

## UNAPPROVED MINUTES

The Libby City Council held regular meeting #1664 on Monday, November 4, 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 November's leaf pickup dates and reminded about Election Day, polling place for Libby at the Memorial Center.

### **Approve minutes of special Council meeting held September 16, regular Council meeting #1661 held September 16, 2024, and regular Council meeting #1662 held October 7, 2024:**

Councilor Zimmerman **MADE A MOTION** to approve meetings minutes 1661 and 1662, Councilor Berke **SECONDED**.

Councilor Taylor **ABSTAINED** from Council meeting #1662, stating he was not present.

DC Orr, 1117 Nevada Ave., commented disagreeing with the accuracy of the minutes and felt he was censored because the minutes did not reflect matters he discussed. Commenting on Councilor Smith's Point of Order and felt it violated his right to participate.

Councilors Berke, Burger, K. Smith, and Zimmerman voted **FOR**. Councilor I. Smith voted **AGAINST**; Councilor Taylor voted **AGAINST** meeting #1661 minutes.

Councilor K. Smith **MADE A MOTION** to approve the minutes from the Special Meeting, Councilor Berke **SECONDED**.

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

Councilor I. Smith requested to see the substance of what Mr. Orr said, since Mr. Orr feels he is being censored, Councilor Burger agreed.

Councilor K. Smith stated minutes a reflection of what was said and happened at the meeting, feeling that were not expressed are not accounted for in the minutes.

Mayor Williams explained Mr. Orr's comment would go into tonight's minutes, not the minutes being voted on.

Councilor Burger didn't believe Mr. Orr's comments were reflected in the minutes. Councilors Taylor and I. Smith agreed.

Councilor Taylor stated he would like to relisten to the minutes to see if they reflect what was written.

Ms. Monigold explained the recording is available online.

Mayor Williams withdrew the special meeting minutes to allow time to listen to the recording and will be addressed at the next meeting.

### **Committee Reports:**

**Administrator:** Administrator Sikes reported sewer main replacements are underway and will be completed in the next couple of weeks. The sewer plant is having issues with grease dumping down the sewer drain in large quantities creating a 2-foot gelatinous blanket over the top of the oxidation ditch and clarifiers. Mr. Sikes explained the problems that could arise and will be working with the County Health Department inspector to identify and educate businesses and the public that grease is not allowed to be dumped into the sewer mains. Mr. Sikes is getting together with the Sewer Plant and Streets Department to see if they can identify who is doing it to take corrective action. Councilor K. Smith inquired if it was food grade or petroleum-based grease. Mr. Sikes stated it is food grade grease being found.

The roof of the Headworks building needs repaired, explaining the repairs needed, costing approximately \$12,000, repairs starting later in the week. Deferred maintenance like this is an example why base rates need to be adjusted so the city can keep up on repairs.

The Water Department has received the replacement pumps for the 500,000-gallon storage tank and will be scheduling an electrician and plumber to get the pumps installed.

Working with the DEQ to amend and update the Opencut Mining Permit for accurate boundaries.

Mr. Sikes reported on questions asked at the previous meeting about water and sewer capacity for growth, sewer capacity can handle 500,000 gallons a day, the current average is 280,000 gallons a day which is at 56% of sewer capacity and there are plans in the next 15-20 years to add a second ox ditch and third clarifier that would expand capabilities. Water capacity, the plant is designed for 4 million gallons a day, current average is 1.2 million gallons a day which is 30% capacity.

**Streets Supervisor:** Justin Williams reported crews are out with the sweepers keeping leaves picked up, patching potholes, and jetting sewer mains.

Flower Street/ Nevada Ave. project is complete but has three conflicting mains in the intersection. Mr. Williams explained the conflict and how it was corrected.

Sewer main replacement behind Johnnies is complete, passing pressure test and gave an update on the water main replacement.

Three hazardous trees have been removed from Fireman's Park campground, crews have been trimming over hanging trees and bushes along the city winter plow routes, city sprinklers have been blown out and winterized and gave an update on the concrete and paving projects.

Mr. Williams gave a reminder of city ordinances related to leaves, plowing or shoveling snow into city streets and alleys, and seasonal parking.

**Fire:** Councilor Zimmerman reported for the month of October, eight calls were responded to, 3 calls for city, 4 calls for Rural Fire District, 1 call outside city or RFD, 3 mutual aid with ambulance, 1 false alarm, 1 power line, 1 fuel spill/HAZMAT, and 2 miscellaneous for a total of 71 calls in 2024. Concrete in front of the Fire Hall is still in progress and City Hall part training center/Legion concession stands winterized.

**Ordinance Committee:** Councilor K. Smith reported on the Committee meeting on Wednesday, October 23<sup>rd</sup> and discussed the ordinances and an update to the current parking ordinance presented to the Committee by the Chief of Police. Officer Luthey was present to guide them through the needed changes. The ordinance changes are currently with the City Attorney and will be coming forward for Council for consideration.

**Police:** Chief Ercanbrack reported for the month of October there were 207 calls for service, 2 assault cases, 7 threatening calls, 12 disturbances, 25 suspicious person or cars, 11 crashes, 13 theft cases, 3 cases involving juveniles, and 41 traffic stops.

Chief Ercanbrack announced Officer Smart would be graduating from the academy on Friday at the top of his class.

Councilor I. Smith explained why he had voted against the LOR grant in the previous meet and would like to see the grants go towards the equipment officers need. Chief Ercanbrack agreed and described the grants he is currently working on with Rural Agricultural Foundation and the Tourism Committee.

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

DC Orr, 1117 Nevada Avenue, expressed concern about a meeting that was held with the EPA, that it was not noticed to the public and inquired about the IP negotiations expressing frustration nothing has been provided to the public.

**Old Business: None**

**New Business:**

**Approve Resolution #2043, Owner requested annexation of Michigan (Clark):**

Mayor Williams read Resolution #2043.

Councilor K. Smith expressed the importance of annexing properties that are getting services so they pay their share of taxes and help thin the burden. They can get services, but they're not annexed. It is an important, city municipal government, extension of power.

DC Orr, 1117 Nevada Ave., expressed disapproval of the annexation because the Port property has its own sewer system, explaining why he disagrees and inquired about impact fees.

Councilor K. Smith suggested if co-councilors have questions about the fundamentals of the infrastructure and how it is paid for, to speak to Mr. Sikes, he has presented that information before and recalls the Port's sewer system is not operational.

Councilor K. Smith **MADE A MOTION** to approve Resolution #2043, Councilor Burger **SECONDED**.

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

**MOTION PASSED**

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

Mayor Williams explained the Zoning districts are only for discussion and Ms. Smith provided a memo regarding the recommendations and notes concerning these districts.

Councilor K. Smith explained the red marking on the ordinance changes indicating Business Residential has more red marks because after the presentation last year, those changes were incorporated. The red, on Residential A and B are changes since presented to council.

Mayor Williams indicated she would start with Resident A and ask each Councilor for comments, questions, or how they would like to change anything.

The council discussed changes they would like to see in Residential A District.

The council majority was in favor of striking section B under Accessory Uses in the form of a motion.

The council discussed Home Occupations under Accessory Uses.

The council majority was in favor of striking 17.12.100 sub-section B and C in the form of a motion.

The council majority agreed to leave Home Occupations for continued discussion.

The council majority agreed in favor of striking section B under Accessory Uses in Residential A2.

The council discussed recreational fires and the 25-foot rule.

The council discussed Home Occupation to clarify wording.

The council discussed what motions had already been made and Council majority was in favor of striking 17.12.100 sub-section A and B in Residential A2 in the form of a motion.

Council discussed landscaping in 17.16.060 Residential B. Council had a split vote in the form of a motion to strike landscaping. Council discussed landscaping further and Council majority was in favor to change the word “will” to “could” and add a definition for landscaping in form of a motion.

Council discussed Residential Business

Council majority was in favor of striking the word “certain” and change it back to “any” in Residential Business 17.20.20 under Conditional Uses, D in the form of a motion.

The council discussed 17.20.050 (A), setbacks and building footprints for all buildings shall conform to the standards listed in Residential B District along with rear yards, for clarification.

The council majority was in favor of striking 17.20.040 B, Propane tanks are not permitted in the front yards., in the form of a motion.

Council discussed 17.20.050 B., under Performance Standards and had a split vote in the form of a motion to change 17.20.050 (B) to “Height of building my no exceed 45 feet, see Conditional Use.” Mayor Williams voted against the change and to keep the sentence intact at this time.

Mayor Williams said the changes will be made and Council will have another opportunity to look at them.

Public Comment:

Karen Dinkins thanked the Council for the decision to strike the garage setbacks and the fire pit restriction to the back yard.

DC Orr praised the Council for a productive discussion and emphasized the fact material was not available for the public to review and was under the impression from the agenda it was for discussion only and felt it was a violation of his right to participate since items were being voted on and he should have had the opportunity to comment after each vote. Mr. Orr disagreed with the way the Zoning meetings were run and inquired why there were no minutes available to the public.

Justin Williams suggests gathering information on transition zones through site visits to better understand the impact of zoning changes and highlighted issues with larger buildings and their impact on neighboring properties, including crowding and maintenance challenges.

**Approve all claims received to date:**

Councilor Zimmerman **MADE A MOTION** to approve all claims received to date and Councilor Berke **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 thanked Council for attending the meeting with Montana West presentation and hoped they found it helpful.

The Council discussed the need for a grant writer, potential community development projects that would benefit the community, the idea of using a portion available for loans, and how a community development director or professional organization could benefit the city on how the funds released.

**General Comments from Council:**

Councilor Berke thanked the Zoning Commission for the hard work on the updates.

Councilor K. Smith addressed the difficulty of providing minutes without a minute taker for the commission and expressed frustration at the bullying and assured there were no conflicts, asking if anyone feels there are potential conflict to speak with her. Ms. Smith mentioned a program Leann has identified that may help with minutes.

Ms. Monigold discussed the AI program she has been working with for about a year that would help keep a better record of what was said, it can provide an outline, transcript, and a summary of the meetings.

**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 8:45pm.

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Mayor Peggy Williams

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

Clerk/Treasurer Leann Monigold