

UNAPPROVED MINUTES

The Libby City Council held regular meeting #1663 with Annexation Request Public Hearing on Monday, October 21, 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: Mayor Williams announced the annual leaf pickup would be October 23rd, 24th and November 13th, 14th.

Committee Reports:

Administrator: Administrator Sikes reported no building permits were sold in the month of October. The Water Treatment Plant purchased a new replacement pump and will be hiring an electrician to get it installed. The Lead Service Line Survey has been submitted to the DEQ.

Ordinance: Councilor K. Smith announced a meeting has been scheduled for Wednesday, October 23rd to review some proposals from Chief Ercanbrack on adding provisions to the city code to address some quality-of-life issues.

Building: Councilor Taylor reported, still working on the lease agreement with Pure North and will be working with Leann to get it out for Council Review.

Water/Sewer: Councilor Zimmerman reported the crews are still working on the water/sewer project behind Johnny's.

Wildlife: Mayor Williams announced the city is still working on figuring out how to facilitate filling the Turkey permits Mr. Taylor was able to obtain back in the spring to reduce the excess turkey population around town, will be talking to Mr. Chisholm later in the week.

Public Comment on Non- Agenda Items: None

Old Business: None

Public Hearing – Annexation Request:

Mayor Williams called the Public Hearing to order at 7:06pm.

Mr. Sikes explained an annexation request was received June 10th from Mr. Clark for services at the pickleball court across from City Hall. A waiver of annexation was signed and submitted to the Zoning Committee to zone the property. Now, it has come back to the City Council to approve an Intent Resolution and hold a public hearing to annex the property.

Council K. Smith clarified that the waiver is a waiver of the right to protest, when a customer wants services, they waive the right to protest annexation in the city.

Mr. Sikes added, to be annexed they must receive at least two of the four connections, water, sewer, street connectivity or storm water. If they only receive one, they still need to complete the waiver of non-protest to annexation that is recorded with the County and in the future if that property gets connectivity from one of the other three, it would then be annexed.

Public Comment:

DC Orr, 1117 Nevada Ave., commented he feels his rights were violated while trying to speak at the Zoning Committee meeting. Councilor Smith and Zimmerman are members of KRDC and Mr. Orr feels it is a conflict of interest, KRDC had a \$65,000 water bill and refused to pay it and thinks the County has taken advantage of the city. Since the property was once owned by the Port Authority and they have a sewer system, the Port should be responsible for connecting their sewer system to the property.

There were no other public comments.

Mayor Williams closed the Public Hearing at 7:12pm.

New Business:

Approve Resolution #2042 intent to annex:

Mayor Williams read Resolution #2024.

Councilor K. Smith **MADE A MOTION** to approve resolution 2042 intent to annex, Councilor Zimmerman **SECONDED**.

Councilor Taylor inquired why the request was coming to the Council in October if it was requested on the 10th of June. Mr. Sikes explained, all waivers of non-protest of annexation must be reviewed to make sure they are complete before they are handed off to the Committee, the Committee accepts them once it is a complete package, then makes a recommendation to Council.

Councilor Taylor inquired if the building was built to city code. Mr. Sikes explained commercial buildings are inspected by the state and the city code is the state code for commercial buildings.

DC Orr, 1117 Nevada Ave., commented his constitutional rights were violated when trying to speak at the Zoning Committee meeting and feels the Zoning Committee approved this under illegal terms.

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

MOTION PASSED

Analysis of Brownsfields Cleanup Alternatives (ABCA) document for the Historic Hotel Libby. Colleen Owen, Brownsfield Coordinator, Montana Department of Environmental Quality (information).:

Mayor Williams introduced Colleen Owen, Brownsfield Coordinator with the Montana Department of Environmental Quality.

Colleen Owen explained she came to the City Council to inform them of a document called Analysis Brownfield Cleanup Alternatives and to support the Friends of Hotel Libby who are submitting a great application to EPA for a site-specific cleanup grant for the hotel.

Montana DEQ Brownfields Program obtains grant funding associated with the bipartisan infrastructure law and have been using that on a number of projects in Montana for the last couple of years. The Historic Hotel Libby, one of the projects, has completed phase one and phase two investigations, which includes a cost estimate for the abatement of all hazards building materials associated within the hotel. The funding will go towards the removal of exterior asbestos siding and lead based paint on the original siding of the hotel. There is not enough funding in the grant to address the interior cleanup, Friends of Hotel Libby will be pursuing site specific cleanup grants from the EPA to conduct the necessary cleanup before renovation construction can be done safely. Ms. Owen explained the requirement of the grant application.

DC Orr, 1117 Nevada Ave., commented that while dealing with Ms. Owen on the feasibility study for the Asa Wood County consolidation issue Mr. Orr did not receive information from Ms. Owen, that was promised to him and believes she is unreliable.

Approve \$25,559.00 LOR Grant Purchase to purchase a storage shed and equipment for use at the Libby Gun Range to both expand law enforcement training opportunities and begin firearm safety programming for the community:

Chief Ercanbrack explained a new shed at the gun range would improve community relationships and officer training, providing a safe space for firearm manipulation and training, store targets and other supplies needed for the range. Hunters Ed will be able to host gun safety education and other classes at the Police Department's range.

Tabitha Viergutz with the LOR Foundation explained a funding request was received from Chief Ercanbrack and was approved October 15th for the purchase of the storage shed and equipment to be used at the Libby Gun Range. The commitment to the dollar amount was \$25,559 and the term end date on that grant would be August 31, 2025, pending completion of all expenditures in the grants budget. This grant was approved and is just waiting for Council approval before we issue a contract and payment.

Councilor I. Smith inquired about the shed and the targets already out there. Chief Ercanbrack explained the current shed is slowly falling apart, the new shed made by Tuff Shed would allow all the items stored out there to be protected. Also explained there were still plenty of paper targets, steel targets are well maintained, there is an additional steel rack as well as a Texas Star and spinner LOR is helping purchase.

Councilor Zimmerman **MADE A MOTION** to approve the LOR grant purchase in the amount of \$25,559 for the Libby City Police Department at the Libby gun range, Councilor K. Smith **SECONDED**.

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

MOTION PASSED

Approve Lease Contract – Department of Justice/Highway Patrol.:

Ms. Monigold explained this was a standard lease similar to the lease with the Department of Revenue, with an increase of 1.5% a year. The current rate was given to their accounting department and the updates were made.

Councilor Zimmerman **MADE A MOTION** to approve the lease contract with the Department of Justice, Highway Patrol, Councilor Berke **SECONDED**.

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

MOTION PASSED

Zoning districts: Residential A, A2, B, and Residential Business (Discussion:

Councilor K. Smith presented a PowerPoint presentation explaining the Zoning Commission's update recommendations for Residential A, A2, B and Residential Business Districts. Ms. Smith described the key changes that included adding purpose statements, reorganizing performance standards, and restricting outdoor storage (location and type). The Zoning Commission suggests Business Residential be renamed Residential Business to emphasize it is residential first and businesses must be given permission by the City Council. Ms. Smith showed examples of items that may be considered disruptive in residential neighborhoods.

DC Orr, 1117 Nevada Ave., commented disagreeing with the Zoning Commissions actions and inquired why minutes for the meeting were not available.

Roberta McCann, 270 Indian Pipe Road, commented defending the Zoning Commission on the suggestions that are made and how the Commission does listen to the public.

First quarter budget/financial report:

Ms. Monigold reported the revenue for the budget should be about 25% in the first quarter, most of the revenue is 25% except for property taxes which will be received in December. Several revenue items are only an estimate of what may be received based on the last 4-year average, such as cemetery, opening and closing, and camping fees. On the expenditure side, all departments are doing well and the items around 25% are ones easily budgeted like contracts, telephone, and electricity. Noting the line for miscellaneous under the general fund is a little higher than 25%, that is where the yearly liability insurance and similar expenses come from.

DC Orr, 1117 Nevada Ave., commented why there has been no cannabis tax received that is budgeted at \$13,000.

Mayor Williams explained cannabis tax is paid quarterly; the first disbursement was just over \$4000, and the amount just received for the second quarter was surprisingly higher. Ms. Monigold confirmed the first quarter at \$4564 and the amount just received was around \$10,342. Councilor Berke pointed out it will always show a zero in the current month on the budget during the quarterly report.

Approve all claims received to date:

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

Councilors Berke, Burger, 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 an email was sent to inform the Council she had touched base with Christy Dawson from Montana West Economic Development and will have a special workshop meeting on November 4th to detail what they do. It is informational only and no decisions will be made.

General Comments from Council:

Mayor Williams reminded Council Dan Clark is scheduled for Council Training on October 29th at 6:00 pm and she has arranged something to eat prior to the training.

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:51pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold