

APPROVED MINUTES

The City Council held Council Meeting #1632 on Monday, July 5, 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 Jeff O'Connell, 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 Public Hearing – Board of Adjustment minutes dated June 5, 2023 and City Council meeting #1630 minutes dated June 5, 2023:

Councilor Zimmerman **MADE A MOTION** to approve Public Hearing – Board of Adjustment minutes dated June 5, 2023 and City Council meeting #1630 minutes dated June 5, 2023 and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Announcements:

None.

Committee Reports:

Administrator: Administrator Sikes reported for the Sewer Department, auxiliary bar screen is almost complete, just waiting on the last computer controller and applications are still being accepted for the open position and can be submitted at Job Service.

For the Water Department, everything is running smoothly and still waiting for the Preliminary Engineering Report to be completed.

We are hoping to have the Cabinet View Golf Course water main replacement back from DEQ in the next 45 – 60 days. The bidding process will begin soon so we can be ready to begin once the plans are returned from the DEQ. The biggest problem will be that contractors schedule work months and years out, so they may not be able to start the project immediately once approved.

The first Lead Service Line inventory letters were mailed out on June 29th. The second letter, including the questionnaire and return envelope will be mailed out in the next few days. Hoping to have maximum voluntary participation to complete the report due next year. The best advice to customers in filling out the questionnaire would be to look at your plumbing where it enters the house and under the sinks. If it is plastic call it such, if not, slap a magnet on it because most plumbing in Libby will be steel and the magnet will stick.

Street Supervisor: Justin Williams reported the crews have been busy patching potholes, jetting lines, cutting back branches and bushes to keep visibility clear, sweeping, and cleaning out storm drains. Flowers pots purchased by the city were delivered to Libby Hotel for disbursement. Playground at Fireman's Park has been completed and leftover chips spread in the other two play areas and sod laid in areas disturbed by equipment. Work has been finished at the water shop on Cedar Street, should be no more issues with erosion around the building. Still having issues with the bathrooms at Fireman's Park and Pavilion, people are doing naughty stuff and leaving it for others to deal with. Fire hydrant on Spruce Street is back up and in service after waiting on backordered parts. Street lights on Commerce Way are being put up and will be completed soon. Have been getting prices to change the lights over to LED at the Fred Brown Pavilion and City Ballpark. Painting for handicap parking spots will begin soon. Spoke with the County Landfill about dumping waste on a regular basis and have been able to take two loads of a day to get the dry bed areas cleaned up.

Fire: Councilor Zimmerman reported LVFD responded to 6 calls for the month of June, 3 calls in City and 3 Calls in Rural Fire District. 1 vehicle, 2 mutual aid ambulance, 1 false alarm, and 2 miscellaneous. The week of July 10th annual fire hydrant flushing, inspection, and 5-year flow test will begin. Deficiencies or maintenance issues will be passed to the Streets Supervisor.

Police: Chief Ercanbrack reported for June 209 calls received, down from last year's 221 calls. Many items have been completed in the office at the Police Station and around the community.

Chief Ercanbrack swore in new Police Officer Caleb Thomas.

Streets/Lights/Sidewalks: Councilor Beach announced there will be a few items on this agenda from the committee.

Zoning: Councilor Smith announced the commission met on the 26th of June discussing the signed law from the Governor requiring municipalities to adopt Accessory Dwelling Unit (ADU) ordinances. The Zoning Commission is working on those ordinances to present to Council for consideration.

Cemetery/Parks: Councilor McNew announced the contractor is waiting on parts to move the power pole in the pocket park and should be completed in a couple of weeks.

Finance: Clerk/Treasurer Monigold reported fiscal year 22 audit has been completed with 2 findings: 1. Misclassified capital outlay, those are the City's assets, a paving project and the new playground equipment were entered under the wrong object code and was corrected by the auditor. 2. Revenue bond requirements in the Sewer fund, Administrator Sikes has updated the paperwork with Rural Development to show our we have met our reserves, but that paperwork was not available until after the audit had been completed so the auditor had to go by what the old paperwork had required. The new contracts will be available for the audits going forward.

Public Comment on Non-Agenda Items:

Mayor Williams acknowledged the Pride Festival is a very sensitive conversation and many people are passionate about it, but the City Council cannot discriminate against renting the Fred Brown Pavilion to that event and we cannot preemptively enforce laws, until a law has been broken, we cannot issue citations, cancel events, or take any action along those means. Butte has experienced a lawsuit due to canceling an event at their library based on information they had about the event.

David Humphrey, 187 Cedar Meadow, had concerns about the drag show that will be held at the Pride Festival. Spoke about HB359 and asked if council had concerns about the event, and if Chief Ercanbrack will monitor to see if there are any violations of HB359.

Mayor Williams stated there have been conversations with the Sheriff and Under-Sheriff and there will be a conversation with law enforcement and the event organizers on Friday before the event.

DC Orr, 1117 Nevada Ave., agreeing with the Mayor about the Pride Festival and Council has rules for how the park is used and suggested, no nudity and no children sitting on stranger's laps be added to the list of rules. Mr. Orr announced he is running for Council and voiced his opinion about questions not being answered at a City Council meeting.

Old Business: None.

New Business:

Approve Libby Area Business Association's request for Crazy Days road closure, Mineral Ave. from Libby Gym to other side of Pastime 10 am – 4:30 pm, Saturday August 26th:

Gail Burger, 302 California Ave., requested the street closure, described the changes to the closure, and asked to use the City's barriers for Saturday, August 26th from 10 am – 4:30 pm.

Councilor Smith **MADE A MOTION** to approve road closure for Crazy Days, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve bid for propane:

Councilor Smith **MADE A MOTION** to approve bid for propane, Councilor Zimmerman **SECONDED**.

Mayor Williams read the bid.

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

MOTION PASSED.

Approve bid for fuel:

Councilor Beach **MADE A MOTION** to approve bid for fuel, Councilor Zimmerman **SECONDED**.

Mayor Williams read the bid.

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

MOTION PASSED.

Approve bid for crushed aggregates:

Councilor Zimmerman **MADE A MOTION** to approve bid for crushed aggregates and Councilor Beach **SECONDED**.

Mayor Williams read the bid.

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

MOTION PASSED.

Approve 2% COLA and 1% step increase for department heads to match union employees:

Councilor Zimmerman **MADE A MOTION** to approve 2% COLA and 1% step increase for department heads to match union employees, Councilor Beach **SECONDED**.

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

MOTION PASSED.

Approve Street Committee recommendations of handicap parking spaces:

Councilor Beach explained there have been requests about handicap parking. Twisted Turtle asked that the one alongside their business be removed because there is not very much parking in that block for employees and storefront owners.

Dome Theater has requested a handicap parking spot on 6th St., they have the correct curbing so it would just have to be painted. West 5th St. and California, the insurance company in the old credit union building has requested 2 handicap parking spots. American Legion has requested 2 handicap parking spots on West 4th St. and California, after meeting with them, their sidewalk and curb are not adequate and are soliciting bids to have that done at that location prior to painting. West 4th and Mineral, next to Fusions Hair Salon requesting a handicap parking spot and another between the hair salon and Manahan's furniture on 4th and Mineral. A total of 7 handicap parking spots in the downtown area. Streets Committee met and reviewed the requests and recommend moving forward.

Councilor Smith **MADE A MOTION** to approve Street Committee recommendations of handicap parking spaces, Councilor McNew **SECONDED**.

Councilor Zimmerman inquired about the handicap spot located on 4th down from the Legion at Odd Fellows that was being removed. Councilor Beach said he has reached out but no response yet.

Bruce Weatherby, 1006 W. 9th, inquired why there are no additions to handicap parking on Mineral. Councilor Beach explained since there is angled parking on Mineral it would eliminate parking, because to be handicap parking multiple spots would be eliminated to gain one spot. Mr. Weatherby gave an example of the need for van handicap parking and suggested every other block changing the end angle parking to handicap accessible parking large enough for a van. Councilor Zimmerman explained that was discussed when the angled parking was first implemented, any business is welcome to come and ask for handicap parking, using Lin Care as an example, the cost the business is responsible for to create a handicap spot hinders that transition so there have been very few requests.

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

MOTION PASSED.

Approve Street Committee recommendations for placement of 2 stop signs:

Councilor Beach explains the requests for 2 stop signs to be installed. Intersection of Cedar Street and Main Ave near the radio station after review the Streets Committee recommends a 3-way stop. Intersection at Utah Ave. and 8th St. after review the Streets Committee recommends a 4-way stop.

Councilor Smith **MADE A MOTION** to install a 4-way stop at the intersection of 8th and Utah and Cedar and Main, Councilor Berke **SECONDED**.

DC Orr, 1117 Nevada Ave., appreciated the way it was presented and asked if there was anything that could be done to keep people from avoiding the stop light and cutting across Johnie's parking lot because of so many close calls over the years.

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

MOTION PASSED.

Approve Memorandum of Agreement with Lincoln County Sheriff's Office for fiscal year 24:

Councilor Zimmerman **MADE A MOTION** to approve Memorandum of Agreement with Lincoln County Sheriff's Office for fiscal year 24, Councilor Smith **SECONDED**.

Mayor Williams explains this is the exact agreement in place but expired June 30th and this agreement is to extend it into 2024.

Councilor Taylor recommended the agreement be rewritten because it still states the Police Chief position has been vacant for a long period of time and is no longer true. Mayor Williams spoke with Brent Folkner and he didn't see a need to rewrite it just needed new signatures.

Council discussed the agreement.

DC Orr, 1117 Nevada Ave., recommended the document be rewritten to fix the wording issues. Mr. Orr suggested considering to keep the agreement since the Mayor has said the police budget is looking good, may save some money.

John Bebee, 704 E 9th St., agreed it should be rewritten to correct the wording.

Cody Ercanbrack, Libby Police Department, 603 Mineral Ave., agreed the wording should be corrected.

Councilor Zimmerman **WITHDREW THE MOTION**.

Mayor Williams explained a motion needed to be made to reconsider Resolution #2014 and #2015. The motion needs to come from one of the four people who voted the last time regarding the annexation ordinance.

Councilor Smith **MADE A MOTION** to approve to reconsider the annexation, Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Approve Resolution #2014 for annexation:

Councilor Zimmerman **MADE A MOTION** to approve Resolution #2014 for annexation and Councilor Berke **SECONDED**.

Mayor Williams read Resolution #2014.

DC Orr, 1117 Nevada Ave., stated he believes a motion to reconsider has to happen at the next meeting, wanting Council to know because he believes the original motions was longer than last meeting.

Mayor Williams stated the motion was from the meeting on June 19th.

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

MOTION PASSED.

Approve Resolution #2015 for annexation:

Councilor Zimmerman **MADE A MOTION** to approve Resolution #2015 for annexation and Councilor Beach **SECONDED**.

Mayor Williams read Resolution #2015.

Councilor Smith commented, she appreciated the revisions to the annexation and zoning and believe the permitting process will ensure all standards are being met including design and engineering for infrastructure. Having concerns about residential traffic on 2nd St., currently owned by the County, with 68 dwelling units being built. Libby does not have a policy for requiring improvements with projects coming into the city as the city grows. Suggesting methods the city could undertake. 1. Require developer to improve the road adjacent to project site. 2. Require developers, as a condition of annexation, waving the right to protest a future SID.

Councilor Taylor stated the contractors have agreed to make the changes that were requested and supports the annexation.

Councilor Beach commented, 2nd St. has the potential to have a lot of new building sites and suggests spending time to look towards the future, similar (SID) Special Interest District, to come up with a process that will work down the road to cover any issues that may arise.

Levi Thompson inquired if the process would be considered more like an impact fee where the developers have pay a fee and it goes into a special fund to improve areas that need to be improved as a whole instead of patch work as it progresses. He suggested if developers know the rules going in the fund would really help a lot. Councilor Beach stated the city does have impact fees for water and sewer and agrees moving forward the city needs to improve the process and fix it.

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

MOTION PASSED.

Mike Faser RFP – Request for Proposal (Draft):

Mayor Williams explains the Request for proposal, wanted to find out if Council has any changes for the language or if the city should move forward with it.

Council discussed the spoils pile, area involved, any concerns, and interest in moving forward.

Council agrees to have it posted.

Mayor Williams responded she would have it on the next agenda.

Approve all claims received to date:

Councilor Zimmerman **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 license applications received to date:

Allen Automotive & Equipment Repair.

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

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

MOTION PASSED.

General Comments from the Council:

Councilor Smith inquired about the wayfinding sign for out front of City Hall that had been discussed at a previous meeting.

Councilor Smith commented it was a tortured process for annexation and suggested developing and adopting a policy for annexation so going forward it will help make good decisions, help the citizens, and not make messes for future councils to deal with. Giving examples of areas that look unfinished and need to tighten up the approach to help with the direction of growth as it shows in the Growth Policy.

Mayor Williams commented, one of the things that came up over and over, the Growth Policy does not include a land use map, that really needs to be corrected and the City needs to find the funding to make that happen.

Councilor Smith agreed that is something Planning and Zoning could take on with a series of public meetings.

Attorney Chisholm commented, research has been done trying to find some good, recent, and well thought-out annexation procedures from other municipalities across the state and will email those ideas to Council.

Councilor Smith commented wanting developers to pay their way, the city should not be subsidizing development because we can't afford to do that.

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 8:19 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold