

## APPROVED MINUTES

The Libby City Council held regular meeting #1667 on Monday, December 16, 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 Berke, 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 there have been no application received for the vacant Study Commission seat, it will continue to be advertised to see if someone will file an application.

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

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

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

**MOTION PASSED.**

### **Approve minutes for Regular Council meeting #1664 held November 4, 2024:**

Councilor Zimmerman **MADE A MOTION** to approve regular council meeting minutes 1664 held November 4, Councilor Berke **SECONDED**.

DC Orr commented Councilor K. Smith's closing comment about committee minutes was not accurate and repeated what he believes she stated. Mr. Orr commented on MCA 2-3-212, Minutes of Meetings, and gave his opinion on why he believes the Planning/Zoning meetings were not legal, requesting it be addressed.

Councilor Taylor requested to postpone the decision to have time to review Ms. Smith's statement to see if Mr. Orr was correct or not. Councilor I. Smith also requested a postponement. Councilor K. Smith commented Ms. Monigold goes by what is recorded and reminded Council the previous postponed minutes, just approved, were exactly as written the first time. Mayor Williams asked any Council member that would like to review them to review the audio from the website.

Minutes #1664 were postponed for approval until January 6<sup>th</sup> Council meeting.

**Approve minutes for Regular Council meeting #1665 held November 18, 2024:**

Councilor Zimmerman **MADE A MOTION** to approve meeting minutes 1665 from November 18, Councilor K. Smith **SECONDED**.

DC Orr commented on the way his comment was written in the minutes and requested they not be changed.

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

**MOTION PASSED.**

**Approve minutes for Special Council meeting held November 4, 2024:**

Councilor Zimmerman **MADE A MOTION** to approve Special Council meeting minutes from November 4, Councilor K. Smith **SECONDED**.

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

**MOTION PASSED.**

**Committee Reports:**

**Administrator:** Administrator Sikes gave the building report for October and November. For the month of October two building permits were sold, one for an addition and one for a new roof for a total of \$1,173, in November, four permits were sold, one for a remodel, and three for buildings for a total of \$24,068. One of those buildings permits was for the new housing units going down on Commerce Way, for 13 duplexes and one community building.

**Fire:** Councilor Zimmerman reported for the month of November 7 calls were responded to, 4 calls for city, 2 calls for Rural Fire District, 1 call outside city or RFD, 1 structure, 4 mutual aid with ambulance, 1 false alarm, and 1 miscellaneous for a total of 78 calls in 2024.

**Lights/Streets/Sidewalks:** Mayor Williams requested the pedestrian flags be put back into committee, there are details that need to be ironed out for the LOR grant.

**Finance:** Clerk/Treasurer Monigold reported the Annual Financial Report for fiscal year 24 has been submitted and accepted by the state and will be added to the city website in the following week.

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

John Bebee commented he had seen the ad in the paper for the Study Commission, handing his resume and application to Mr. Sikes. Mr. Bebee explained why he submitted his letter of interest for the Study Commission.

DC Orr commented, referring to the December 2<sup>nd</sup> meeting, that the Police Chief should not have been allowed to speak about Distracted Driving under General Comments of the Council and explained why he felt that way.

Vince Backen suggested the Council vote to discuss a salary for the mayor that compensates for the time and work involved.

Kaylee Cohenour requested barricades for the Christmas parade starting at 5pm – 6:30pm. After Council inquiries, Ms. Cohenour explained she has spoken with Mr. Williams about the barricades, the Police Chief about having a patrol car leading and trailing the parade, and insurance coverage.

Kira Basham had concerns about the speed of traffic on the Highway from Copper Mountain Coffee headed towards Troy. Inquiring if the city has anything to do with that section. Mayor Williams suggested contacting the State Highway Department, they are responsible for all of Highway 2.

**Old Business:** None

**New Business:**

**Approve Committee recommendation for skatepark element construction:**

Councilor Berke stated the Parks Committee met Wednesday, December 11<sup>th</sup> with Mr. Montgomery and Mr. Phoenix and a small group of people wanting to put a small half pipe skatepark in the park between the funeral home and the Legion Field, the Committee agrees it would be a nice feature. Grant funding has been approved by LOR to complete the project, construction would be planned for spring. An alternative placement has been suggested in the green space next to the tennis courts but has not been looked at yet.

Councilor Taylor **MADE A MOTION** to approve the skatepark construction with the site to be determined, Councilor I. Smith **SECONDED**.

The council discussed concerns about the suggested placement and discussed alternative locations.

Steve Schnackenberg, owner of the funeral home, was in favor of a skatepark but has concerns about growth in that area because there is no room for parking as it is, even during baseball season, people are parking on his lawn, he has to ask people to move because they park on his sprinkler system. Mr. Schnackenberg requested they find another location to put a skatepark.

John Bebee agreed it was a good idea to have it near the tennis courts and suggested other activities and another alternative location.

Jarad Pheonix, involved with the skatepark project, explained the reason they had chosen the possible location near the Legion Field. Mr. Pheonix described the skatepark feature they would like to build and other possible locations they had looked at but there would be no room for possible expansion in the future.

Jennifer Nelson supported the idea of a skatepark but felt near the funeral home would not be an appropriate site and recommended an alternative location near the ball fields.

DC Orr supported the idea of a skatepark and commented on his previous experience skateboarding and a skatepark he had helped build in the past, suggested not postponing the idea as has happened in the past and utilizing money from the Community Development to help fund the project.

Justice Fahland a current skateboarder encouraged Council to add a skatepark in one of our current park settings.

Ethan Cole supported the idea of a skatepark and encouraged Council to provide an area for the project, so it does not get postponed.

Ben Montgomery, involved with the skatepark project, explained why they had chosen the location near the funeral home, but stated the location isn't critical, they would just like a location to get it built.

Craig Pheonix supports the skatepark and understands Steve's concerns having it near the funeral home, encouraging Council to pick a better spot.

Councilor Smith had concerns for the grant deadline, if there needed to be a specific location in order to submit for the grant. Mr. Montgomery said LOR only needs the city's willingness to designate a space to receive the grant.

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

#### **MOTION PASSED**

#### **Approve signing and submission of DNRC grant request for Urban Forest:**

Mayor Williams explained the DNRC Urban Forestry Grant.

Councilor K. Smith **MADE A MOTION** to approve signing and submitting the DNRC grant for Urban Forest, Councilor Berke **SECONDED**.

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

#### **MOTION PASSED**

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

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

DC Orr inquired if adding the definition was in the first reading and if minutes were requested there would be a recording of the meeting. Mayor Williams said the definition was in the first reading. Councilor K. Smith said there was not a recording of the minutes, but they are written down.

John Bebee commented he would like to see the same zeal with removing ordinances as there is with creating new ordinances.

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 (second reading):**

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

Jennifer Nelson understood the ordinance covers public property or in view of the public but wanted to know if there was an ordinance to prevent people from urinating in her front yard.

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

**MOTION PASSED**

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

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

Jennifer Nelson commented that she was unsure, not sure what the word way meant right of way and suggested changing the wording to state public right of way.

John Bebee commented if there is already a state law for indecency why be redundant with city ordinances.

Councilor K. Smith **MADE A MOTION** to change that to rights of way, Councilor Zimmerman **SECONDED**.

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

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

**MOTION PASSED**

**Approve Ordinance #2048 Parking violations fee schedule (second reading):**

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

Councilor Taylor inquired if there was clarification on whether the citation gives up the right to protest.

Attorney Chisholm said it does not take away any rights, citations can be protested. Mr. Chisholm wanted to clarify the word Ways in the previous ordinance refers to alleyways or thoroughfares open to the public not covered by the word streets.

DC Orr commented that the attorney is giving bad advice and with a municipal infraction there are no rights and there could be jail time. Mr. Chisholm said that it is inaccurate, there is no imprisonment term for faulty parking.

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

**MOTION PASSED**

**Approve Ordinance #2049 Amending Title 17, Chapters 12, 16, 17 and 20 Entitled "RESIDENTIAL A, RESIDENTIAL B, RESIDENTIAL C AND BUSINESS RESIDENTIAL (second reading):**

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

Councilor Zimmerman would like to see for Business Residential under 17.20.050, Performance Standards adding under (A) "exceptions: garages and carports are not subject to rear yard requirements" depending on the size of the lot to allow people to have a garage or carport to allow two vehicles. And under (B) adding "adjacent does not include alleys or rights of way"

The council discussed the possible changes.

Councilor Zimmerman **MADE A MOTION** to amend 17.20.050 (A) to include exceptions: garages and carports are not subject to rear yard requirements and under (B) adjacent does not include alleys or rights of way, Councilor K. Smith **SECONDED**.

DC Orr inquired if it was legal, ethical, and honest to amend on a second reading when the public has not had the opportunity to go over the information. Mr. Orr wanted to know if he requested recordings of Residential A, B, C, and Business would he be able to hear them and if the Chair of those meeting would testify in court there were minutes, or the city may go down the road of a lawsuit.

Jennifer Nelson commented that the public should have the information Councilor Zimmerman introduced to better understand. Ms. Nelson, a member of the Planning and Zoning Board, explained why she would like to see how it would affect the different zoning districts.

John Bebee inquired if there were committee rules on parliamentary procedures and due process.

Roberta McCanns, a member of the Planning and Zoning Board, explained the process, time, discussions, and energy it took for the recommendations to come to Council and ask to pass the Ordinances.

The council discussed what the amendment meant.

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

#### **AMENDMENT DID NOT PASS**

Councilors Berke, Burger, and K. Smith voted **FOR**. Councilors I. Smith, Taylor, and Zimmerman voted **AGAINST**. Mayor Willaims voted **FOR** breaking the tie vote.

#### **MOTION PASSED**

#### **Approve all alcohol license applications received to date:**

American Legion Club, Black Bord Bistro, Cabinet Mountain Brewing Company, Crosscut Casino, Dorio's, Gold Pan Casino, Harper-Erdman VFW, Kaiju Bar & Grill, Libby Empire Foods, Libby Qwik Stop, Lucky Lil's Casino, Lucky Logger Casino, Maggie's 2 Casino, Mint Bar, Pastime Bar and Lounge, Red, White & Brews, Rosauers Supermarket, Switchback Bar & Grill, and Town Pump

Councilor I. Smith **MADE A MOTION** to approve all alcohol license applications received to date, Councilor Burger **SECONDED**.

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

#### **MOTION PASSED**

**Approve all Coin Operated Amusement License applications to date:**

American Legion, Haper-Erdman VFW, Mint Bar, and Pastime Bar and Lounge

Councilor I. Smith **MADE A MOTION** to approve all coin operated amusement license applications received to date, Councilor Berke **SECONDED**.

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

**MOTION PASSED**

**Approve all claims received to date:**

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

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

**MOTION PASSED.**

**Approve all business license received to date:**

Councilor K. Smith **MADE A MOTION** to approve all business license 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:**

The council discussed ideas how they would like the funds to be spent.

Councilor Taylor suggested, for the next meeting, everyone come with two items or directions each and set aside the time to discuss those.

**General Comments from Council:**

Mayor Williams announced Justin Williams, Sam Sikes, and herself had met with the representatives of the Farmers Market last week and they are looking at a portion of Riverfront Park to use for their Farmers Market, describing the areas they are looking for, there is a need of a permanent shed area. They have been informed they would have to have port-a-potties and insurance. They are reviewing their options and may come back in January to request the space.

Councilor Taylor addressed comments on non-agenda items where the public is not allowed to ask questions or interact with Council, two people got a response during the current meeting and he does not think it is fair or equal, everyone needs to be treated the same, if they are not going to answer anybody then nobody gets an answer.

The council discussed why the public comment period is for comments and not conversation and if something should be put into committee or addressed by Council that is done during Council Comment.

**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 8:34pm.

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Mayor Peggy Williams

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

Clerk/Treasurer Leann Monigold