

APPROVED MINUTES

The City Council held Council Meeting #1634 on Monday, August 7, 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 Matthew Coblentz, roll call commenced. Present were Mayor Peggy Williams, Councilors Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Administrator Sam Sikes, Clerk-Treasurer Leann Monigold, (via Zoom) Councilor Gary Beach, and City Attorney Dean Chisholm. Councilor Brian Zimmerman was not in attendance.

Mayor Williams welcomed all present.

Approve City Council meeting #1632 minutes dated July 5, 2023 and City Council meeting #1633 minutes dated July 17, 2023:

Councilor McNew **MADE A MOTION** to approve City Council meeting #1632 minutes dated July 5, 2023 and City Council meeting #1633 minutes dated July 17, 2023, Councilor Berke **SECONDED**.

DC Orr, 1117 Nevada Ave., referred to his comments that were written on the July 5th meeting minutes about the Pride Festival and stated there was a third item he asked to be considered in the future for the Pride events but could not recall them and told Clerk/Treasurer Monigold he would email them to her.

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

MOTION PASSED.

Announcements:

Mayor Williams wanted to remind everyone the Blues Festival would be taking place this weekend and the following weekend is the Igniters, and the City and County are in Stage II Fire Restrictions.

Committee Reports:

Administrator: Administrator Sikes reported, the Sewer Department is still waiting on the controller for the Bar Screen to be completed and Deanna Bee has been hired for the lead position at the plant, she is local and will be a great fit. She will begin working on Thursday and takes about 4 to 6 weeks to get comfortable running the tests and after that she will begin working on creating a maintenance schedule.

Water Department is running smoothly and hoping to have a draft Preliminary Engineering Report within the next month. The Lead Service Line Inventory letters are being returned

and would like to thank everyone that has turned it in and thank everyone that hasn't returned them yet for participating because it will really help making it a lot easier.

Ryan Wood has been hired for the Streets Department and is coming to us from the City of Helena and will be doing almost the same job here, so it will be a very short turnover.

Street Supervisor: Justin Williams reported, all the waste has been removed from the WWTP cover storage and has been taken to the dump. Handicap stall painting and signage is in place except for the American Legion, waiting for work startup and completion before establishing those spots. Curb radius painting has been completed on Mineral.

Streets crew has been busy patching, jetting, trimming trees (visibility triangle), and other core work activities. Hydrant flow testing and pressure testing for residual has been completed with the LVFD and gave John Hibbs a chance to update the GIS.

Education Way Project started, 4 water service lines replaced to existing customers from main to property. Forced sewer main from Dollar General is in. Existing main replacement is on hold, bogged down with DEQ. Starting prep for paving at the end of the week and will place crush and pave starting August 14th to be completed by August 18th. Contractor patching has been completed.

Will be receiving some tooling for the jet truck to cut large roots, service lines that have dropped in causing restrictions, and a tool for lowering valve can risers so they are not getting fractured and split.

Have received bid on City ballpark lighting package and waiting for some more pricing from other light vendors.

Cleaned out Sediment basin at lower reservoir, cleaned up the roof and re-sealed it.

Street sweeping will begin downtown at the end of the week to prepare for the car show.

Have been a lot of ordinance violations with property owners blowing, raking, and mowing clipping out into the streets. Downtown business district is being neglected as far as weed control.

Police: Sergeant Buckner reported for July 244 calls received, up from last year's 219 calls. Many of those calls have been disturbances, thefts, auto thefts, and threat calls. At the Police Department the gym has been put together and will be busy with training, the events intown and looking forward to new hires.

Finance: Clerk/Treasurer Monigold reported last week a confirmation was received that our FY22 audit had been accepted by the State and also, received an email with the first needs list from the auditor's office to begin FY23 audit.

The new Mill Levy information came in today so was able to get the calculations together in time for the Preliminary budget being presented later in the meeting.

Wildlife: Councilor Taylor announced there would be a committee meeting later in the month but no date had been set yet.

Public Comment on Non-Agenda Items: None

Old Business: None.

New Business:

Approve Resolution #2009 water rules update:

Administrator Sikes announced the updates were to clarify with the exception of one which was over the frozen meters on rule 12.10 was added, stating 1 frozen meter would be paid for free after that the meter would have to be paid for and requiring meters would have to be insulated and heat taped prior to turning on.

Mayor Williams read the first legal portion of Resolution #2009.

Councilor McNew **MADE A MOTION** to approve Resolution #2009 water rules update, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Resolution #2016, Adopting a Fee Schedule for Floodplain Application Review in accordance with Ordinance 2003 City of Libby Floodplain Hazard Management:

Mayor Williams read Resolution #2016 and explained the County had been doing the flood plain permits and are no long doing them. Since the City does not have anyone trained it will have to be contracted and need to be able to pass those fees on to the applicant.

Councilor Smith **MADE A MOTION** to approve Resolution #2016, Councilor McNew **SECONDED**.

Councilor Smith recommended inserting the word (with) in the third WHEREAS, "contract with the Libby Flood Plain administrator". Inquiring in paragraph four, changing the wording from "contracted engineer" to "contracted administrator".

Mr. Sikes explained the wording came from WWC Engineering who has accepted and been appointed as flood plain administrator. A certified PE engineer must approve part of it since we do not have the regulations.

Councilor Smith explained it would only be if it required engineering, not all flood plains will require engineering and suggested changing the wording to read "contracted administrator".

Mayor Williams read the suggested change.

DC Orr, 1117 Nevada Ave., said years ago the county did have this position and this will give a considerable cost to people developing property. Inquiring if anyone had talked to the county to see how they get away without having this position.

Mayor Williams explained they did not get rid of the position and still have someone on staff, they are refusing to do the City's flood plain so we are responsible.

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

MOTION PASSED.

Approve awarding winning bid for Cabinet Heights water project:

Mayor Williams announced the bids were open at 2pm this afternoon and received some last minute information from AE2S who has been busy verifying the bids. Noble Excavating was the lowest bid with \$1,232,000.00. The engineering firm requests that we approve the bid.

Councilor McNew **MADE A MOTION** to approve awarding winning bid for Cabinet Heights water project, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Update on Request for Proposals/spoils pile:

Mayor Williams announced the bids opening was at noon today but no bids were received on time.

Council decided to let it drop.

DC Orr, 1117 Nevada Ave., recalls he believes the contractor was responsible for the cleanup and it was something Council should of jumped on, years ago.

Letter of Engagement with Alan McCormick/Garlington, Logn & Robinson as land use attorney:

Mayor Williams explains the need for a land use attorney and it will be the City's responsibility to get all of the document in order but it is the intention in the future to pass those fees onto the developer.

Councilor Smith **MADE A MOTION** to approve Letter of Engagement with Alan McCormick/Garlington, Logn & Robinson, Councilor McNew **SECONDED**.

DC Orr, 1117 Nevada Ave., stated it was a poor job of informing the public and inquired if there is still an opportunity to collect impact fees. Mayor Williams explained that would be part of the process for him putting it together for us. Mr. Orr explains the history of impact fees and would like to see Council to continue collecting impact fees.

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

MOTION PASSED.

Approve Animal Control Agreement with Lincoln County:

Mayor Williams explained the cost did not change but asked us to update the agreement with one word change in paragraph 3 to remove “and assistance”.

Councilor Smith **MADE A MOTION** to approve Animal Control Agreement with Lincoln County, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Chisholm & Chisholm PC two-year City Attorney Contract:

Mayor Williams explained he uses an inflation calculator to compute, the increase is \$351 per month, the hourly increase went from \$225 to \$300 and paralegal cost increased from \$120 to \$140. Clarifying the hourly costs are when he has to go to district court or cases outside the regular contract.

Councilor McNew **MADE A MOTION** to approve Chisholm & Chisholm Contract, Councilor Smith **SECONDED**.

DC Orr, 1117 Nevada Ave., believes Dean Chisholm is giving bad advice and gave examples he disagrees with.

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

MOTION PASSED.

Approve A Cut Above Maintenance Contract for 2024:

Mayor Williams explained updates to the contract and increased by \$3500 a year for the maintenance, fuel, and upkeep for his equipment he uses to maintain our lawns.

Councilor Smith **MADE A MOTION** to approve A Cut Above Maintenance Contract for 2024, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Julie Spencer Cleaning Contract for 2024:

Mayor Williams explained the contract increased \$100 per month.

Councilor McNew **MADE A MOTION** to approve Julie Spencer Cleaning Contract for 2024, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve contract with Justice Court for City Judge for 2024:

Mayor Williams explained they requested a 2% increase amounting to \$673.45 increase per year.

Councilor Smith **MADE A MOTION** to approve contract with Justice Court for City Judge for 2024, Councilor McNew **SECONDED**.

DC Orr, 1117 Nevada Ave., reiterated his concerns with the city attorney giving examples and questioning if the judge was involved.

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

MOTION PASSED.

Approve Fraser Management & Consulting, PLLC engineering contract for 2024:

Mayor Williams explained there was a \$10 per hour increase on the new contract.

Councilor Smith **MADE A MOTION** to approve Fraser Management & Consulting, PLLC engineering, Councilor McNew **SECONDED**.

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

MOTION PASSED.

Approve preliminary budget:

Mayor Williams explained we have worked hard to get the budget out earlier than normal with one adjustment that was figured this morning. Waiting for the state to provide the property valuation that is used to determine our Mill Levy and number of mills to go for our property taxes. Clerk/Treasurer Monigold was able to get that information for us this morning. The mill value will go up slightly which means we will have to reduce the number of mills we can levy. Creating a \$27,122.00 increase in property tax revenue. Updated the final budget pages to reflect the change and tucked that amount into the expenses of facilities maintenance.

Councilor Smith **MADE A MOTION** to approve preliminary budget, Councilor McNew **SECONDED**.

Councilor Taylor inquired why the phone utility expenditure went up when the new phone system was supposed to save the city money.

Clerk/Treasurer Monigold explained it was an over sight on the last budget when calculating phone bills, some of the cell phone bills were not taken into consideration and stated she would get those figures together to show the difference.

Councilor Taylor inquired why under law enforcement there was such a large increase in office supplies and materials.

Clerk/Treasurer Monigold explained the Police Station received the grant from LOR for their gym equipment and it needed to be reflected on the expenditure budget.

Mayor Williams announce a Public Hearing would be held for the FY24 budget on August 21st at 6pm and will have a more in-depth conversation of the budget.

John Bebee, 704 E 9th, understands inflation hits everyone and requested considering increasing officer pay.

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

MOTION PASSED.

Introduce Ordinance #2009 Accessory Dwelling Units:

Mayor Williams explains the legislature has taken some of the conversation out of the local governments hands by making it mandatory we allow Accessory Dwelling Units and put restrictions on our ability to manage those and stated some of the restrictions.

Councilor Smith stated a memo was submitted with a draft that the Commission recommends and as the Mayor noted there was very little wiggle room so what is presented is about the extent of what we are allowed to do.

Mayor Williams stated that statute is SB528 required local municipalities to allow Auxiliary Dwelling Units. Councilor Smith corrected it is Accessory Dwelling Units and explained they are smaller than a single family house this ordinance allows for Accessory Dwelling Units either attached or detached from on lots that have a single family dwelling. Allowing on all residential districts but only on lots with a single family dwelling and cannot be bigger than 75% of the gross floor area of the existing home.

Administrator Sikes inquired if with the building inspector would this still work with the percentage of yard that can be taken up. Council Smith explained it still had to conform to all other zoning regulations.

Mayor Williams suggested having the Public Hearing on Tuesday, September 5th.

Councilor Smith **MADE A MOTION** to move forward with the Public Hearing at the first meeting in September, Councilor McNew **SECONDED**.

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

John Bebee, 704 E 9th, commented how affordable housing is needed and the adverse affects of restrictions in our ordinances and suggested being more restrictive in our restrictions.

MOTION PASSED.

Approve all claims received to date:

Councilor McNew MADE A MOTION to approve all claims received to date, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve all business license applications received to date:

BEAR Chimney Sweep LLC, Hunters' Handyman & Cleaning Service LLC, Personal Home Health Care, and Richardson Painting LLC.

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

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

MOTION PASSED.

General Comments from the Council:

Councilor McNew wanted to give kudos to the Streets crew for the painted curbs downtown.

Councilor Smith, following up on Mr. Bebee's comment, it has been identified that we need affordable housing, and it is a slow process to address that in different ways that we can and frustrating when that is taken out of our hands and the community is not involved.

Mayor Williams explained the state got into a lot of local issues dealing with housing in their attempt to create affordable housing and gave examples of other changes.

Adjournment:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:57 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold