

APPROVED MINUTES

The City Council held meeting #1652 on Monday, May 6, 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, and Roll Call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke (via Zoom), Kristin Smith, Ian Smith, Hugh Taylor (via zoom), Council President Brian Zimmerman, City Administrator Samuel Sikes, and Deputy Clerk-Treasurer Charlotte Luedecke.

Mayor Williams welcomed all present.

Announcements:

Mayor Williams announced that Commissioner Teske did a great job at the ceremony for Police Chief Bochman and his family in placing a plaque at Peace Officer Park. Chief Bochman's family gave a picture of the deceased Chief in thanks to the city. It was the 100-year anniversary of the Chief's death while on duty.

Committee Reports:

City Administrator's Report: Mr. Sikes reported on the pumps at the 1st and Montana lift station being fixed and an additional pump being ordered. New ballasts, shields, and lights were purchased for the UV station. The water plant is running smoother with the leaks being repaired around the city and the plant is preparing for the spring runoff. Emergency Response Plans, storm water plan and lead service line survey are coming due soon. Glenda Cady has been hired and begins work on Wednesday.

Streets Supervisor Report: Mr. Williams reported that the city crew has been patching potholes, cutting hazard trees, helped in 8 burials, completing the Legion ballfield LED lights, planting the Arbor day trees, starting the camp host on May 20th, and completed safety and work training on the new to the city paver and mini roller. The trainer notified Justin that the city just paid for the equipment during these days by what it would have cost to have a contractor complete the paving.

Police: Mayor Williams reported that Police Chief Ercanbrak was on a call so he would give his brief at the next meeting

Water/Sewer: Mayor Williams informed the Council that TCI had the lowest bid for the sewer main replacements to go with the PLC grants. Mike Fraser is verifying the information.

Zoning Commission: Councilor Kristin Smith reported that the Zoning Commission had approved zoning changes for the Asa Wood property for Noble and would be putting it to the Council soon.

Cemetery/Parks: Councilor Melissa Berke reported that there was a Cemetery/Parks meeting on May 7th at 6:00 pm.

Public Comment on Non- Agenda Items:

Mr. Orr commented on the IP settlement concerning the lack of action on the topic.

New Business:

Approve Resolution #2032 to increase utility rates and charges for the users of the municipal utility system.

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council adding that there has been much discussion on this topic and that the Council had been given all the information on phasing in the new fees and charges.

Council President Zimmerman **MADE A MOTION** to approve the Resolution with proposed changes, amendments, and exhibits that were provided. Councilor Kristin Smith **SECONDED** the motion with the understanding that the motion included that the EDU portion of the increase would be phased in over the next two years. Councilor Zimmerman confirmed that was the motion.

Mayor requested bringing back the language from the 2020 sewer increase on charging averages for the sewer usage for the summer months so that people are not paying for water that does not go down the drain. Councilor Kristin Smith and Mayor Williams clarified that the phasing in would consist of only adding 50% of the increased EDUs this year and the remaining 50% would be added for next year.

Councilor Ian Smith **MADE A MOTION** that was denied as there was already a motion on the floor and Mayor Williams opened the meeting for public comment.

John Bebee commented on the belief that all funding options had not been considered and that the city should have an exact plan for all the upcoming projects.

DC Orr commented that he was unhappy moving forward with a vote and then spoke about IP, Plant Investment Fees, conflict of interest, and having more experienced Councilors to make motions faster.

Having no more public comment, the Mayor moved the conversation back to the Council adding that the language from the 2020 sewer increase on charging for averages should be added to the Resolution so that people are not paying for water that does not go down the drain. Councilor Kristin Smith asked Councilor Zimmerman if he would add the change to his motion, to which Council President Zimmerman added to his motion.

Councilor Berke spoke about getting tons of information and that the Council had to keep the water and sewer flowing or it would be failure adding that the city can phase in the 50%/50% and revisit the topic at any time.

Councilor Taylor expressed the desire to hold off on the vote to get more answers and would like the previous sewer increase to stand until it expires as passed in 2020. Mayor Williams brought up that MCA only allows 30 days after the April 8th Public Hearing to issue a decision and Councilor Taylor stated that the decision should not be on a timeline.

Councilor Kristin Smith expressed understanding frustration on both sides adding that the city keeps providing more information and that the CIP was built for a reason. Councilor Smith spoke about losing staff without having the resources to keep them.

Council President Zimmerman stated that Councilor Kristin Smith took the words out of his mouth and let everyone present know that the city has been open for questions adding that the CIP is the planning tool that people keep looking for. Council President Zimmerman expressed that all the inflammatory and derogative language gets tiring.

Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, and Kristin Smith voted **FOR**. Councilors Taylor and Ian Smith voted **AGAINST**.

MOTION PASSED.

Approve Resolution #2031 authorization to Mayor to sign MCEP Grant for 1st and Montana lift station capital improvement project.

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council.

Councilor Zimmerman **MADE A MOTION** to approve the Resolution #2031 and Councilor Beach **SECONDED**.

Having no public comment, Mayor Williams brought the discussion back to the Council.

Councilor Kristin Smith stated that this is an excellent example of the city applying for grants and funding.

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

MOTION PASSED.

Approve \$16,237 LOR Foundation grant for ADA accessible entrance to City Hall.

Tabitha Viergutz spoke about the LOR grant repairing the ADA accessible doors to the Ponderosa Room and replacing the front doors at city hall to make it easier to access. The grant period will end on October 1st of 2024. Mayor Williams stated that the Ponderosa Room used to have ADA doors, which are now broken, that affected people that came for the public hearing on the rate increases. Councilor Kristin Smith commented on the enhancements that this will bring to the city.

Councilor Zimmerman **MADE A MOTION** to approve accepting the LOR Grant of \$16,237 and Councilor Kristin Smith **SECONDED**.

John Bebee commented that the city must meet ADA standards and should not take a grant to complete the project. Councilor Zimmerman stated that the city would continue to try and get grants for this and all projects for the city.

With no further public comment, Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, Ian Smith, Kristin Smith and Taylor voted **FOR**.

MOTION PASSED.

Approve Resolution #2028, adopting updated editions of the Building Codes as amended per ARM 24.301.202(1) referenced by Chapter 14.04, Building Codes, of the Libby Municipal Code.

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council.

Councilor Kristin Smith **MADE A MOTION** to approve Resolution #2028 and Councilor Zimmerman **SECONDED**.

Having no public comment, Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, Ian Smith, Kristin Smith and Taylor voted **FOR**.

MOTION PASSED.

Approve Ordinance #2011, adding a new chapter to Title 10 – Vehicles and Traffic – Entitled Recreational Vehicles and removing Chapter 28 (Trailer and Trailer Parks) from Title 14 (building and construction), 1st reading.

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council.

Councilor Zimmerman **MADE A MOTION** to approve the Ordinance #2011 and Councilor Kristin Smith **SECONDED**.

Councilor Taylor stated that he did not like the 10' rule adding that the rule would put a lot of people in violation and should be removed. Councilor Beach stated that the 10' was from the older rules and would make people either move their RVs or be non-compliance. Councilor Zimmerman stated that he had worked with Fire Chief Steve Lauer and could find no rule requiring an RV to be 10' away from a structure. Councilor Smith asked if Councilor Zimmerman would amend the motion to reflect a change in the motion to change the 10' to 5', which was agreed to.

Mayor Williams opened the topic for public discussion. John Bebee commented that this rule would negatively affect him living in his property, on his property, while he was remodeling his house. He stated that this Ordinance would criminalize him adding that he is a disabled vet.

Councilor Beach rhetorically asked if there was a permit to live in an RV during construction. The Councilors and Mayor let Mr. Bebee know that the building inspector could give him a year to live in a RV and extend the time for up to another year for construction, meaning 2 years total.

Having no further public comment, Mayor Williams asked for a vote including all the amendments. Councilors Zimmerman, Beach, Berke, Kristin Smith, and Taylor voted **FOR**. Councilor Ian Smith voted **AGAINST**.

MOTION PASSED.

Appoint Wade Svendsbye to the Police Commission for a 3-year term ending May 1, 2027.

Mayor Williams explained to the Council that she was nominating Mr. Svendsbye for the commission to replace Mr. Brad Nelson. Mayor Williams had opened the position for fair and open competition and felt that Mr. Svendsbye would be a better fit for the position.

Councilor Zimmerman **MADE A MOTION** to approve the nomination of Wade Svendsbye to the Police Commission and Councilor Beach **SECONDED**.

Councilor Ian Smith stated that Mr. Nelson was good and felt that this process was a cloak and dagger move that he did not have a say in because it was done on Friday night. Councilor Kristin Smith stated that she would defer to the Mayors selection.

Mr. Nelson welcomed Mr. Svendsbye to the commission and expressed disappointment with Mayor Williams and Administrator Sikes, adding that he did not resign. Mr. Nelson was upset that the Mayor had not contacted him prior to let him know that he would not be appointed to continue serving on the commission. Mayor Williams apologized to Mr. Nelson for the lack of communication.

Ms. Dinkins stated that she was troubled by this decision, asking if Mr. Svendsbye had made the deadline for submitting his application, adding that she wondered when she would be pushed out.

John Bebee stated that he resigned from the commission as it was always in opposition to the administration and not part of a team, adding that there has to be a separation of powers and that the code is clear that the commission has the right to examine applicants.

Caroline Buckner asked if Mr. Svendsbye was related to Mr. Sikes. Administrator Sikes stated that Wade was his cousin, to which Mrs. Buckner stated that Mr. Svendsbye was appointed because "he could be controlled."

Having no more public comment the Mayor brought the discussion back to the Council. Councilor Taylor stated that he was unaware of the circumstances and Councilor Berke was no longer on Zoom.

Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, and Kristin Smith voted **FOR**. Councilor Ian Smith and Taylor voted **AGAINST**. Councilor Berke was not present.

MOTION PASSED.

Approve all claims received to date.

Councilor Zimmerman **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

Public comment was offered, and the public declined. Councilors Zimmerman, Beach, Ian Smith, and Kristin Smith voted **FOR**. Councilor Taylor abstained due to not seeing the claims and Councilor Berke was absent for the vote.

MOTION PASSED.

Approve all business licenses received to date.

Mayor Williams read through the applications for Anderson Excavating, Bakery MT LLC, R and Z Concrete, and ET AL. Strength. Councilor Zimmerman **MADE A MOTION** to approve the licenses and Councilor Kristin Smith **SECONDED**.

Public comment was offered, and the public declined. Councilors Zimmerman, Beach, Ian Smith, Kristin Smith, and Taylor voted **FOR**. Councilor Berke was absent.

MOTION PASSED.

Unfinished Business:

Discussion to amend Libby development Fund Policy and application process. Mayor Williams stated that there was no movement due to differing priorities in the last two weeks. Councilor Kristin Smith agreed that three hours of meetings is long enough.

General Comments from Council:

None.

Adjournment:

Councilor Zimmerman **MADE A MOTION** to adjourn, and Councilor Beach **SECONDED**.

Councilors Zimmerman, Beach, Ian Smith, Kristin Smith, and Taylor voted **FOR**. Councilor Berke was absent.

MOTION PASSED.

Meeting adjourned at 8:05 pm.

Peggy Williams, Mayor

Attest; _____
Samuel Sikes, City Administrator