

## **APPROVED MINUTES**

The City Council held Council Meeting #1627 on Monday, April 17, 2023, 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 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 City Council meeting #1627 minutes dated April 3, 2023:**

Councilor Zimmerman **MADE A MOTION** to approve **City Council meeting #1627 minutes dated April 3, 2023** and Councilor Beach **SECONDED**.

DC Orr, 1117 Nevada Ave., commented knowing minutes do not have to be word for word but had mentioned the definition of employment as a personal interest in ethical interest and had said was being given bad advice from your attorney and start doing your own research.

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

### **MOTION PASSED.**

### **Announcements:**

Mayor Williams announced Arbor Day activities will be at 4pm on April 28<sup>th</sup> and plan on planting 3 trees in Fireman's Park with a ceremony, apples to hand out, and story books for the kids.

Municipal election filing will open on Thursday, April 20<sup>th</sup>, three seats are up for election. The County does not currently have an elections administrator so the filing will take place at the Clerk and Records office for anyone that is interested.

### **Committee Reports:**

**Administrator:** Administrator Sikes reported in March 2 building permits were sold for residential, 1 new roof and 1 roof repair. Residential total for the year; 21 roof, 1 garage, 2 houses sided, 1 new fence 5 new buildings, and 2 remodels totaling \$19,000, commercial total is \$6,000. Several new 4-plexes are being designed and working with the contractors now. As a reminder to be able to issue building permits that money will no longer be in the general fund, it will have to have its own fund and any money raised from building permits can only be used to support the building program.

**Fire:** Councilor Zimmerman reported 8 calls were received in March, 6 City, 2 Rural Fire District. 1 call structure, 1 chimney, 1 grass/wildland, 2 false alarms, 1 fuel spill/ HAZMAT, and 2 miscellaneous for grease fire/smoke and gas smell, 20 calls total for 2023.

**Police:** Mayor Williams announced the Police Chief position was open for applications and is now closed. Applicant Cody Ercanbrack was interviewed and will be recommending him for approval at a special meeting Thursday, April 20<sup>th</sup> at 7pm.

**Ordinance:** Councilor Smith announced the committee had met and presented some changes that will be recommended later on this agenda and one recommendation was overlooked about adding changes to the definition of a Yard Sale and will be added to a future recommendation.

**Water/Sewer:** Councilor Zimmerman announced a meeting will be held on April 20<sup>th</sup> at noon to go over rules and regulations for the City of Libby water system.

**Zoning/Planning:** Councilor Smith announced the Zoning Commission is scheduled to meet April 24<sup>th</sup>.

**Cemetery/Parks:** Councilor McNew announced a meeting was held last week and one item discussed is on this agenda and spoke about the light on the flagpole in the Cemetery.

**Wildlife Committee:** Councilor Taylor announced a meeting was held April 6<sup>th</sup> to discuss what could and could not do about the turkeys; relocation was not an option because of disease. In a future committee meeting will start to put a city plan together to submit to the Fish and Game Commission. There is a City ordinance that prohibits feeding deer or turkeys and recommended that ordinance be added to the water bill to remind residents.

**Park District Manager of Projects:** Tony Petrusha, 559 Florence Rd. reported continued work on implementing the Snowshoe and Flower Creek Trails and working with USFS, DNRC, and Lincoln County. Working with Lincoln County Port Authority, Libby Park District to develop a recreation ownership model like facilities at the Port, trails by J. Neil's Park, and others to be transferred to the Park District for operations and maintenance.

The Kootenai Wellness Aquatic Center project is officially closed and has been archived due to costs and maintenance upkeep.

A new aquatic feature is being designed and will be a natural swimming feature, adjacent to the fishpond, with flow through water from Libby Creek located in the Port Authority area and managed by Libby Park District. It will be approximately 100 ft X 150 ft X 5 ft deep and currently working with County Commissioners, Park District Board and Engineering firm to finalize funding, permitting, and construction.

The agreement between City of Libby, Lincoln County, Libby Park District, and the consultant expired in January of 2023 and currently has adequate funding from prior appropriations to support two more years at the past rate of expenditure and is requesting for two more years renewal of the contract with the City of Libby.

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

Eric Hartley, 328 Rawlings Rd., speaking to the school board about housing and trying to get new teachers into the community and wanted to let council know as new teachers are being scheduled for interviews and then looking for housing and canceling the interviews because they can't find affordable housing so there is a great need to be able to hire higher quality teachers.

Dan Torgison said he had asked Mike Fraser what the water line was going to cost the city up in Cabinet View and was told it was all grants. Mr. Torgison inquired why \$400,000 is being spent on it and wanted to know if that was a good investment and why older systems were not being updated.

Attorney Chisholm wanted to remind him this is not a question-and-answer period this is a comment period in the meeting.

Mayor William told Mr. Torgison he could come in and talk out of the meeting.

DC Orr, 1117 Nevada Ave, commented on the Montana Constitution's, Right to Know and Right to Participate articles being violated and gave examples what he thinks is against the Montana Constitution.

**New Business:**

**Approve Memorandum of Understanding with Lincoln County Sheriff's Office:**

Mayor Williams explained this would supersede the original Memorandum of Understanding and have reached a point they can no longer provide people as summer comes in people what to take vacations. As we rebuild our police department this agreement would allow them to be able to provide some services.

DC Orr, 1117 Nevada Ave., inquired how much has been paid to the Sheriff's office and wanted to know why no amounts are being stated in the agreement and what it is going to continue to cost us.

Attorney Chisholm reminded him that this is not a time to question it is a time to comment and reminded him he has been told in the past if a request for information is directed to the administration during normal business hours.

Councilor Zimmerman **MADE A MOTION** to Memeorandum of Understaning with Lincoln County Sheriff's Office and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

**Ordinance #2004, Second Reading, Amending section 14.24.010 2021 International Fire Code.**

Mayor Williams read Ordinance #2004 aloud for the second reading.

Councilor Zimmerman **MADE A MOTION** to approve Ordinance #2004, Second Reading and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

**Approve \$5000 from Commuinity Development Fund to remove power pole from Mineral Avenue pocket park:**

Councilor Mcnew explained there are plans to make a mural on the wall to the back of the park and the funds would be used to pay Flathead Electric and Masters Touch to remove the power to the top of the building opening up the view of the park.

Councilor Smith **MADE A MOTION** to approve \$5000 from Commuinity Development Fund to remove power pole from Mineral Avenue pocket park and Councilor Berke **SECONDED**.

DC Orr, 1117 Nevada Ave, wanted to know if there were bids or estimates and what may happen with any excess money.

Councilor McNew stated there has been a firm bid from Masters Touch for \$4650 and \$350 for Flathead Electric.

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

**MOTION PASSED.**

**Fish Wildlife & Parks update on CWD trapping:**

Tonya Chilton-Radant, FWP Libby/Troy area wildlife biologist, gave an update on the CWD deer trapping in Libby. 75 deer were captured inside or neer Libby city limit, 19 land owners allowed access to trap on thier property, of those caputured 7 deer tested positive for CWD and were taken to the Libby landfill, 68 deer tested negative and were donated to Libby Christian Church food pantry.

Estimated totals of deer testing positive for CWD in previous: 2019 - 14%, 2020 - 10%, 2021 - 8%, and in 2022 – 9%. After speaking with the wildlife health lab colleagues and were told until this year this area was the only area in Montana that was having impact on retusing prevalence to this extent.

**Review Independent Contractor Agreement for Lincoln County Park District Manager through January 31, 2025:**

Tony Petrusa explained it is the same contract just updating the expiration.

Councilor Taylor inquired why the County has not been participating. Mr. Petrusa explained they are but had missed their second payment.

Mr. Petrusa stated about \$6000 a year is what is being spent and a balance of \$18,000 and could get about 2 years of so out of the funds that are already committed to this project.

Councilor Smith inquired about seeing the grants that have been pursued for the projects on behalf of the City's investment of having a Park District Manager.

DC Orr, 1117 Nevada Ave., complimented Mr. Petrusa on his report and discussed the money that had been put towards this program by the City and County with concerns of the County's portion not being paid.

**Ordinance update:**

Councilor Smith explained this recommendation was being made to help clarify the language of the visibility triangle and make it easily interpreted after conflicting language was identified by the City Administrator and has caused some problems for the City. Councilor Smith explained the changes.

Councilor discussed the changes and recommended word change.

Gail Berger, 302 California Ave, inquired why only a 4 foot solid fence could be build because it wouldn't keep out anything and recommended looking into changing the height.

Krista Lacrown, 358 Cabinet View, wanted to know if the 4 ft. fence was just for the downtown area and intersections because she has an existing 6 ft. fence and wanted to know if she was going to be made to take it down.

Councilor McNew explained this would only be for the front of the house not the side or back yard.

Councilor Smith explained when government makes a change it is not retroactive. This recommendation is to help clarify the language of a front yard solid fence.

Mike Myers, 41 Midland Rd., wanted to know why there was a fence in the middle of the sidewalk downtown if this states a shrub cannot extend over a sidewalk.

DC Orr, 1117 Nevada Ave. commented on the power the Zoning Committee.

John Bebee, 704 9<sup>th</sup> Ave., commented on the rights to have privacy and be secure on our property and personal items and does not agree with a 4 ft fence.

Councilor Smith explained what a draft document ment.

**Review FY23 Budget, end of 3<sup>rd</sup> Quarter:**

Clerk-Treasurer Monigold explained everything is on track for the year and the large revenue from property taxes would come in about mid June and that will keep the revenue on track and other miscellaneous revenue has come in that was unexpected. On expenditures everything is on track and should be about 75%. Ms. Monigold went over few of the lines that had exceded the 75% with explanation and highlighted even with the extra expenses involving the police department issues their budget is right on track.

**Approve all claims received to date:**

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

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

**MOTION PASSED.**

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

Big Sky Sprinkler, LAC Arms and Cerakote LLC, Lynx Enterprises, Inc., Rooted Gypsy Blooms, Wolfs Wardwood Flooring.

Councilor Zimmerman obstaned from voting on the LAC Arms and Cerakote because that is a family member.

Council Smith questioned the LAC Arms and Cerakote license because there were no notes on the application and being in the Business/Residential District a business has to request permission to place a business there and unclear if this is by mail or if people will be coming to the address and asked to remove it at this time until more information is available.

Councilor Taylor **MADE A MOTION** to approve all business license applications received to date except LAC Arms and Cerakote until there is more clarification and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

**Unfinished Business:**

**General Comments from the Council:**

Councilor McNew said on of the discussion in the Parks meeting was to discuss a name for the pocket park and perhaps start thinking how to name that. The CARD Clinic would like to take over the maintenance and take care of the asbestos pavilion.

Mayor Williams explained the history of that pavilion.

Councilor McNew informed everyone it is difficult to not answer questions while at a council meeting and to feel free to reach out outside of the meeting to answer any questions.

**Adjournment:**

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

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 8:10 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold