

APPROVED MINUTES

The City Council held Council Meeting #1647 on Monday, February 20, 2024, 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, and roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Ian Smith, 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.

Announcements: None

Committee Reports:

Fire: Councilor Zimmerman reported the 2023 Annual Fire Report. LVFD had a total of 103 calls submitted, average dispatched time was 5 minutes 48 seconds, average response time was 12 minutes 15 seconds, and average time on scene was 43 minutes 21 seconds, and average personnel responding was 15.5 members. 2423 hours total training for all members were, 644.16 hours spent to clear scenes, 3553 hours total for incident and training at \$30 per hour was \$106,590 donated to the City of Libby.

Ordinance: Councilor K. Smith announced the Ordinance Committee meets at noon on February 21st to continue discussions on title 14, auto trailers.

Water/Sewer: Councilor Zimmerman reported the committee met to discuss the Just and Reasonable based on Montana Rural water regulations for base rates. Sam will be meeting with the State what was reviewed, then over the next couple of months will mail out notices, run public notices in the newspaper to set a Public Hearing and Resolution to have it resolved before the new fiscal year.

Zoning: Councilor Smith reported the Planning board and Zoning Commission both met on January 26th. The planning board reviewed changes to the Land Use Map and updates to the Subdivision Regulations, those will come forward for a Public Hearing for the Planning Board and City council. The Zoning Commission wrapped work on Residential Districts and will begin reviewing Business Residential District.

City-County Board of Health: Mayor Williams announced the next board meeting would be March 12.

Park District Manager of Parks: Mayor Willaims announced she received an email from Tony Petrusha, he is continuing to work on trying to get the grant paperwork in place to continue the Balsam Street sidewalk.

Public Comment on Non-Agenda Items:

DC Orr, 1117 Nevada Ave., commented on the IP Settlement and had concerns about a possible lack of water this year.

Old Business:

Mr. Zimmerman stated after speaking with the other Council members, everyone agrees to postpone Libby Lofts and the Historic Hotels requests until the policy gets resolved.

New Business:

Approve Jennifer Nelson to Planning Board/Zoning Board term ending 1-26:

Mayor Williams stated the County appointed Ms. Nelson as a representative to the Planning Board and the minutes have been provided showing they did approve her reappointment.

Councilor Smith **MADE A MOTION** to reappoint Jennifer Nelson to the Planning Board, Councilor Beach **SECONDED**.

Councilor Smith commented she is invaluable to the board.

Mayor Williams explained three people have been long term members and have provided great stability.

DC Orr, 1117 Nevada Ave., commented the Zoning Board has long-term members focusing on their own interests and not considering the needs of the people they serve and seem to have no new ideas coming out.

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

MOTION PASSED.

Approve Roberta McCause to Planning Board/Zoning Board term ending 3-26:

Councilor Smith **MADE A MOTION** to reappoint Roberta McCause to Planning Board, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Christian Montgomery to Planning Board/Zoning Board term ending 1-25:

Mayor Williams explained Christian was on the Planning Board a couple of years ago and has applied to fill the vacancy for a member from inside the city limits filling the position that was held by Christin Anderson.

Christian Montgomery, 209 W 2nd St., had previously stepped down due to health issues, those have been worked through and he enjoyed his time on the boards. He felt like he spoke to people in the community and could bring something to the table with thoughts and ideas members of the community shared with him to better suit the people in need of guidelines.

Councilor Smith **MADE A MOTION** to appoint Christian Montgomery to Planning Board, Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Mayor Williams explained there was still one vacancy for a member from within the planning area boundary that resides outside the city, the position has been advertised and no applications have been received yet for that position.

Approve Ordinance #2010, an ordinance to amend Title 10, Chapter 52, Section 35-General Parking Regulations-Second Reading:

Mayor Williams read the second reading of Ordinance #2010.

Councilor Zimmerman **MADE A MOTION** to approve Ordinance #2010, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Neely Electric, Inc. Bid for WWTP I&C Improvements project:

Mayor Williams announced Mike Fraser has asked to postpone the approval until March 4th to have time to get the signature of the state agent who had been out of the office.

Approve all claims received to date:

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

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

MOTION PASSED.

Unfinished Business:

Update to Libby Development Fund Policy and application process:

Mayor Williams explained the handout presented with highlights were comments from Attorney Dean Chisholm that he talked about at the Special Council meeting February 13th and would be a good place to start the discussion. Dean noted there were some long-term issues that needed to be decided. First, what do we want the fund to do? Do we want it to

fund public private projects? Only nonprofit organizations? What is it, we want it to do? The policy gives the City Council unrivaled latitude, but the policy doesn't have strict guidelines that must be adhered to any given situation. Finding out over the last few weeks that latitude is somewhat problematic, in that it is subjective, and if we were to get sued, we would not have any way to defend ourselves. The criteria listed aren't very instructive as to what can and can't be approved, being they are very simple guidelines. Mr. Chisholm commented on the front page of the reference related to city projects with the question, does that mean city projects undertaken only by the city or within the city, or how was that intended?

Councilor K. Smith stated it should be projects within the city limits, within city jurisdiction, not city public projects or city-initiated projects.

The council agreed.

The council discussed the proper wording and phrasing for the bullet points on how the fund could be used within the City and discussed different views on the meaning of infrastructure, whether it is strictly the MCA definition or can it be elaborated on.

Mr. Chisholm said there are different meanings to the word infrastructure it would be best to decide what they wanted the money to be used for and not worry about the word infrastructure. Starting by focusing and resolving the big questions it is then easy to go back and fix the language of the policy to meet what you want. Reminding the Council, the policy is freely amendable in the future. So, as the needs of the city change the policy can be amended at any time to focus on a different part of Libby's needs for the present or future.

Mayor Williams stated one of the big questions was, what do we want the fund to do? Do we want it to fund public private projects? Only nonprofit organizations, only our own projects?

The council discussed what they perceive to be community development projects and activities by giving examples.

Councilor K. Smith suggested first looking at how they want the application and how they want applications coming to the Council. To request information from people who are going to be asking for money. What is your business plan? Do you have plans? Do you have resources that can vouch for you? Having a vetting process would be very important.

Councilor Zimmerman suggested picking a group that would do the vetting and then provide recommendations to the Council for approval.

The council discussed possible groups.

Councilor Beach suggested establishing criteria before deciding on the application and process it will be received.

Councilor K. Smith commented in her experience, no grant would be awarded as reimbursement of monies already spent before applying for a grant. She talked about personal experiences.

Council discussed postponing the conversation until the next Council meeting to have a chance to write down any changes they would like to see to present to Council.

Chris Desorsy, 811 California Ave., thanked Council for the job they do and had concerns if Council would be able to oversee how the money was spent, if it was granted and the project fell through, would the city get the money back. Suggested researching other cities, states, or towns that receive similar gifts to learn how it was spent and urged Council to utilize the funds left to the best of their ability to ensure the funds never run out and can be granted to people each year.

DC Orr, 1117 Nevada, emphasized the importance of transparency and urged Council to keep the money in house so it could be easier to track, and the public would be able to see how it was being handled, stressing the need to tighten the strings on how the money is spent and to rebuild community trust.

Gail Burger, 302 California Ave., commented there are reimbursement grants for money already spent and asked Council if any of them sat on the KRDC board because she had concerns about turning the funds over to another group. Ms. Burger did not believe it was appropriate to have two live applications on the table and put them on hold to change the criteria of the policy, because those applications may not fall under the criteria any longer and suggested denying both application to give Council time to update the policy before opening it up for grants, but not to set them aside while the policy is reworked to see if they fit.

General Comments from the Council:

Councilor Smith agreed with Ms. Burger that changing the rules in the middle of the process was not cool and wanted to remind Council, two and a half years ago a \$550,000 grant was given to the golf course.

Councilor Zimmerman commented he sent out an email with his thoughts for Council to consider to hopefully decide, but with no decision being made he agreed it was not good to change the policy in the middle of having two applications in front of them.

Adjournment:

Councilor Berke **MADE A MOTION** to adjourn, Councilor Taylor **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:49 PM.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold