

APPROVED MINUTES

The Libby City Council held regular meeting #1657 on Monday, July 15, 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) City Attorney Dean Chisholm. Councilor Gary Beach was not in attendance.

Approve City Council minutes for meeting #1655 dated June 17, 2024:

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

There were no additions or corrections.

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

MOTION PASSED.

Announcements: None

Committee Reports:

Administrator: Administrator Sikes reported for the month of June, 2 roof permits and 1 new building permit were sold, totaling \$3,345. For FY24, 44 permits were sold totaling \$37,198, 18 new roofs, 9 new buildings, 4 major remodels, 2 carports, 7 foundations, 2 additions, 1 commercial retaining wall, and 1 deck. Last year 46 permits were sold for a total of \$32,360.

Building: Councilor Taylor reported the Committee met last Wednesday to look over the Athletic Club lease, going to get together with Athletic Club to discuss the possible increase of 5% and once it is agreed will be back to Council for approval.

Public Comment on Non- Agenda Items:

Chelsea Kraft, 57 Woodland, commented she previously came to the council about putting in a stop sign at 4th and Mineral. Since that time, the four corner businesses have started a petition and have eight and a half pages of signatures agreeing a stop sign is needed at that intersection. She also has a copy of the accident reports from that intersection. Ms. Kraft inquired when the next meeting would be.

Mayor Williams stated the next Council meeting is August 5th and Gary Beach, in charge of the Streets, has that in his Committee for discussion but unsure of the date for the next Streets committee meeting.

DC Orr, 1117 Nevada Ave, expressing frustration he was not added to the agenda to clarify policy and procedures after requesting at the previous meeting. Mr. Orr disagreed with how the agenda was run and that the Mayor sets the agenda.

New Business:

Approve Riverfront Blues Festival noise variance request for August 9th and 10th:

Alida Snow, board member of the Riverfront Blues Festival presented their request for a noise variance on August 9th and 10th until 1:30am on those nights.

Councilor I. Smith **MADE A MOTION** to approve the Riverfront Blues Festival noise ordinance for 9th and 10th of August, Councilor K. Smith **SECONDED**.

DC Orr asked how she got on the agenda, Ms. Snow responded, she had sent an email.

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

MOTION PASSED.

Approve Montana Emergency Tourism Assistance Program (METAP) grant for patrol vehicles:

Chief Ercanbrack explained the METAP has set aside \$750,000 from the lodging facility tax fund to put back into emergency services and released \$75,000 of grant money to be applied for each year. With approval from Council Chief Ercanbrack will apply for the grant with the assistance of the LOR Foundation. The grant will help support drug interdiction, impaired driving and other issues that come with increased population from tourism.

Councilor I. Smith inquired if there was a grant match. Chief Ercanbrack stated no matching funds are needed.

Karen Dinkins, 1210 Dakota Ave., inquired what an actual patrol vehicle costs and what the possibilities were to get two vehicles with the \$75,000 grant. Chief Ercanbrack explained a basic cost for a patrol vehicle without equipment is approximately \$45,000, with all equipment needed is approximately \$64,000, so to get two fully built vehicles more funds would need to be available.

DC Orr, 1117 Nevada Ave, reflected his time on Council, two new patrol vehicles were budgeted every two years and expressed the importance of having updated vehicles.

Councilor K. Smith **MADE a MOTION** to approve the Montana Emergency Tourism Assistance Program grant for patrol vehicles, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Andy Evanson contract for city engineer:

Mayor Williams explained with Mike Frazer retiring and the City's advertising for a new City Engineer, Andy Evanson submitted a proposal. After conversations he lowered the cost on the updated proposal because with the use of Zoom for face-to-face meetings, telephone, and emails site visits would be reduced, along with the cost per hour being significantly lower than Mr. Frasers, it should be a savings in regards to city engineering assistance with city projects and general information. The City will still be using Mike to complete projects already started, the Wastewater project, Libby Creek project, and Spruce Street because those are difficult projects to hand off to a new engineer.

Councilor K. Smith inquired if any other submittals were received. Mayor Williams stated there were no others received.

Councilor K. Smith stated she was familiar with Evanson's work and would be a great engineer and good for the City.

Councilor Taylor inquired about the contract time with the new proposal and if was being prorated back two weeks. Mayor Williams explained the new contract went from a 5-year contract to a 2-year contract and there was no discussion on the start date and thinking it would actually start August 1st.

Councilor K. Smith stated Frazer's contract was up June 30th, so that would leave two weeks without a city engineer. Mayor Williams stated there were projects right now but could update the date on the contract and pay half.

Councilor Zimmerman **MADE A MOTION** to approve Andy Evanson for city engineer with the amendment of instead of July 1st, July 15, 2024, Councilor K. Smith **SECONDED**.

DC Orr, 1117 Nevada, inquired what the cost would be and expressed frustration it had not been stated out loud.

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

MOTION PASSED.

Discussion to reopen discussion regarding Flower Creek spoils pile:

Mayor Williams explained the spoils pile has been brought to Council several times and it was agreed to leave the spoils pile as is, a grant was requested regarding the pile. The city was not involved with the grant application. Last meeting, Kootenai Cross Country Ski Club attended and wanted us to approve the request. The first agenda item will be to reopen the discussion, second, if council wants to reopen discussion, it will be determined how to make the comment on that request, with the small amount of information available at this time.

Councilor K. Smith **MADE A MOTION** to reopen the discussion regarding Flower Creek spoils pile, Councilor Zimmerman **SECONDED**.

Councilor K. Smith commented they don't need new information, but thinks the Natural Resource Damage Program sounds like an appropriate route to address the pile. Having two phases, if it doesn't make it past one, no harm no foul. If it is being funded by that entity at no cost to the City, there would be approval of the site for public use.

Councilor Zimmerman stated the other benefit would be to finally have a hydrology report for that entire area which is something needed for the city storm water plan. A letter could be put together, if we get the funding great, we could move forward. No matter what the outcome of the report, it would provide great information to the City so decisions could be made in the future.

Councilor K. Smith stated the funding would provide an analysis and put the city in a better place for making informed decisions.

Councilor Taylor commented he does not support reopening the spoils pile, being directly above the city's only water source, there should be no parking allowed there and the pile should be left alone.

Councilor I. Smith commented the pile should be left alone and has concerns about the water supply if the area was disturbed or if a parking lot was established with possible fluids from vehicles getting into the water supply.

Councilor Taylor commented on the last discussion, when the Council voted it down, the city engineer said to leave the pile alone.

Councilor Zimmerman encouraged, with a hydrology report, the city would be able to understand what may be needed for the area if something happens in a 20-50-100-year event.

Councilor Berke is in favor of getting the hydrology study for the knowledge it would provide, but against having a parking lot in the area for any vehicle contaminants that may possibly get into the ground directly above the water supply.

Council discussed what may be in the pile, why the pile was left, and the importance of gaining knowledge of what may actually be in the pile and how City would be in control of any of the grant application.

Jennifer Nelson, 1026 Washington, commented the city engineer has said the spoils pile is stable and has concerns about allowing this grant to go through and losing control of the area for a parking lot. Encouraging the City to apply for the grant themselves to get a hydrology study for the entire area, including the eroding hillside behind the rifle range because she has witnessed a rainbow sheen on water seeping from that hillside.

DC Orr, 1117 Nevada Ave., commented he disagreed with the discussion and explained the debris pile was supposed to be removed at the end of the dam project by the contractors as part of the contract and was called a debris pile because the contractors serviced their vehicles there, describing possible contents of the debris pile as why he disagreed with the decision of the engineer.

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

MOTION PASSED in favor three to two of reopening that discussion.

Mayor Williams stated we will go ahead and talk about the next agenda item, approve making a comment to the Natural Resource Damage Program regarding the Libby Park District grant request funding the spoils pile removal. Stating that is where the email discussion with Sydney Stewart comes into play

Mayor Williams stated she had requested an extension on the comment period, currently NRDP was not funding the request because the city, as the property owner, had not made a comment. The comment period was extended until August 8th, there is another opportunity to finalize the comment.

Councilor K. Smith inquired if the program was an ongoing fund source and what type of deadlines it has. Mayor Williams stated the next grant cycle will not be for 3-years, if we can slide in on the request already out there as an amendment, it may be considered at this point.

Mayor Williams described the draft amendment that would be prepared.

Councilor K. Smith suggested removing the parking lot in the amendment and focusing on the unknown material and concerns to the watershed it is presenting. Somehow to be able to remove the Park District and make it the City's application to focus on watershed protection.

Administrator Sikes explained if we are to change it at all, we have to go through Sydney with a new request, as long as it is within the same funding and elementally the same, it would go through. If phase one goes through and we find out we couldn't do it for that amount of money, it would just stop and cost us anything.

Council discussed the original documents that were received.

Councilor K. Smith **MADE A MOTION** to approve making comment to the NRDP regarding Libby Park District grant request for funding the Flower Creek debris pile removal with such comments targeted at owning the application and submitting as the primary, Councilor Zimmerman **SECONDED**.

Councilor Taylor commented if this is what it will take to get a hydrology study without waiting three years, he would suggest using Ms. Nelson's advice and have the entire property tested.

Council discussed the different areas around the spoils pile that should be tested, which includes the 28 acres leased by the Ski Club.

Jennifer Nelson, 1026 Washington, commented she believes this great opportunity, with the amendment to the application, to get information and feels strongly against the Park Board and Ski Club submitting applications in the City's name without their knowledge.

DC Orr, 1117 Nevada, encouraged Council to take action from the comments they heard about the hillside and debris pile.

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

Review year end FY24 budget:

Clerk/Treasurer Monigold highlighted the year end budget. On Revenue, there was approximately \$28,000 more in vehicle tax received than budgeted, cemetery opening/closing was higher and plant investment fees were more than budgeted. It was stated that quite a bit of the revenue the city receives is budgeted as an average of what had been received for the last 4 years.

There will be a budget amendment coming up for Council approval, due to having to create a new special grants fund, after advice from the auditor, for LOR grants money that was received and for any unexpected special grants that come in the future such as the police grant for the patrol vehicles.

All departments did a wonderful job staying within their budget, there haven't been any big concerns this year, she is very proud of all the departments.

Mayor Williams stated all departments did a really good job maintaining their budgets and had what they needed without anybody overspending.

Mayor Williams noted the Budget Committee met earlier in the day and plan to have the Preliminary Budget approval at the August 5th meeting.

Approve all claims received to date.

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

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

MOTION PASSED.

Approve all business licenses received to date.

LifeSerene, Pioneer Technical Services LLC, 3-mile Antique Mall LLC dba. 3-mile Auction, and Timber Trail Contractors.

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

Councilors 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 stated there were two lines of thought on the table, to hire a grant writer and or refund an agency similar to KRDC, explaining those are ways to spend the money, not necessarily updates to the policy, but does give on how to rework the policy to fit those ideas. Suggesting, looking back at the updates that were suggested back in April. Mr. Smith sent out guidance for a grant writer and council has the job description for the Community Development Director, along with the bylaws for KRDC.

Councilor K. Smith appreciated Mr. Smith putting the grant writer description together but feels they need someone with more professional expertise in the community. Suggesting not to fund KRDC but to fund that position, just like they would a grant writer, but it is a higher level of expertise, someone who is going to put the community first, seek out grants, and knows how to put a funding package together. That position would be funded for possibly 2 to 3 years of salary to get the individual going right. Ideally, the funding sources and typical grant funding provides administrative fees that would fund that position.

Councilor Berke inquired what the difference would be hiring a grant writer and the position Ms. Smith suggested.

Councilor Smith described the difference of a grant writer as someone hired as a Community Development Director that would benefit the City.

Mayor Williams suggested looking at the policy to figure out how to support the ideas. It was suggested resending the versions of the development fund, information from KDRC, and grant writer in one packet to look at it as a whole to discuss it.

Councilor Smith wanted to remind everyone that many funding sources require a 501C3 to either pass through or partner with, which is why it's vital to have that Community Development Organization in the community to help leverage funds.

General Comments from Council:

Councilor K. Smith suggested providing a policy on how to get on an agenda and posting it on the City website. Agenda items are for Council to make decisions, take action, important information, or doing something that is being monitored. Councilor I. Smith agreed.

Adjournment:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 8:10 PM.

Mayor Peggy Williams

Attest: _____
Clerk/Treasurer Leann Marigold