of Libby 2022 Growth Policy Update, a proposed growth policy to replace the 2010 City of Libby Growth Policy.
2. Approve Resolution #2011 LOR South Flower Creek/Old Snowshoe Recreation Development Plan.
3. Approve all Beer, Wine or Liquor Licenses received to date.
  - a) Pastime Bar & Lounge, 218 Mineral Ave.
4. Approve all Coin Operated Licenses received to date.
  - a) Pastime Bar & Lounge, 218 Mineral Ave.
5. Approve all claims received to date.
6. Approve all business licenses applications received to date.
  - a) Jen's Loving Care LLC, 156 Highwood Dr, LLC, Cleaning service, food preparation, personal care, light house keeping, and grocery shopping.
  - b) Eaton's Income Tax Services, 209 Mineral Ave., Partnership, Accounting services.

**UNFINISHED BUSINESS:** Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item, there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

1. IP negotiations.
2. Memorandum of Agreement between City of Libby and Lincoln County Sheriffs Office regarding interium law enforcement services.

**GENERAL COMMENTS FROM COUNCIL:** Public comment will not be taken during this portion of the meeting.

## **ADJOURNMENT:**

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

## **ATTENTION:**

To access this meeting electronically with **ZOOM**,

Dial: 253-215-8782

Meeting ID: **4042719951**

Password: **151041**

**Posted:** 12/29/22

## UNAPPROVED MINUTES

The City Council held Council Meeting #1619 on Monday, December 19, 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, roll call commenced. Present were Mayor Williams, Councilors Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) Councilor Gary Beach and City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

### **Approve Council Public Hearing Minutes dated December 5, 2022 and Council Minutes #1618 dated December 5, 2022:**

Councilor Zimmerman **MADE A MOTION** to approve Council Minutes #1618 dated December 5, 2022, and Councilor Smith **SECONDED**.

DC Orr, 1117 Nevada Ave, felt his wording for Council meeting #1618 minutes were inaccurate and wanted Council to consider that before voting.

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

### **MOTION PASSED.**

Councilor McNew **MADE A MOTION** to approve Council Public Hearing dated December 5, 2022, and Councilor Berke **SECONDED**.

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

### **MOTION PASSED.**

**Announcements:** Mayor Williams announced the next Council meeting would be Tuesday, January 3rd because the City is closed on the 2nd in lieu of New Year's Day.

### Committee Reports:

**Administrator:** Administrator Sikes reported for November 2022, 2 4-plex building permits were sold for \$4154.00 bringing the totals to 24 residential permits sold, 18 roofs, 1 garage, 2 siding, 1 fence, 2 building, and 2 commercial permits sold, 1 truck bay, 1 remodel for a total to date of 26 permits for FY 23 totaling \$16,700, and this time last year 17 permits had been sold for \$16,700.

**Zoning/Planning:** Councilor Smith announced Zoning Commission will hold a meeting on Monday December 26th.

**Wildlife:** Councilor Taylor reported receiving an email from Tonya Chilton-Radandt with FWP stating they will not start trapping deer, because of technique training, until the first of the year. If anyone is interested in having a trap put on their property inside city limits contact Tonya at 406-291- 0568. Councilor Zimmerman recommended placing a trap at Nevada and Oak St. in the dead end alleyway.

**Public Comment on Non-Agenda Items:** DC Orr, 1117 Nevada Ave, requested receiving more information with committee reports.

**Old Business:** None

**New Business:**

**Approve Draft Resolution of Intention to adopt the City of Libby 2022 Growth Policy Update:**

Joel Nelson (via Zoom) stated the Planning Board adopted the Growth Policy Draft #2 on October 24th and was presented at the City Council Public Hearing December 5th, followed by Council review of comments received to date and added changes to the Draft Resolution of Intention at the December 5th Council meeting. Mr. Nelson explained, after receiving concerns, the Growth Policy Update is not intended for annexation and the map shown is the city limits with a one-mile doughnut surrounding those limits serving as a planning area. Annexation and city expansion is mentioned in the Growth Policy Update but is not the process for annexation and highlighted on the pages where it is mentioned. Mr. Nelson pointed out an error on page 4, first paragraph that should be underlined and not stricken.

DC Orr, 1117 Nevada Ave, had not seen Attorney Dean Chisholm at a Council meeting in a year and believes he is in violation of his contract by attending meetings via Zoom and disagreed with Attorney Chisholm's decision to turn Zoom off during the Executive Session and felt people may have been frustrated resulting in less people commenting because Zoom had been turned off.

Mayor Williams read the Draft Resolution of Intention and changes throughout resolution for Council's approval. Councilor Smith recommended the additional statement to number 6, page 2 "while observing established building height limits" be removed because it sounds contradictory to the rest of the clause, Council was in agreement. Councilor Smith inquired if "Libby Area Community Garden" was the accurate name for the organization on number 6, page 4, after discussion of the name it was decided to make sure the organizations name is correct.

Councilor Smith **MADE A MOTION** to approve Draft Resolution of Intention to adopt the City of Libby 2022 Growth Policy Update with the two changes, and Councilor McNew **SECONDED**.

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

**MOTION PASSED.**

Joel Nelson stated a memo was sent out with photographs of the Welcome to Libby signs and the Planning Board thought that was supposed to be replaced with a different Welcome to Libby sign showing the mountains at the top along with a few other pictures to be used.

Councilor Smith **MADE A MOTION** to replace the Welcome to Libby sign photo with the one showing the mountains and add the other photos, and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

**Approve the Memorandum of Agreement between City of Libby and Lincoln County Sheriff's Office regarding law enforcement services:**

Mayor Williams explained what the Memorandum of Agreement is need for. Councilor Smith inquired about the incorrect date used on the Memorandum, Administrator Sikes explained, after working with Brent Folkner and County Attorneys, Libby has been running in lieu of an actual agreement so the date had to be effective the date prior to the day the officers actually resigned for accountability for the County but the date the signatures are signed would be the current date it is signed.

Mayor Williams noted the agreement states it would terminate June 30<sup>th</sup>, 2023 and would like to have it stated with agreement of both parties it could end prior to that date. Attorney Chisholm agreed a line could be added "OR the agreement may be terminated sooner upon the written mutual agreement between the parties" and wanted to note the Sheriff's Office is required to provide law enforcement services for the entire county. Explaining cities and towns are required to have a police chief but not required to have any other employees and the counties are required to provide law enforcement services and to enforce state law inside the entire county. Advising whether there is an agreement the County is required but Council would probably like to see what is beneficial to both parties that would provided protection and security to citizens and do it officially to a cooperative process. Councilor Smith inquired what that would me in terms of compensation. Mayor Williams explained the officers that have filled those shifts to date are under the understanding they would be compensated for that and need to honor that decision, for the County to bill the city and the

City to pay them there has to be a written agreement. Council discussed the wording for clause 17 to state the agreement can be extended or terminate with the agreement of both parties. Attorney Chisholm's suggested wording "either party may terminate this agreement by providing the other 30 days written notice" and amount of payment is not specified. Council discussed proper coverage and would like to see what coverage would possibly cost.

Council agreed to **POSTPONE** agreement.

DC Orr, 1117 Nevada Ave, stated legal council had explained only a police chief was required, suggesting Council could disband the police force and just have a police chief and no memorandum would be needed and the County would be responsible.

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

Mayor Williams stated an email was received from Ziply stating they could only accommodate City Hall and not interested in extend fiber to the other locations. Chris Selle, with Montana Sky, explained all numbers would be switched over except 4 that are emergency call-out numbers.

Councilor McNew **MADE A MOTION** to approve Montana Sky proposal to update City phone system and internet, and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

#### **Approve Mayor to enter into Master Service Agreement with WWC Engineering:**

Administrator Sikes stated the City could not afford a fulltime planner so the best decision would be to contract it out and after several interviews a decision was made to go with WWC Engineering and explained the Master Service Agreement.

Jeremy Feness with WWC Engineering introduced himself and explained his background.

Councilor Smith **MADE A MOTION** to approve Mayor to enter into Master Service Agreement with WWC Engineering, and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

**Approve WWC work order #1 to update the Subdivision Regulations:**

Jeremy Feness explained the changes in the subdivision regulations and phase development.

Councilor Smith **MADE A MOTION** to approve WWC work order #1 to update the Subdivision Regulations, and Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

**Approve WWC work order #2 for On-Call Planning Services:**

Councilor Smith **MADE A MOTION** to approve WWC work order #2 for On-Call Planning Services, and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

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

Black Board Bistro, Cabinet View Country Club, Libby Quik Stop, Mint Bar.

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

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

**MOTION PASSED.**

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

Mint Bar.

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

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

**MOTION PASSED.**



**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, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

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

Cash on Hand Coin Rings & Things, Grace Property Management, Grace Electronics, Heike's Cleaning Service, and Millard Construction.

Councilor Smith wanted it noted Cash on Hand Coin Rings & Things was an internet-based business.

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

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

**MOTION PASSED.**

**Unfinished Business:**

**IP Settlement:** Mayor Williams stated is being planned for sometime in February.

**LORA South Flower Creek/Old Snowshoe Recreation Development Plan:** Mayor Williams stated the resolution has not been prepared but will reflect the changes as discussed.

**General Comments from the Council:**

**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 8:27 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold

**RESOLUTION NO. 2012**  
**A Libby City Council Resolution Adopting the**  
**Libby 2022 Growth Policy dated December 2022,**  
**a growth policy that replaces the**  
**2010 City of Libby Growth Policy**

**WHEREAS**, the City of Libby adopted the 2010 City of Libby Growth Policy (2010 Growth Policy) on November 1, 2010 as a revision to the 1972 Comprehensive Plan; and

**WHEREAS**, the City of Libby determined in 2020 that it was necessary to update the 2010 Growth Policy and therefore sought and received a planning grant in 2021 from the Montana Community Development Block Grant Program (CDBG), which with additional funding sources such as from the Montana Main Street Program and a City match, resulted in the funding necessary to provide for updates to the 2010 Growth Policy; and

**WHEREAS**, Montana law, Title 76 (Land Resources and Use), Chapter 1 (Planning Boards), Part 6 (Growth Policy) of Montana Code Annotated (MCA) provides for the adoption of City growth policies and requirements for growth policies, with the applicable planning board guiding the development of a growth policy, adopting the growth policy, and recommending the proposed growth policy to the governing body, which is the City of Libby City Council; and

**WHEREAS**, the Libby City Planning Board has worked with a planning firm to develop the City of Libby 2022 Growth Policy to meet the requirements of Montana law and to guide future growth and development within the City of Libby and surrounding planning area; and

**WHEREAS**, the City Council has held noticed public meetings to accept public comment and elicit recommendations and suggestions on the City of Libby 2022 Growth Policy; and

**WHEREAS**, the City Council considered and addressed the public comments received and on December 19, 2022 passed a Resolution of Intention to adopt the City of Libby 2022 Growth Policy with changes to Draft 2, which have been incorporated into the attached City of Libby 2022 Growth Policy dated December 2022; and

**WHEREAS**, the update process has followed the procedural requirements for growth policies as outlined by Montana law; and

**WHEREAS**, the growth policy revision process has followed the revision process guided by the 2010 Growth Policy.

**NOW, THEREFORE, BE IT RESOLVED** by the Libby City Council as follows:

1. That the Libby City Council hereby adopts this final Resolution Adopting the City of Libby 2022 Growth Policy dated December 2022 as updates to the 2010 City of Libby Growth Policy to replace the 2010 Growth Policy.

AND

2. The effective date of the City of Libby 2022 Growth Policy replacing the 2010 Growth Policy shall be thirty (30) days after passage of this Resolution, providing an effective date of February 2, 2023.

Passed and approved on January 3, 2023 by the Libby City Council.

\_\_\_\_\_  
Peggy Williams, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Leann Monigold, Libby City Clerk-Treasurer

\_\_\_\_\_  
Date

**RESOLUTION NO. 2011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA  
RECOGNIZES THE ADVANTAGES OF  
RECREATION AS AN ENHANCEMENT TO THE QUALITY OF LIFE OF LOCAL  
RESIDENTS**

**WHEREAS**, the City of Libby recognizes the economic advantages of recreation to the economy of local business; and

**WHEREAS**, the City of Libby recognizes the city property located in the South Flower drainage provides the pivotal location for the centralization of recreational development for non-motorized activities such as hiking, mountain biking, cross country skiing; and

**WHEREAS**, the City of Libby is in favor of community use of the property for recreational purposes with some caveats;

The City's first responsibility is protection of its municipal water source and has voted against the creation of a parking lot on the spoils pile location, therefore any building or projects on city property will need approval by the Council and the City will not transfer ownership of property to any other entity.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Libby to approve South Flower Creek/Old Snowshoe Recreation Development Plan in concept only.

**PASSED AND ADOPTED** by the City Council of the City of Libby, Montana, on this 3rd day of January, 2023.

By: \_\_\_\_\_  
Peggy Williams, Mayor

Attest: \_\_\_\_\_  
Leann Monigold, Clerk/Treasurer