

APPROVED MINUTES

The Libby City Council held regular meeting #1661 with a Variance Request Public Hearing on Monday, September 16th, 2024, in 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 Berk, Gail Burger, Ian Smith, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) and City Attorney Dean Chisholm.

Announcements: None

Approve minutes of regular City Council meetings #1658 held August 5, 2024, meeting #1659 held August 19, 2024, meeting #1660 held September 3, 2024, and Public Hearing held September 3, 2024:

Councilor Zimmerman **MADE A MOTION** to approve meetings 1658, 1659, 1660, and Public Hearing on September 3rd, Councilor I. Smith **SECONDED**.

Councilor Berke stated she was not present on September 3rd and would abstain for those minutes.

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

MOTION PASSED

Committee Reports:

Administrator: Administrator Sikes reported for the month of July eight building permits were sold, all residential, 5 new roofs, 1 new building, 1 carport, and 1 deck. For the month of August, two new building permits were sold for a total of \$5158, into the Building Program. Mr. Sikes gave an update on the Lead Service Line Report progress.

Streets Supervisor: Justin Williams gave an update on the leak survey replacements that will be starting with help from TCI, who was awarded the contract. Mr. Williams explained the streets where sewer mains repairs will be done, and the areas sand is being staged for the projects.

Fire: Councilor Zimmerman reported for the month of August 5 calls were responded to, 1 call for city, 4 calls for Rural Fire District, 2 grass/wildlands, 1 mutual aid with ambulance, 1 false alarm, and 1 miscellaneous for a total of 56 calls in 2024. Crews have also been painting hydrants and the concrete in front of the Fire Hall is still in progress.

Building: Councilor Taylor reported he met with Leann today to go over the particulars for the Pure North lease contract, she will be getting together with Pure North with the proposal and then will be bringing it forward to Council.

Zoning Commission: Councilor K. Smith announced a meeting was held Monday, September 9th. It is recommended that Clark property by city hall be annexed and zoned. The commission was reticent to rezone the Asa Wood property due to insufficient information, so that will come back to the Zoning Committee.

City – County Board of Health: Councilor K. Smith reported, there was some technical difficulty with the County’s internet and phone during the last meeting and was able to connect about a half hour into the meeting. The Board acted on a variance request for the Dirty Shame, up in the Yaak, it was a distance that was an updated system, and it was closer than the old system, they granted that variance request. They went through their department's strategic plan; it is still in draft form. Each of the programs provided their updates and summaries, Zero to Five, vaccines, Criminal Minds, which is an app they have participated in. There was an update on the animal shelter, but because of the difficulty getting online, they did not act on the increase in fees. The local shelter seems to be going well but will be increasing the shelter fees. There was an introduction of a Group Event Policy for things that are happening, like at Happy’s Inn and event venues that are attracting a lot of vehicular traffic and people on the highway. There are concerns about permitting, human waste, solid waste, camping, etc., there are efforts to put some sidebars on that for those folks, for safety reasons.

Councilor Zimmerman gave an update on the slight shift in committees with the appointment of a new Council member.

Public Comment on Non- Agenda Items:

DC Orr, 1117 Nevada Ave., commented he has requested four times to have a spot on the agenda to discuss the policy for getting put on the agenda. Mr. Orr does not agree with how the agenda is set.

Old Business:

Department of Labor and Industry Banner Program:

Councilor Zimmerman suggested bringing the banner program into the Streets committee and working together with Janelle to put something together for Council to consider.

Public Hearing – Board of Adjustment – Variance Request:

Mayor Williams called the Public Hearing to order at 7:19pm and explained the Council was meeting as the Board of Adjustments.

Mr. Sikes explained the Variance Request received from Rianne Barnes. The new construction to rebuild a fence was identified as being in the visibility triangle.

Rianne Barnes, 504 Utah Ave., presented her variance request.

The council discussed the request.

Councilor K. Smith reviewed and discussed the variance evaluation questions and expressed her support. a

Councilor Zimmerman expressed his concern should the request be granted.

Council continued to discuss the variance request, discussing their questions, concerns, and opinions.

Public Comment:

DC Orr, 1117 Nevada Ave., commented the fence is a huge improvement and neighbors seem to like it.

Decision on Variance Request:

Councilor K. Smith **MADE A MOTION** to grant the variance, Councilor Taylor **SECONDED**.

Mayor Williams asked for a roll call vote.

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

MOTION PASSED

Mayor Williams closed the Public Hearing at 7:37pm to resume the regular meeting.

New Business:

Approve Resolution #2041 to Authorize Submission of CDBG Application:

Mayor Williams read Resolution #2041.

Councilor K. Smith **MADE A MOTION** to adopt Resolution 2041, Councilor I. Smith **SECONDED**.

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

MOTION PASSED

Approve Montana CDBG Certification for Application:

Councilor Zimmerman **MADE A MOTION** to approve Montana CDBG Certification for Application, Councilor Berke **SECONDED**.

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

MOTION PASSED

Approve Forest Service Agreement for Flower Creek Streambank stabilization project (2025):

Justin Williams explained in spring of 2023 the Foreman, one operator, himself, and two individuals from the Forest Service had walked the project and identified erosion due to the realignment of the creek. Mr. Williams explained the stabilization project and what the projected plan is to reshape the creek bed and to fortify the banks to take care of the bank erosion along Flower Creek.

Mr. Sikes explained the project was initially identified as part of the reconstruction for the dam and has been getting bounced back due to the Foresters lack of manpower or financial ability to do the project. Mr. Sikes explained the Forest Service is completing all the granting, permitting, and hydrology studies. The city will be providing in kind for wages and everything else will be covered by grants.

Councilor Zimmerman **MADE A MOTION** to approve Forest Service Agreement for Flower Creek Streambank stabilization project, Councilor I. Smith **SECONDED**.

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

MOTION PASSED

Approve Tee Box subdivision:

Councilor K. Smith **MADE A MOTION** to approve final plat to the Tee Box subdivision, Councilor Berke **SECONDED**.

Mr. Sikes explained this subdivision was part of the new rules the State came down with for expedited reviews. Explaining the plat map and how it meets the requirements for the expedited review, the city has 20 days to accept it from the time it was turned in and out engineer accepted it.

Ken Davis commented he had turned in the plat for the Tee Box subdivision several years ago, and thanked Mr. Sikes for his hard work helping the plat get pushed through.

Mayor Williams acknowledged there were six conditions for the subdivision to be approved; after reading the documents and the letters, assumes those conditions have been met.

Council agreed the conditions have been met.

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

MOTION PASSED

Approve Resolution #2040 Local Government Study permissive levy:

Mayor Williams read Resolution #2040.

Councilor K. Smith inquired what the amount would be for the property owner. Clerk/Treasurer Monigold did not have that amount available but could find out that information.

Councilor Zimmerman **MADE A MOTION** to approve Resolution 2040, Councilor I. Smith **SECONDED**.

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

MOTION PASSED

Approve all claims received to date:

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

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

MOTION PASSED.

Approve all business licenses received to date.

5 Start Cleaning Service

Councilor Berke **MADE A MOTION** to approve all business licenses received to date, Councilor K. 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:

Councilor Zimmerman said he received an email from someone in the community that was reaching out because of the work Montana West Economic Development does out of Kalispell and how they do things. He will be forwarding that email to the Council, so they have a chance to look at it and see if it sparks any ideas.

General Comments from Council:

Mayor Williams announced Dan Clark has been scheduled for Council Training on October 29th and announced Kristin, Hugh, and herself had met earlier in the day with the Regional Director of the EPA and several people that work with her.

Councilor K. Smith stated it was quite reassuring, we were very appreciative they came and spoke with us about some of the other staff we have been struggling with at EPA for a number of years. She really was interested in our concerns, took them to heart, and stated she's going to work very hard to do that. She is a political appointee, so depending on what happens with the election, there might not be continuity, but two of her staff were there and planned on continuing.

Councilor Taylor stated it went well. She seemed very open and was unaware of some of our concerns. There is a document called Technical Impractical Ability Waiver that was signed back in the early 90s that the EPA has never reviewed. She assured us that it will be reviewed at their five-year review, which is next year. The meeting was to bring information forward for the management to find out what the employees have been doing.

Mayor Williams stated one of our very fundamental requests is that the EPA help bring IP back to the negotiating table. The city has not been able to have a conversation with IP since we refused their very low-ball offer in the spring of 21, they have refused to come back and talk to us. We've taken this sideways step with trying to get EPA to help us bring them back to the table. We didn't make any headway with Region Eight, so back in the summer, we finally took the step of going to Jon Tester, we've made a little bit of progress since then.

Councilor Taylor raised concerns about the proper hiring procedures for vetting by the Police Commission. After attending a recent meeting, he was surprised to find out one of the officers still has not been through the vetting process. Mayor Williams said she would reach out to Chief Ercanbrack and try to get that resolved.

ADJOURNMENT:

Councilor Berke **MADE A MOTION** to adjourn, Councilor K. Smith **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:58pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold