

APPROVED MINUTES

The Libby City Council held regular meeting #1666 on Monday, December 2, 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, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) Councilor Ian Smith. City Attorney Dean Chisholm was absent.

Announcements: Mayor Williams announced that the Christmas wreaths were scheduled to put up on Mineral and California Avenues one day this week. The public was also reminded that the winter parking ordinance is in effect, residents should check the ordinance for specifics.

Councilor Burger spoke about Santa on the Move from 1pm to 5 and Santa's village happening on Saturday, December 7 at 5pm on Mineral Avenue.

Approve minutes for Regular Council meeting #1663 held October 21, 2024:

Councilor Zimmerman **MADE A MOTION** to approve regular council meeting minutes 1663 held October 21, 2024, Councilor Berke **SECONDED**.

D C Orr 1117 Nevada objected to approving the minutes stating that the minutes did not contain Councilor K Smith remarks concerning minutes for planning board and zoning board minutes.

Councilor Berke asked to review the minutes.

Approval of minutes was postponed.

Committee Reports:

Administrator: Administrator Sikes reported that recent sewer main replacements were nearly complete and recapped problems encountered at three locations and the unforeseen expenses those problems added cost of the project. Working on regulations regarding grease traps. The position at water distribution is still open. Work continues on the open cut mining permit; as well as working with WWC Engineering for scope of work concerning the spoils pile.

Streets Supervisor: Justin Williams reported that the leaf pickup went well, crews have patched potholes, jetted lines, and generally preparing for winter. The last seasonal worker is gone until spring, the pickle ball facility now has water and sewer. Mr. Williams explained the arc of communication regarding projects so there is no misunderstanding of responsibilities.

Police: Chief Ercanbrack reported 167 calls in the month of November this year. Last year, there were 128 last year, this month we had zero assaults and zero domestic violence calls. Violent crime has gone down this month, which doesn't typically happen statistically with the holiday season. There were three threatening calls, five disorderly conduct, five disturbances, 11 thefts, one sex offense, 18 suspicious vehicles or persons and two alcohol offenses, seven crashes, four of which admitted to being distracted and over 48 traffic stops. A proactive stance has been maintained while moving through the city with officers doing calls of service, assisting the public, welfare checks for people concerned about family members, helping ambulance crews on medical calls, things like that. Officers were very busy, fortunately, we have seen a decrease in crime this month. Chief Ercanbrack is working with the Montana Tourism Council, getting the vehicle is going very smoothly, working with the other vendors. The contract should be signed in the next two weeks.

Ordinance: On the agenda

Lights/Streets/Sidewalks: On the agenda

Building: Lease for Pure North is on the agenda.

Zoning Commission: On the agenda

Cemetery/Parks: Councilor Berke said she wanted to have a committee meeting this week or next to talk about a skatepark request.

Public Comment on Non- Agenda Items:

Karen Dinkins announced an opportunity had arisen that will not allow her to serve on the Government Review Commission for the full two-year term. In the next six to eight months will no longer qualify and would like to step down to give someone else a chance to serve in the beginning stages.

Mayor Williams thanked Mrs. Dinkins and stated the position had been advertised.

Kaylee Cohenour, Cohenour Trucking 30711 U S Highway, wanted to propose a Christmas parade. She wants to get the community together with trucks, lights, 4H kids, Boy Scouts, the police, and Volunteer Ambulance. Staging would be on the Boulevard; big trucks might have to be in the parking lot of the Memorial Center. The route would be down Mineral, turning on 2nd Street, looping around the Care Center back down Louisiana to disperse. There will be no candy for the safety of the kids. The Dome Theatre has a movie starting at 7pm, the facility opens at 6, the starting time for the parade is proposed to be 5:30pm.

Mayor Williams suggested she speak with Administrator Sikes for assistance and Councilor Burger for help with event insurance.

Old Business: None

New Business:

Heritage Museum Montana State Tourism Grant update/approve support letter request (Sherry Turner):

The Heritage Museum is preparing to apply for a large grant for tourism with the focus on completing the rebuilding of the Shay locomotive. Sherry Turner, the Museum representative, had been talking with Libby's different councils and boards to involve more projects opportunities. They would like to include the city-owned logging Haul Road bridge over the Kootenai River. Ms., Turner has spoken with TCI (Thompson Construction) for an estimate of cost for submission with the grant.

Mayor Williams stated that the bridge has been on the city's radar for a while because it has had so much vandalism, which is part of the problem of trying to keep the fence up. It was suggested that Ms. Turner talk to Mr. Sykes about how that grant will work and what the city would need because we would be very interested in getting the bridge repaired. We've tried to brainstorm solutions; it's beyond our means at this point.

Ms. Turner went on to brief the council on what work has been done to date on the Shay and the company identified for needed repairs. A video has been put together by a volunteer, use of a painting done by a volunteer's father has been offered for use in fundraising.

Councilor K. Smith thanked Ms. Turner for her passion and dedication to the museum and pursuing all the funding sources, and totally supports this project for the bridge.

If the bridge is included as a project the city would need someone to work on the steering committee.

Public Comments: None

Approve Pure North facilities contract update:

Councilor Taylor stated the contract had been in the works for a while, reviewing other contracts, this one has had no rate increases since 2017, the committee looked up the procedure to move forward, would be about a \$50 a month increase with a 5% increase every two years after that, they still pay their sewer and water bill.

Mayor Williams pointed out that there was an increase in liability insurance from 1 million to 2 million which is a requirement from MMIA who no longer considers 1 million sufficient.

Councilor K. Smith **MADE A MOTION** to approve the new lease, Councilor Zimmerman **SECONDED**.

D C Orr 1117 Nevada Avenue stated this was an improvement to what we have become used to, seeing the dollar amount to be paid, inquiring if that is tied to square footage, asking if in the future that square footage be included in contracts to know if the county is paying the same amount per square foot and to know the city got a good deal.

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

MOTION PASSED.

Approve submission of 2025 Road to Zero Community Traffic Safety Grant:

Chief Ercanbrack explained the grant is focused on lowering fatality crashes by implementing evidence-based countermeasures, supporting a safe system approach and performing necessary research to address disparities in mobility safety and access. He is requesting just under \$180,000 focusing mostly on school zones. The request includes three portable radar signs, seven body cameras, six in-car cameras for patrol cars, with installation and software needed.

Councilor Zimmerman **MADE A MOTION** to approve the submission of 2025 Road to Zero Community Traffic Safety grant, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Resolution #2050, Authorization to submit MCEP infrastructure Planning Grant Application for Wastewater Preliminary Engineer Report:

Mayor Williams explained that the current Wastewater PER is aging out with most projects completed. The city needs a new PER so no grant cycle is missed. City Engineer Andy Evanson has identified some planning grants that will help us fund the new PER, one of which is the MCEP grant. The grant amount is \$40,00 with \$10,000 match.

Councilor Zimmerman **MADE A MOTION** to approve the submission and signing of the MCEP grant request, Councilor Berke **SECONDED**.

Councilor K Smith inquired about the date of the most current PER.

Administrator Sikes replied that it was 2017. The city has completed all the projects. The city cannot get grants without an up-to-date PER.

Public Comments:

D C Orr 1117 Nevada asked Council to let the public know the city is collecting plant investment fees from people who hook up to water and sewer systems. Recognizing sewer system is at 65% with a lot of development going on in the Port Authority let the public know people are paying to

hook up to the infrastructure and how much they much they paid in plant investment fees for the project.

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

MOTION PASSED.

Approve award of bid for Spruce Street reconstruction and signing contract using SLIPA grant:

Project funding is State and infrastructure partnership act, \$231,304 from gas tax fund 57, 826, pulling \$15,000 gas tax for completed engineering leaving a \$128,66. contingency for problems encountered, change order. Complete phase I, for phase 2 from Michigan to fence line.

Mayor Williams read a letter from TD&H stating Noble Engineering can complete the work required recommending that bid be awarded to Noble Construction. Bids were opened in city hall last Wednesday.

Administrator Sikes replied to Councilor K. Smith that reconstruction will start at Riddles place, otherwise the storm water would not flow properly, so starting at the apron on Spruce, new sidewalks and curbs, and ADA compliance crosswalk..

Councilor K. Smith **MADE A MOTION** to award the contract to Noble Excavating for recommendation for the Spruce Street reconstruction and signing and submitting the contract, Councilor Zimmerman **SECONDED**.

DC Orr project is more or less a benefit of development for Port Authority, saying many times how the county takes advantage of city, asking Council to make sure the county pays for some of the development.

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

MOTION PASSED.

Approve Resolution Streets committee recommendation for reduction of speed on Mineral Avenue from 25mph to 20 mph beginning at 8th Street and continuing to 1st Street:

Mayor Williams explained the changes recommended by the Streets Committee and it was determined that municipalities can reduce speed limits without a speed study.

Councilor Zimmerman **MADE A MOTION** to approve the Streets Committee recommendation for the speed reduction on Mineral Avenue from 25 miles an hour to 20 beginning at 8th Street and continuing to 1st Street, Councilor K. Smith **SECONDED**.

No public comment

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

MOTION PASSED.

Approve stop sign placement at 4th and Mineral:

Councilor Zimmerman **MADE A MOTION** to approve stop sign placement at 4th and Mineral, Councilor K. Smith **SECONDED**.

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

MOTION PASSED.

Approve stop sign placement at 6th and Mineral:

Councilor Taylor **MADE A MOTION** to approve stop sign placement at 6th and Mineral, Councilor Burger **SECONDED**.

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

MOTION PASSED.

LOR offer to grant fund crosswalk flags to Mineral Avenue -update:

Mayor Williams provided info from Kirkland having a city logo, buy plain orange ones, Mr. Williams talk to Twisted Turtle.

Councilor Burger inquired if they could be identified should they take a walk about, Mayor Williams said they would have the city logo.

Councilor Berke pointed out Kirkland has volunteers that maintain moving, in proper locations.

Councilor K. Smith suggested putting on air tags.

Mayor Williams said no information was found on flag loss and Tabithia is willing to put \$10, 000 into the project.

Justin Williams, the generic flags run \$7.80 each, Jeff looking at 11 X 14 ½, and will get a quote together for 48 flags in the next couple of days.

Chelsie Mugford, Jade Salon, wanted to know, now that everything is approved how long until they see these things getting done? Carol Sugar and Chelsie will volunteer to maintain flags at 4th Street.

Approve Ordinance #2045 Aggressive Solicitation and adding definitions to same (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2045, Councilor Berke **SECONDED**.

Councilor Taylor asked Chief if this would be the same as disorderly conduct or what would be the difference. Chief Ercanbrack explained the difference.

Public Comment: None

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

MOTION PASSED.

Approve Ordinance # 2046 Urinating and Defecating in Public Places (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2046, Councilor Berke **SECONDED**.

Vince Backen inquired if urinating outside a bar considered a sexual crime, then must register as sexual deviant. The chief replied, it is not.

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

MOTION PASSED.

Approve Ordinance # 2047 Camping, Sleeping, Motor Vehicles and Storage of Personal Property and Adding Definitions to Same (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2047, Councilor Berke **SECONDED**.

Public comment: None

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

MOTION PASSED.

Approve Ordinance # 2048 Parking Violations fee Schedule (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2048, Councilor Berke **SECONDED**.

DC Orr inquired what is declassifying a misdemeanor. Chief explained. Mayor Williams pointed out the word is part of the current ordinance, not new wording. Mr. Orr concerned under new law, no rights, pay fine, giving up rights of people, feels it is stealing rights.

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

MOTION PASSED.

Approve Ordinance #2049 Amending Title 17, Chapters 12, 16, 17, and 20 entitled Residential A, A2, B, and Residential Business, (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2049, Councilor K. Smith **SECONDED.**

Councilor Zimmerman inquired about clarification on Residential Business District, Performance Standards 17.20.050, B. Councilor K. Smith explained the wording the Committee used.

The council discussed district boundaries, height requirements, the meaning of adjacent, and how it affects different districts.

Councilor Taylor disagreed that it needed to be changed for the sake of changing just because it was written in 1987. Councilor K. Smith emphasized the changes where to provide clarity, and the need to address changes that were not able to be addressed before because of code.

Shane Campble commented how he has notice different porches that have been built with different setbacks standard than other houses in the same area.

Tina Oliphant commented the clarification is very helpful and will be using the new Ordinance as soon as it is approved.

DC Orr commented there is no real clarity, Zoning Commission should be providing minutes that show clarity and should be able to get clarity from committee reports, but have heard vague reports.

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

MOTION PASSED.

Approve all claims received to date:

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

Public Comments: None

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

MOTION PASSED.

Approve all business licenses received to date:

Jessica's Odd Jobs and Orth-Apothecary Massage. Libby Pawn application was pulled for later date.

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

No public comments

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

MOTION PASSED.

Mayor Williams, referring to law enforcement ordinances earlier in the meeting, allowed Chief Ercanbrack to go over his memo sent out earlier in the day, and advocate for the proposed Distracted Driving ordinance that was missed earlier.

Chief Ercanbrack explained and read statistics to show the importance of a Distracted Driving ordinance.

The council majority did not mind revisiting the proposed ordinance on a future agenda.

Unfinished Business:

Discussion to amend Libby development Fund Policy and application process: No Discussion.

General Comments from Council: None

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 8:22pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold