

APPROVED MINUTES

The City Council held meeting #1563 on Monday, February 16, 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, Mr. Beach (via Zoom), Mr. Dufficy, Ms. Smith, Mr. Taylor, Mr. Zimmerman, City Administrator Mr. Hammons, and City Clerk/Treasurer Mr. Sikes.

Mayor Teske welcomed all, and the prayer was offered.

Approve City Council Meeting Minutes for #1562 dated 1 February 2021. Councilor Beach **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, and Mr. Zimmerman voted **FOR**. Mr. Taylor abstained due to being absent for the meeting.

MOTION PASSED.

Announcements:

No announcements were offered.

Committee Reports:

City Administrator's Report: Mr. Hammons reported that, halfway through February, the City crew has yet to snow plow this year. Mr. Hammons informed the Council that the City is applying for a Grant to map the water system including the meters, lines, and shut-offs. This technology will use GIS and allow the crews to pull up layers of the water infrastructure up on a smart phone making the locating of the system shut-offs easier.

Mayor Teske voiced his approval due to institutional knowledge being lost when city employees retire, and Councilor Smith welcomed Libby into the 21st century. Councilor Dufficy asked Mr. Hammons when the new vacuum truck was going to arrive and was answered that it should be here next week.

Fire: None.

Police: None.

Resolution/Ordinances: Mrs. Williams announced nothing except for Ordinance 1972 which is on the Agenda.

Lights/Streets/Sidewalks: None

Building: None.

Water/Sewer: Councilor Zimmerman reported that the Committee had a meeting where the water and sewer fee structure was discussed. After Mr. Chisholm goes over the legalities of the proposal on the fees, Mr. Zimmerman will report to the Council.

Zoning Commission: Councilor Smith reported that the Commission will meet next Monday to work on Residential District Zoning at 6 pm at City Hall.

Cemetery/Parks: None.

Finance: Mayor Teske reported that there was a Budget Expenditures Report put out for the public's information and asked Mr. Sikes why account 2821, GAS TAX HB 473, was in the negatives at 133% spending for the year. Mr. Sikes answered that the original appropriation was set to a lower amount because the State was unsure if the full funding amount would be collected due to COVID-19. Libby ended up receiving the full amount, which was over the appropriated amount and was spent on asphalt and will require a budget amendment at the end of the year to track the increase in revenue and spending.

Mr. Sikes also reported that the Annual Police and Fire Report was completed and sent to the State with the help of Fire Chief Tom Wood and that the Annual Municipal Financial Census was completed.

KRDC: None.

City-County Board of Health: None.

Park District Manager: None.

Public Comment on Non- Agenda Items:

None.

New Business:

Interview and Appoint a Board of Health Committee member.

Mayor Teske mentioned the Board vacancy stating that there were 4 applicants until this morning when one decided to withdraw the application. Councilor Dufficy **MADE A MOTION** to table the appointment to re-open the application process to try to get more applicants. Councilor Smith **SECONDED**.

During discussion Councilor Dufficy reiterated that a larger pool of applicants was desired before filling the position. Mayor Teske offered a tentative date three weeks out to allow time for the application process stating that multiple e-mails had been received from the public requesting the same delay.

Councilor Beach echoed Mr. Dufficy's motion commenting on the numerous e-mails received from the public urging the finding of the correct candidate. Councilor Taylor questioned when the next Health Board meeting was and if a council member should attend. Mayor Teske responded that could happen but added that the councilor would only be able to observe with no voting rights.

Councilor Smith questioned if there were any criteria in the solicitation for applicants to which Mayor Teske and Mr. Hammons responded in the negative. Councilor Zimmerman asked if there were any specific criteria in the by-laws of the Health Board. Mrs. Jan Ivers, Chairwoman of the County Health Board, responded to the various medical disciplines in the by-laws all requiring no less than 10 years of education.

Councilor Smith asked Mrs. Ivers if the all the medical disciplines were covered by members currently serving on the Board. Mrs. Ivers answered that, in one form or another, they were.

Mr. DC Orr, 1117 Nevada, asked the Council if the current applications would still be valid or had to be resubmitted. Mayor Teske answered that the applications would remain valid for the entire process.

Councilor Smith thanked all the applicants that had submitted applications adding that the opening on the Health Board was extremely important and it is crucial to receive as many applications as possible.

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

MOTION PASSED.

Mayor Teske requested that Mr. Hammons reopen the application process until the 10th of March. Mrs. Ann German will reconsider her application submission while Mrs. Tracy McNew and Mr. DC Orr wanted to remain an applicant for the open Board position.

Approve Ordinance 1972 – Establish civil fines pertaining to the use, possession, and cultivation of Marijuana. (Second Reading)

Mayor Teske read over the Ordinance and Councilor Smith **MADE A MOTION** to approve. Councilor Zimmerman **SECONDED**.

Councilor Dufficy questioned Mr. Chisholm on the community service aspect of the possible imposed punishments for violating the ordinance stating that, upon reaching out to legal professionals, was advised to stay away from community service due to liabilities. Mr. Dufficy gave the example of a person shoveling snow from a roof who falls and is injured asking who would be responsible.

Mr. Chisholm stated that point would be moot as the Referendum, as passed, allows offenders to choose community service adding that the City cannot pass a more restrictive Ordinance. Mr. Chisholm went on to explain that liability is based on negligence stating that it would be difficult to make the City liable just as with private owners. If someone is injured due to negligence, that person would be responsible just like if a worker was put into an unsafe area or put in unsafe conditions.

Mr. Chisholm stated that the Court was going to handle this like a business license. If the offender pleads guilty, to the civil penalty, the fine could be paid and the case would be complete. If an offender is under the age of 18, the hearing would be set and the parents would have to attend, counseling or community service would be offered, or the violation would go before the Judge.

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

MOTION PASSED

Approve all business licenses received to date.

Mayor Teske read through the applications: Bee Buzzin Beans, Clear Water Cleaning, Reve Exteriors, Sandi Sullivan Insurance, and the Blue Bear Variety Store. Councilor Beach **MADE A MOTION** to approve the licenses and Mr. Dufficy **SECONDED**.

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.

Mayor Teske stated that Councilor Taylor had forwarded a draft copy of the Wildlife Plan and asked if the Committee was ready with recommendations. Councilor Taylor responded that the final plan would be ready soon adding that over 70 deer had been captured with 40 turned in to the Food Pantry, none testing positive for Chronic Wasting Disease. Trapping will cease in late February.

Mayor Teske requested that the plan be completed and put on the next agenda to which Mr. Taylor answered that it would be fixed tomorrow. Councilor Zimmerman questioned why the trapping would stop in February to which Mr. Taylor answered that regulations stop trapping due to the fawning cycle.

IP Negotiations.

Mayor Teske stated that Mr. Payne was still negotiating with IP.

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

Mayor Teske reported that Mr. Petrusha was still working on the subject.

General Comments from Council:

Mr. Zimmerman informed the Council that contact had been made with Mr. Mercer of the Golf Course. Mr. Mercer had stated that two options are being considered with the land surrounding the back nine holes and the monies owed to the City. The golf course is trying to raise the 25 to 48 thousand dollars to move forward with the sub-division and trying to sell the undivided land with no luck yet except for one showing and three inquiries. Councilor Dufficy asked the price for the whole thing and Mr. Zimmerman answered three million dollars.

Councilor Zimmerman proposed the idea of looking at City property as an asset that could be sold as the price of property steadily rises. Mr. Zimmerman stated that the City should consider selling some properties as many people have declared interest in purchasing. Councilor Dufficy agreed with Mr. Zimmerman who went on the state that it is understood that the City cannot get back the land once it is sold.

Mayor Teske commented that the process would have to be identified and realtors contacted. Mr. Hammons stated that the City would have to sell property at fair market value. Mayor Teske asked Mr. Hammons to contact Mr. Chisholm to ensure any legalities are identified and mitigated.

Adjournment:

Councilor Dufficy **MADE A MOTION** to adjourn, and Councilor Williams **SECONDED**.

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

MOTION PASSED.

Meeting adjourned at 7:33 pm.



Mayor Brent Teske

Attest; _____



Clerk/Treasurer Samuel Sikes