

## APPROVED MINUTES

The Libby City Council held regular meeting #1655 on Monday, June 17, 2024, in the Council Chamber at Libby City Hall.

### **Call to Order:**

The meeting was called to order at 7:00 pm by Mayor Williams.

Present were Mayor Williams, Councilors Melissa Berke, Ian Smith, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) Councilor Gary Beach and City Attorney Dean Chisholm.

### **Approve City Council minutes for meeting #1654 dated June 3, 2024:**

Councilor Zimmerman **MADE A MOTION** to approve the minutes and Councilor Berke **SECONDED**.

Councilor Taylor requested his comment about Ms. Smith and Mr. Zimmerman's position in KRDC being a conflict of interest be added to the minutes.

DC Orr suggested Council vote on changes to the minutes.

Councilor K. Smith **MADE A MOTION** to add the missing comments from Councilman Taylor's discussion and Councilor Berke **SECONDED**.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR** the amended minutes.

**MOTION PASSED.**

**Announcements:** Mayor Williams announced Flathead Electric is holding an Open House next Wednesday at Riverfront Park, 4:30-6:30. Montana Machine has completed the fabrication of the new brackets for the industry banners and Montana Sky will be putting them back up Friday, June 21<sup>st</sup>. Anyone interested in being a member of the Local Government Review Committee, filing opens June 27<sup>th</sup> and closes August 12<sup>th</sup>, at the Elections Administrator's Office located downstairs in the County Annex building. Filing is nonpartisan, no filing fee, must be a resident of the city to file for City Study Commission. Candidates can only file for one commission, not both city and county.

### **Committee Reports:**

**Administrator:** Administrator Sikes reported 38 residential and 2 commercial building permits sold in fiscal year 2024, 18 roofs, 9 new buildings, 4 remodels, 2 carports, 4 new foundations, 2 additions, 1 shed, 1 retaining wall, and 1 major deck for a total of \$37,198. In fiscal year 2023, 46 permits were sold for a total of \$32,000 and fiscal year 2022, 55 permits were sold for a total of \$47,000. As a reminder a new Building Fund had to be created and those funds will no longer be

part of the general fund and must be used for building inspector purposes and as that fund builds will be looking to use those funds under those parameters.

Wastewater Treatment Plant, the emergency generator blew the circuit board which is needed to run the plant in a power outage, a generator was rented to have on site for emergency and will be looking to buy a new one because the old one is 43 years old and parts are becoming obsolete to repair. A new generator will be \$45,000 without installation. Working with Rural Development, it looks like we may be able to modify the short-lived assets and use those funds for the generator.

**Lights/Streets/Sidewalks:** Councilor Beach announced a meeting will be held June 4<sup>th</sup> to discuss requests for stop signs down Mineral Avenue, will be submitting stuff to engineering and will have a follow up on that. The other item discussed was a street abandonment down on City Service Road, will be working through that and will schedule a follow up meeting in the next few weeks.

**Finance:** Clerk/Treasurer Monigold reported the audit is finished for fiscal year 23, an exit conference with the auditor was held over the phone, Mayor Williams and Councilor Zimmerman were also in attendance. The audit went very well, there were no findings, as soon as the audit is available it will be posted on the website to be available to the public.

**City-County Health Board:** Councilor K. Smith reported a meeting was held June 11<sup>th</sup>. Primarily department updates on goings on to the Board. The biggest issue the Board was informed of was the Tobacco Valley Animal Shelter, which operates a shelter in Eureka and Libby, wants to get out of their contract with the County, which would have significant ramifications for the County and animals. Not sure of the next steps, but likely would be putting out a bid for somebody else to try and open a shelter. The discussion was how many people purchased or adopted animals during the pandemic and then returned them, mistreated them, etc. They are just overwhelmed and do not have enough volunteers.

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

DC Orr, 1117 Nevada Ave, expressed concern about purchasing a new generator and inquired how many hours are on the 47-year-old generator and what parts cannot be made for it. Mr. Orr inquired why the IP settlement had been removed from the agenda, why the public was not being informed about IP Negotiations and had concerns about the police department which is causing mistrust.

**New Business:**

**Approve Cabinet Mountain Brewing Co request for street closure August 3rd, 4pm to 11pm:**

Sarah Sorensen, co-owner of Cabinet Mountain Brewing Co., requested a street closure on Mineral Avenue from 2<sup>nd</sup> Street to 3<sup>rd</sup> Street on August 3<sup>rd</sup>, 4pm to 11pm, to mark their 10-year anniversary in conjunction with Pastime Bar and Grill having their 20-year anniversary and Kootenai River Float Co. having their grand opening. Ms. Sorensen explained the event and that safeguards would be in place to prevent minors access to alcohol.

Councilor Taylor inquired about the time of the event, Ms. Sorensen explained the event would be 5pm to 10pm, asking for the closure from 4pm to 11pm to allow the bands to set up and tear down.

Councilor Zimmerman **MADE A MOTION** to approve Cabinet Mountain Brewing Co request for street closure August 3rd, 4pm to 11pm and Councilor Berke **SECONDED**.

DC Orr, 1117 Nevada Ave, inquired if Council was aware whether there would be drinking in the streets at the event.

Councilor Taylor pointed out the request asked for a waiver of the Open Container Ordinance.

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

**MOTION PASSED.**

**Wastewater Treatment Plant Storm Water Pollution Prevention Plan (SWPPP) – Information:**

Administrator Sikes explained the WWTP has been working with the DEQ, with the modernization of the plant, the way we report, the current testing standards, etc. It was identified the Storm Wastewater Treatment Plan Stormwater Pollution Prevention Plan was due in 2017 and had not been submitted yet and needed to be updated. Mr. Sikes described the SWPPP document, what steps were taken to get it updated and what steps would be taken if the plan was needed. An inspection form has been created and will be at the WWTP as part of their emergency packet and monthly inspection chart. There will be a meeting with DEQ to go through the plan, ask questions, make comments, and any needed adjustments will be made prior to submitting it.

Councilor K. Smith inquired how the WWTP gets rid of solid waste if not using a dumpster. Mr. Sikes explained the solid waste goes into a bag and hauled to the landfill.

**Approve all Beer, Wine or Liquor Licenses received to date:**

Empire Foods, 1406 Minnesota Ave.

Councilor Zimmerman **MADE A MOTION** to approve all beer, wine, and liquor licenses received to date and Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

Council Beach inquired from page 3 of the SWPPP, that states “Administrator, Onsite Implementation and Management, Deanna Bee, responsibilities: onsite implementation of SWPPP, oversight of facility inspection, training, reporting, and permit compliance.” Believing, if she has the authority to stop all work in the event there is an issue it needs to be noted in that section. Mr. Sikes stated he would research that to see exactly what needs to be added.

**Approve all claims received to date.**

Councilor I. Smith **MADE A MOTION** to approve all claims received to date and Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

**Approve all business licenses received to date.**

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

C&M Land Development LLC and John & Mandy Love.

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

**MOTION PASSED.**

**Unfinished Business:**

**Discussion to amend Libby development Fund Policy and application process:**

Mayor Williams explained at the previous meeting there were comments regarding direction to take, one request was to get documentation from the Kootenai River Development Company (KRDC), Councilor K. Smith sent that out earlier in the day.

Councilor K. Smith explained she sent out the bylaws, noting they have not been updated since January 2016. Mayor Williams inquired if it was current or amended because noticing there was referenced to the City and when they were operating, they seemed to focus so much on the County. Councilor K. Smith stated the bylaws have not changed and did not recollect KRDC pursuing funding opportunities for outside the City other than the Way-Finding project. Councilor Zimmerman recollected there was some funding for trails.

Councilor K. Smith explained a draft job description was sent out for discussion and described the document. Highlighting the section on risk management if revolving loan funds was the route Council wanted to take with the Community Development Fund because it was used that way before.

Councilor K. Smith mentioned there is also a Lincoln County Community Foundation and a statewide Community Foundation that provides guidance and structure to local community foundations. Those would be other entities that could provide opportunity for the City to partner with on different projects.

Council was in agreement they would like time to look over the documents and discussed who the Community Foundations were.

Councilor Taylor suggested, the next time there is a discussion, they should decided whether or not to have revolving loans to help things move forward.

Councilor K. Smith explained the job description was put forward for a Community Development Director because she believes there is a need for someone that is more than just a grant writer, someone that would be involved through the whole process for the development of our community.

Councilor Beach read a letter received from Ryan Andreason requesting \$7500 from the City to cover  $\frac{1}{4}$  of the budgeted training cost at the Montana Volunteer Firefighter Convention being hosted by LVFD in 2025. Mr. Beach feels this request would fall into the criteria Council is trying to come up with for the Community Development and maybe how to assist.

DC Orr, 1117 Nevada Ave., commented the \$15,000 needed would not be fair to split down the middle because the County has more money and suggested a split of \$5,000 and \$10,000.

**General Comments from Council:**

Councilor Berke inquired if anyone had seen the letter about the apartments on 2<sup>nd</sup> Street, possibly not being connected to city water.

Mr. Sikes explained they were annexed and have a existing well that was providing a minimal amount of people to move in, Levi came to the city, initial plans were rejected, after the plans were redone, they went through the DEQ for approval, however a small chunk of the line is hitting a floodplain. A notice for public comment was advertised in the newspapers April 26th and in May. As soon as Jeremy Fadness, City's Floodplain Administrator, gets approval on the comments, it will then be sent to the DEQ for approval and then the lines will go in.

Councilor K. Smith commented the Health Department is concerned about the well, water quality, testing, etc. because the property is being occupied and believe the city should facilitate better communication. Mr. Sikes said he had sent everything to Kathy when he received the email from that and will makes sure he contacts her.

Councilor K. Smith commented, a few years ago there was a gentleman that was operating a detailing business from his home, the business license was denied because he is not in a zone that permits that, he is again operating regularly. Mayor Williams explained it was brought to their attention and discussed earlier in the day about going back through the process they did with him about cease and desist.

Mayor Williams explained the EPA and DEQ hac been in Libby the previous week and talked about asbestos and the ground water. EPA is conducting their 5-year review of the asbestos site, which includes Riverfront Park, it has been determined there is some erosion near the boat ramp, the DEQ will be working on remedial actions for those repairs. DEQ is working with the city for the maintenance plan for the park, as well as a remedy for some of the replacements, 11 trees have been removed at the park, describing their condition and how the DEQ will help. The Subcommittee had intended to have a meeting with the EPA concerning the controlled groundwater, but it started to look like multi-agency pressure for us to sign on to the groundwater, so it was decided not to meet with them on those terms. EPA did have a public meeting on the asbestos at the WR Grace site, but did not have controlled groundwater contact with the public.

**Adjournment:**

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

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:49 PM.

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Mayor Peggy Williams

Attest: \_\_\_\_\_

Clerk/Treasurer Leann Monigold