

## **APPROVED MINUTES**

The City Council held Council Meeting #1636 on Tuesday, September 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, 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 those present.

### **Approve City Council minutes for meeting #1634 dated August 7, 2023, meeting #1635 dated August 21, 2023 and Public Hearing dated August 21, 2023:**

Councilor Zimmerman **OBSTAINED**, he was not in attendance.

Councilor Beach **MADE A MOTION** to approve City Council meeting #1634 minutes dated August 7, 2023, City Council meeting #1635 minutes dated August 21, 2023, and Public Hearing minutes dated August 21, 2023, Councilor McNew **SECONDED**.

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

### **MOTION PASSED.**

### **Announcements:**

Mayor Williams announced the Chainsaw Carving contest and Quilt show would be held this coming weekend and a Resource Fair going on in the grounds next door to the Memorial Center.

### **Committee Reports:**

**Administrator:** Administrator Sikes reported, due to personnel issues, there have been multiple changes within the Sewer department. New Sewer Lead, Deanna Bee along with himself, with minimal training, were able to keep the plant operational.

The DEQ visited, as requested by the city, on the 28th and 29th of August to assist with the testing and operations of the sewer plant. Since, the following changes have been made.

1. Lab testing has been adjusted to meet current industry standards that includes sampling techniques and sample sizes. Now waiting for new supplies that should be here this week, along with a new autoclave bottle for e-coli testing.
2. The 5 former testing logs have been trimmed down to one Daily Lab Sheet that meets the reporting standards required by the DEQ.

3. The daily lab sheets are now integrated into a spreadsheet that will calculate all the information for the DEQ required Discharge Monitoring Reports due monthly. Currently, 2 months behind but should be caught up within the next 2 weeks.
4. Several major equipment deficiencies have been identified and will be repaired/replaced as soon as possible.
5. The plant was built in 1986 when there were no industry standards for language and acronyms. HKM engineering made up Libby's language that is now outdated. We are now updating to meet the standards.

The auxiliary bar screen is up and running. Over a two-foot solid mat of towels and adult wipes built up in the lift station that was clogging the pumps faster than could be cleared. The Streets crew vacuumed out the mat to help with the issue. With the addition of the new bar screen running, this should no longer be an issue.

The pumps at the 1<sup>st</sup> St. and Montana lift station have been completely rebuilt by the City Mechanic.

The DEQ recommends that the city adopt an Ordinance that requires residents/businesses that flush towels or adult wipes, that harms the city infrastructure, to install grinder pumps.

A new Standard Operating Procedures (SOP) has been built that will help with ensuring that the plant continues to run efficiently and effectively.

Even with the personnel issue Libby has not missed any of the required testing to keep our discharge permit. This was only possible with help from the DEQ, Mayor, City Hall Staff, and tons of help from the Streets crew. Mr. Sikes wanted to acknowledge all the effort from so many that means so much to him, the city, and to the environment that could have been contaminated without all the effort. The DEQ will be returning in two months to check on our progress. The city did hire a new person for the sewer plant, Fred Applebee, starting Sept. 11th with hopes of filling the last opening within the next few weeks.

For the Water department, the contract is being finalized, and construction of the Cabinet View Golf Course (CVGC) water main replacement should begin within the next few weeks.

Lead Service Line inventory letters are still coming in and are being filed. Thanks were expressed to everyone that has returned the questionnaire. There have been numerous calls from residents that are unable to complete the questionnaire due to multiple reasons. They are asked to seek a friend for help filling it out, please give them a hand.

Councilor Smith stated it is disappointing that people do not know what they are not supposed to dispose of down the drains. Recommending producing a document to clarify what should not be put down the drain or a PSA (Public Service Announcement) may be needed.

Councilor McNew commented, it is confusing because wipes say they are flushable.

**Streets Supervisor:** Justin Williams reported the city crew along with the County have completed paving Education Way.

The city crew have been sweeping streets, jetting mains, and patching potholes.

Lights have been replaced at Fred Brown Pavilion with LED's and the lights for the ballfield are in and will be replaced soon.

Crews are preparing for winter; irrigation lines will be blown out around the city and equipment cycled through the shop to prepare for snowfall. The city will be transitioning from Cal Chloride to Salt brine, to spread on the streets this winter, saving nearly half the cost that has been spent on Chloride.

Councilor Berke complimented the way Education Way turned out. Councilor Smith gave kudos to the city staff.

**Fire:** Councilor Zimmerman for the month of July, 17 calls were received, 4 City, 9 Rural Fire District, and 4 outside of City or RFD. 2 vehicles, 1 structure, 7 grass/wildland, 2 mutual aid, 2 false alarms, 2 powerlines, and 1 fuel spill/HAZMAT. For the month of August, 14 calls were received, 1 City, 8 Rural Fire District, and 5 outside City or RFD. Totaling 76 calls for 2023.

**Police:** Chief Ercanbrack reported for month of August, 188 calls were received down from 222 calls in 2022. Officer Thomas started the Police Academy and everything that has been reported from his field training officers he is doing a phenomenal job.

**Zoning:** Councilor Smith announced the Zoning Commission met August 28<sup>th</sup> with the intent to have a final recommendation about residential district changes, but a quorum was not present and will come forward with a memo on the next path forward.

**Finance:** Clerk/Treasurer Monigold reported the FY24 budget has been compiled and is ready to be sent to the State. The 1<sup>st</sup> needs list for the auditor to begin the FY23 audit has began being uploaded into the cloud.

At the Budget hearing there was a question about the phone budget increase. Due to an oversight for the FY23 budget some of the cell phones were not budgeted that ran \$450 a month. The actual cost for all phone bills was \$31,000 budgeted was \$26,000 a difference of \$5,500 costing \$2625 a month. For FY24 all phones along with cell phones have been budgeted at \$24,000 with a monthly payment of \$2,000.

**Wildlife:** Councilor Taylor reported a committee meeting was held last week to go over the Turkey Management draft. The committee made a few minor changes to the wording, the proposed plan has been forwarded to Fish & Game for their review for any changes they would like to see before it is sent to Council.

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

Blaine Curtis inquired what was going on with the city. Has concerns about the personnel issues with the Police Department and Wastewater Treatment Plant wondering if it could affect other departments. Inquiring if there have been fines or if anything has been going into the river.

**Old Business:** None.

**New Business:**

**Public Hearing – Accessory Dwelling Unit:**

Mayor Williams **OPENED** the Public Hearing at 7:20pm and read the background of the Governors Housing Task Force, explaining that one of their land use recommendations passed by the 2023 legislature as a new MCA was SB 528 providing for Accessory Dwelling Units to be constructed in municipal residential zones. SB528 determines municipalities have very few restrictions that can be placed on ADUs. Mayor Williams explained the process that was taken to present the ADUs to the Council.

**Public Comment:** Jennifer Nelson, 1026 Washington Ave, a member of the Planning Board, recommended some additions to the Ordinance. Section 2, subsection F, stating it prohibits the city from requiring improvement of public streets but does allow the reconstruction with ADUs, recommending that be stated in the Ordinance. The other recommendation was to add all ADUs are subject to city permitting requirements.

**Council Comment:**

The council discussed the current policies in place that would require permits and the reconstruction of any streets disturbed during construction.

Councilor Smith agreed to add a provision stating all ADUs are subject to all city building codes and permitting requirements.

The council agreed to the provision.

Council Beach inquired about the water/sewer hookups, questioning if ADUs will be hooking into the main structure water/sewer or require a separate hookup.

The council discussed water/sewer rules and possible hookup issues and by adding the provision, all city permitting is required, it would cover the any issues within the Ordinance and Water Rules could be updated for any new requirements of hookups.

Mayor Williams **CLOSED** the Public Hearing at 7:31pm.

The regular meeting resumed at 7:31pm.

**Approve Resolution #2009, Accessory Dwelling Unit:**

Mayor Williams read the introduction of Resolution #2009.

Councilor Smith **MADE A MOTION** to approve Resolution #2009, Accessory Dwelling Unit, recommending adding provision (F.) All ADUs are subject to all city permitting, Councilor Beach **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, Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

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

Peachie Clean.

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

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

**MOTION PASSED.**

**General Comments from the Council:**

Mayor Williams commented on having several conversations with someone having an issue with cats spraying their property. The mayor wanted to inform the Council that the person may attend a meeting to request an ordinance regarding cats staying on their own property. She stated that issue was heavily discussed when the animal chapter of the city codes were being created and people seem to have a different attitude about cats and dogs.

The flag in the Cemetery situation, after having a conversation with Rob Dufficy, he was given the go-ahead to put a spotlight, that was donated, on the power pole across the street shining onto the flagpole.

The Subcommittee has been invited by EPA and IP to do a walk-through of the IP ground water site next week and is waiting to hear from EPA how many people can be invited to extend an invitation to all Council members.

Councilor Smith commented on how it is understandable people might get frustrated with some of the personnel issues but there is usually more to the story than what you hear and confident that thing will be a lot better for the city.

Council Taylor announced Libby has been named the “New Best Small Town in Montana” by Discoverer magazine.

**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 7:39 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold