

APPROVED MINUTES

The City Council held meeting #1560 on Monday, January 4, 2021, in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:00 pm by Mayor Brent Teske.

The Pledge of Allegiance was completed, and Roll Call commenced. Present were Mayor Teske, Mrs. Williams (via Zoom), Mr. Beach (via Zoom), Mr. Dufficy, Ms. Smith, Mr. Taylor, Mr. Zimmerman (via Zoom), City Administrator Mr. Hammons, and City Clerk/Treasurer Mr. Sikes.

Mayor Teske welcomed all and a prayer was offered by Mr. Mark Smith

Approve City Council Meeting minutes for #1559 dated 21 December 2020. Councilor Zimmerman **MADE A MOTION** to approve and Councilor Smith **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Announcements:

Mayor Teske wished everyone a Happy New Year welcoming all to 2021.

Committee Reports:

City Administrator's Report: Mr. Hammons briefed the Council as to the current grants being processed, eight thousand dollars (\$8,000) requested for the for the Main Street Project and the thirty-seven thousand five hundred dollars (\$37,500) received for the Community Development Block Grant, both for updating the City's Growth Policy. Mr. Hammons went on to brief that the City was on a yearly schedule in grant applications rotating from Water to Sewer projects every other year. This schedule has now been pushed back a year due to Federal regulations limiting the City to only one Grant in use at a time with the City currently working a Water Project.

Fire: None.

Police: Police Chief Kessel reported 216 calls for service in December as opposed to 284 last year. Of the calls 6 resulted in arrest and 27 in citations whereas last year it was 30 arrests and 34 citations. The numbers are lower due to COVID-19 and not being able to arrest with exception being violent offenders. Chief Reported that an extra Officer was brought in for New Year's and yet no DUI's were issued continuing that Officer Smith was currently in Helena attending an Instructors course which will benefit the City in the future.

Mayor Teske asked if snow removal policies had been printed in the paper to which Chief Kessel positively answered adding that the policy was also being posted to Facebook.

Resolution/Ordinances: Mrs. Williams announced a committee meeting at noon on the 6th of January 2021 in City Hall and on Zoom to discuss the Golf Cart Ordinance, Election Procedures and Cemetery issues.

Mayor Teske added the Mr. Oliver and Mr. Day would be at the meeting.

Lights/Streets/Sidewalks: Councilor Beach let the Council know that the City is working with the County by having three City dump trucks haul materials to 5th Street resulting in the County purchasing two tanker loads of oil for the City in the spring. The City purchased forty thousand dollars (\$40,000) in rock chips last year, with the County purchasing the oil this year, will be able to purchase more gravel and chip-coat even more road surfaces.

Building: None.

Water/Sewer: Councilor Zimmerman announced that there will be a meeting on the 12th of January at 6:00 pm to discuss issues with grinder pumps for sewage in the Cabinet Heights area to which Mr. Sikes reported would be posted on the 7th of January, being emailed to the Council as well as posted online and on the public boards at City Hall, as per Mrs. Williams guidance. Councilor Smith questioned if the Agendas were being sent to the former large mailing list which was answered negatively due to the mass email list being lost while having four Clerk/Treasurers in the last year. Mayor Teske added that he would also check the archived emails to try to find the list and Ms. Smith requested that Montana Sky be contacted to try to find the list.

Zoning Commission: Councilor Smith reported that the Committee met last week and was trudging along with a lot to discuss and will be meeting on the last Monday of the month in January.

Cemetery/Parks: None.

Finance: Mr. Sikes informed the Council that the Annual Financial Report and Quarterly reports to Workman's Compensation and Unemployment Insurance are complete and submitted.

KRDC: Councilor Smith reported that the Committee had met to discuss the use of CARES monies adding that it may have been too late due to CARES restrictions.

City-County Board of Health: Mayor Teske reported that Mrs. Laura Crismore did not have the minutes from the last Board of Health meeting and would have a report for the next meeting.

Park District Manager: Mayor Teske reported that, via contact with Mr. Petrusha, there was nothing to report as the plans for the vault toilet are being prepared.

Public Comment on Non- Agenda Items:

No public comments were offered.

New Business:

Approve all business licenses received to date.

Mayor Teske read through the application for Never a Dull Moment. Councilor Smith **MADE A MOTION** to approve the license and Mr. Dufficy **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Approve claims and payroll for December of 2020.

Councilor Zimmerman **MADE A MOTION** to approve and Mr. Beach **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Approve all liquor licenses received to date.

Mayor Teske read through the thirteen licenses. Councilor Dufficy **MADE A MOTION** to approve and Mr. Taylor **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Approve all coin operated licenses received to date.

Mayor Teske read through the three licenses. Councilor Smith **MADE A MOTION** to approve and Mr. Taylor **SECONDED**.

Councilor Dufficy questioned if the City received a percentage from the machines or just the license fee to which Mayor Teske answered that the City only receives the fee.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Unfinished Business:

City of Libby Wildlife Management Plan.

Councilor Taylor informed the Council that Ms. Tonya Chilton from the MT FWP reported that the City's draft policy was accepted. Mayor Teske requested that Mr. Taylor start working on the issue of the overabundance of turkeys in the City next.

IP Negotiations.

Mayor Teske informed the Council that there was nothing new to report. Councilor Dufficy questioned if IP was still looking for more information to which the Mayor answered that they had not since the first ridiculous offer was made.

Approve (tabled) location for vault toilet at the Cross-Country Ski Course.

Mayor Teske informed the Council that Mr. Petrusha was working on the vault's structural plans with Mr. Fraser and would get back with the Council.

Approve (tabled) Independent Contractor Agreement for Lincoln County Park District Manager through January 31, 2023.

Mayor Teske read through the changes in the Independent Contractor Agreement for Lincoln County Park District Manager through January 31, 2023 noting that the hourly fee was now forty-five dollars (\$45.00) an hour. Councilor Dufficy asked Councilor Smith if this change were acceptable to which Ms. Smith agreed that it was.

Councilor Smith **MADE A MOTION** to approve the agreement and Mr. Zimmerman **SECONDED**.

Mayor Teske made note that the City would not require a line-item budget for the agreement this year as the previous payments were sufficient.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Approve (tabled) Inter-local agreement for upkeep and improvement of the Libby Community Tennis and Pickle Ball Courts.

Mayor Teske reported that there was no requirement for U-serve to carry insurance in the agreement or in the lease stating that the Council could add the requirement if desired. Mr. Teske continued to explain that the City, County, and School system carry insurance on the area adding that the County wanted U-serve to be a signatory on the agreement.

Councilor Smith agreed and commented on the spelled-out responsibilities and contributions bringing to light item II by asking if it needed to stay. Mayor Teske read through the notes mentioning that the paragraphs may not be appropriate for the final agreement.

Councilor Dufficy **MADE A MOTION** to table the agreement.

Mr. Chisholm commented to Councilor Smith that the items in question may just be “artful drafting” that could be included in other areas of the agreement adding that the Parks Board has the unilateral right to end the fifteen hundred dollar (\$1,500) contribution if issues arise such as a pool being constructed. Councilor Dufficy asked if the City Attorney had any concerns on U Serve having insurance or the lack thereof.

Mr. Chisholm commented that it is not unusual, when multiple parties are involved, for smaller entities not to cover insurance costs, instead providing labor and services in lieu of, while the large entities carry the financial burdens. Mr. Chisholm continued to discuss insurance and negligence adding that if someone were to get injured, more than likely all insurances would be brought into play but would not be liable if the injury were due to U Serves misconduct.

Councilor Taylor commented that the City still requires the Ski Club to have insurance and questioned if the City is being consistent. Councilor Beach stated that the Legion Baseball Club plays on City property asking if that club had insurance. Mr. Chisholm commented that outside entities could be required to have insurance for one night events adding that it is a reasonable assumption that one small entity may not pay, while two larger ones may, especially where multiple agencies are concerned.

Councilor Smith questioned how U Serve is related to the school, as being separate or supportive, and if instructors belonged to the school or to U Serve. Mayor Teske stated that U Serve provided supplementary training and asked how the Council wanted to proceed.

Councilor Smith asked how the baseball fields were covered? Mayor Teske asked Councilor Williams if she recalled if, or how, the baseball fields were covered in the lease that expires in 2023. Ms. Smith added that if there is not insurance there should not be activities. Mrs. Williams was unsure and questioned if the Council was wanting full insurance or just event insurance then posed the cost question to Mayor Teske regarding the Car Club. Mr. Teske responded that it was a couple thousand dollars annually for the club but was unsure of how it worked.

Councilor Williams offered support for Councilor Dufficy's motion to table the agreement to get with MMIA for insurance information on all groups utilizing City facilities. Mr. Chisholm questioned if U-serve had the ability to pay with full agreement from the Mayor. Mr. Chisholm shared his thoughts on how U Serve cleans the area, provides public notice, puts up the nets and locks up the area stating that it would be best to get with MMIA adding that U serve could just walk away and asked how much it would cost to replace what U Serve provides.

Mayor Teske asked if the Council was going to table the agreement to reach out to MMIA and U Serve. Councilor Smith stated that she was fine to approve the agreement this night if the drafting language was corrected and Councilor Dufficy questioned if the previously discussed notes should be deleted. Mr. Chisholm stated that the new language will supersede the previous language and it was legally fine.

Councilor Beach questioned if U Serve hosted tennis meets or just helped others and Mr. Chisholm answered that the agreement states that U Serve may hold classes or clinics. Mayor Teske added that the areas use had increased with the addition of the pickleball court and that the area is not intended for exclusive use.

Mayor Teske asked if the Council wanted to table the agreement until contact had been made with MMIA and U Serve?

Councilor Dufficy again **MADE A MOTION** to table and Ms. Williams **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

General Comments from Council:

No comments were offered.

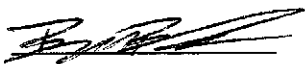
Adjournment:

Councilor Williams **MADE A MOTION** to Adjourn and Councilor Dufficy **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, And Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Meeting adjourned at 7:43 pm.



Mayor Brent Teske

Attest;



Clerk/Treasurer Samuel Sikes