

APPROVED MINUTES

The City Council held meeting #1568 on Monday, April 19, 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, Mr. Dufficy, Ms. Smith, Mr. Taylor, Mr. Zimmerman, City Administrator Mr. Hammons, and City Deputy Clerk Jody Martin.

Mayor Teske welcomed all and prayer was offered.

Approve Special Council Meeting Minutes for #1566 dated March 15th, 2021. **MOTION** to approve, Mr. Beach, **SECONDED**, by Ms. Smith. All voted for **MOTION PASSED**.

Approve City Council Meeting Minutes for #1567 dated March 5th, 2021. **MOTION** to approve, Ms. Smith, **SECONDED** by Mr. Zimmerman.

All voted for, **MOTION PASSED**.

Announcements:

None.

Committee Reports:

City Administrator's Report: Mr. Hammons reported operations at both the Water Treatment Plant and the Wastewater Treatment plant were going smoothly. The city had some hazardous trees marked for removal in Fireman's Park. He also stated the Council needed to have a special meeting for choosing Mr. Frazer as the Environmental officer for the water project. The bids for the water project will be opened on Wednesday March 17th @ 1:00 pm at City Hall.

Fire: None

Police: None

Resolution/Ordinances: None.

Lights/Streets/Sidewalks: None

Building: None.

Water/Sewer: None.

Zoning Commission: Councilor Smith reported that the next Zoning Meeting would be on the 26th of April at 6 pm in the City Council Chambers of City Hall and will review Residential A.

Cemetery/Parks: None.

Finance: None

KRDC: Tina Oliphant updated the Council on the trails grants that she applied for a couple months back. One grant she has not heard back from, notification has been received that the Fish Wildlife & Parks grant did get approved. The funds will be used to work on the trails around the settling ponds. Ms. Oliphant reminded the Council that the City contributed \$10,000 towards the project.

City-County Board of Health: None

Park District Manager: None.

Public Comment on Non- Agenda Items: None

New Business:

Approve Igniters Car Club street closure and noise variance request.

Mayor Teske turned the meeting over to Ms. Williams to Chair as he is a member of the Igniters Car Club. Kevin Peck representing the car club requested the city approve their event for the 19th through the 21st of August. The route and street closure would be the same as years past. Mr. Dufficy asked about the insurance which Mr. Peck said yes, they have insurance.

Ms. Smith **MADE A MOTION**, Mr. Dufficy **SECONDED**. All voted for **MOTION PASSED**.

Accept presentation of a reproduction early American Flag from Lois Kotzin

Ms. Kotzin presented Mayor Teske with an early American Flag, then gave history of the flag and what it represented. She thanked the Council and Mayor for the opportunity to present the flag to the city and hopes that it would be displayed for what it meant to our country.

Receive a business update, voice concerns on parking lot events, and proposed changes to the lease from the Libby Chamber of Commerce.

Myranda Cravens 905 W 9th Street, from the Chamber of Commerce recapped last year at the chamber. The visitor center saw 1152 guest who signed the guest book. Had over 90,000 hits on the chamber website, sent our 112 visitor's packets by mail. The chamber gave out \$55,000 in "Libby Bucks" that help the local economy. Ms. Cravens also mention the highly successful Farmers Market with a total of 52 vendors.

Bruce Vincent, 34 Paul Bunyan Lane, wanted to discuss the short term and long-term usage of the chamber parking lot. Mr. Vincent gave a history of the usage, stating that there have been many events held in the leased parking lot without a process for doing this. The events often happen without the coordination of the chamber which causes challenges. The Chamber would like to set up a formal process where they would be involved when organizations want to use the parking lot. They would like to set up a dual process so there will not be any interference with Chamber operations or events.

Mr. Vincent spoke about anytime there is an event in the parking lot, people always assume it is a Chamber event, and if something goes wrong, they come to the Chamber. He also brought up the bathrooms at the park. If they are not opened or cleaned the Chamber hears about it. The Chamber is associated with everything that happens in the parking lot whether it is a Chamber event or not. They have a big concern that anything that is linked to the Chamber can hurt their reputation and their brand. The issue of insurance was also brought up.

The Chamber would like to have a process where they could, along with the City, approve or disapprove what events can happen in the parking lot. They presented a proposal that had items on it they would like to have discussed.

Mayor Teske said he would like to clarify a few things. One thing is "your" parking lot. The lease states the Chamber has a 1-acre parcel of land with the building. The Mayor said he could not find anything historical that described the 1-acre parcel, so he took measurements and gave a map to the Chamber with the layout on it. The area on the map is 1.04 acres and is the main property of use for the Chamber. The Mayor asked the Chamber if there were any adjustments to the one acre they would like to make. Mayor Teske stated again that the Chamber has 1-acre and if they want to make any adjustment, they will have to show the city what they want to change, but for now this is the best layout the city could come up with.

Mayor Teske told the Chamber board if they want to open up the lease to discuss making a larger parcel of land, then they could look at doing this, but the parking lot is the Fireman's Park parking lot, and this is where the Vendors Market wants to set up.

Liz Whalen, from the Chamber Board spoke to the council regarding that she had strong opposition to the vendors market setting up in the parking lot. Ms. Whalen expressed her concerns with the size of the parcel of land in the lease. She also referred to having the proposal discussed that was brought up by Mr. Vincent.

There was more discussion regarding the chamber's opposition to the Vendors Market from other members of the chamber. They gave example of how the vendors market could affect the chambers operations and also harm the chambers Farmers Market reputation.

Councilor Smith ask why the city would allow the vendors market to sabotage the Chambers Farmer Market by setting up in the parking lot that the Chamber uses, when there are parking lots all over town. Councilor Smith said by allowing the other market to set up in the area that is known as the Chamber parking lot could cause problems.

There was a lot more discussing from member of the Chamber board on how they feel the vendors market would hurt the chambers branding and reputation.

Bob McClauery, 317 Parmenter Creek Road, said his wife is part of the vendor's market. He said the Chamber is out of line, and that is why a lot of people left the Farmer Market and started this group. He told the council the group was very serious about what they are doing, and they want to be a good organization. He said the group has spent money on advertising and insurance.

Councilor Beach asked the chamber how often their board met to which they replied monthly. Mr. Beach asked how they would process the request to use the parking lot, and the reply was at their monthly board meeting, but they do have the ability to meet if someone came to them last minute for a request to use the parking lot.

Councilor Zimmerman asked why they chose this location and Mr. McLeary said they had been trying to find one, but this location is close to town and easy to advertise.

Megan Rayome, 1314 Dakota, representing the Chamber gave an example of how the vendors market could impact the reputation of the chamber. She also talked about liability insurance and how the chamber could be liable if there were some sort of incident that brought about a lawsuit. Ms. Rayome also asked that the City postpone the events in the future.

Mayor Teske mentioned that having the vendors market have insurance protects the city and the Chamber does not own the parking lot, they would not be involved in a suit. He also mentioned that the group has already put-up money for advertising and insurance and unless someone wants to reimburse the group then the event is going to happen.

More discussion between the Council and the Chamber regarding the parking lot, insurance and how to move forward and hash out the concerns for both the Chamber and the vendor's market.

Adopt Ordinance 1981-Golf Carts

Mayor Teske gave a little history on how the golf cart ordinance first came to the council and how it has changed from anyone driving a golf cart in the city. It has been brought back to the council as an ADA accommodation specifically for the American Disabilities Act.

Councilor Williams read the section of the ordinance that specifically spelled out the new definition of the ordinance for ADA compliance for golf cart. Otherwise, the ordinance was the same as Council worked on in the past.

Mayor Teske asked for a Motion. Councilor Smith **Made a Motion**, to adopt Ordinance 1981, **Seconded** by Councilor Beach. Discussion followed regarding turn signals being added to the golf cart. Ms. Smith amended the motion to include turn signals.

Mr. Dufficy read an MCA Code requiring persons operating golf carts on public roadways must have a valid driver's license. Mr. Dufficy asked if the person operating the golf cart had a driver's license. Oliver Orak, who resides at 319 Minnesota Ave, said he has a learner's permit.

William Day, 319 Minnesota Ave spoke to the council regarding Mr. Orak's learner's permit. The issue with him getting his license is with the county not being able to register his golf cart. He has contacted Helena for help with getting the golf cart registered. The DMV will not let Mr. Orak use the golf cart to take is test until it is registered. They plan on going to Helena to get this taken care of.

Councilor Dufficy also brought up insurance on the golf cart. Mr. Day explained to him that because the cart is not registered, they cannot get insurance.

Mayor Teske then as for a vote. All member voted **For** of Ordinance 1981. **Motion Passed.**

Approve Counteroffer from Cabinet View Golf Course for loan payment.

Mayor Teske mentioned there was a handout for the council to look over regarding the counteroffer from CVGC.

George Mercer, 406 Willow Road, representing CVGC, said the club took the exact motion from the previous meeting and put together what the council had ask. He said CVGC could not close, then come back to the council, if the council said no to the grant, then CVGC would rather not close on the deal, then loss the chance to get the club house.

Councilor Zimmerman **Made a Motion** to accept the counteroffer from CVGC. Councilor Smith **Seconded**. Mayor opened the motion for discussion.

Councilor Taylor said that in the initial motion, it was a grant request not a counteroffer. They were to repay the loan and then ask for a grant.

Councilor Beach asked City Attorney, Dean Chisholm if the City could approve the grant request contingent upon repayment of the full loan.

Mr. Chisholm said yes you can put conditions on the grant request based on the repayment of the loan. Mr. Chisholm stated this would be similar to a standard escrow agreement where the loan would be paid, and the leans would get released.

Councilor Taylor said this counteroffer is similar to the motion made by Councilor Zimmerman, that was rejected by the council, and did not think Council should approve the offer until the loan has been repaid.

Councilor Smith said during the discussion that however they put it together the end results would be the same.

Councilor Dufficy said the council voted 5-1 in favor of the loan being paid back in full prior to the CVGC coming back and asking for a grant.

Councilor Smith replied that Mr. Beach asked Mr. Chisholm if the city could move forward with the loan contingent upon repayment and closing of the loan.

There was more discussion regarding the loan repayment.

Councilor Taylor asked what type of grant would this be, are they going to get the money and spend it on something besides the clubhouse. The Mayor asked Mr. Mercer if the grant would be strictly for construction and he replied yes, and they would provide receipts on everything they purchased.

Gary Huntsberger, 384 Commerce Way, said he was originally on the Council when the fund was first set up. He said there was a committee backed up by City Council. He said that this was an important thing, to loan the money to the golf course to build the additional nine hole. The CVGC is a nonprofit and they spend many hours making the course nice. He said if this sale goes through it will be the biggest development in his lifetime. He said he feels very strongly about this project and hopes it goes through.

DC Orr, 1117 Nevada, said he was here when Gary was on the council. He said he was here when this Council talked about previous Mayors and Councils mismanaged the money. He said he thought that

repayment of the loan and talking about a grant, would be out lined how you are going to account for every penny of the City taxpayer's money this time. He said he had a letter from the city clerk that said she could not balance the funds. Council needs to put some checks and balances on how the money is spent. He said for 17 years they heard a song and dance on how they were going to pay it back. He said how you are going to trust an organization that had a mortgage and a lien on the mortgage and never paid you back. Mr. Orr said the City should make sure every penny that goes out has a receipt. Mr. Orr said this council should sit down and talk about how they plan to manage the funds. He said 82% of the ED Fund went out in grants.

Mayor Teske asked CVGC if that would be agreed upon that the funds be paid out as the project is moving forward. Mr. Mercer said if CVGC could get the \$541,000, then yes, they would agree to draw the money out as they needed it. The money would be strictly used for the construction of the club house. Mr. Mercer said with the building market the way it is with the high price of materials; it may not be feasible to build this year.

He said that they are speaking with the developer to make this happen. He said the development of a 70-unit subdivision will have a big economic impact on the community. He said they have a deadline that they have to meet.

Mayor Teske said they can put stipulation into the grant agreement. Councilor Williams asked to have the motion restated. Councilor Smith said that the motion was to accept their counteroffer, but she said she could amend it. Mayor Teske asked Mr. Chisholm if we needed to add all the legal language in the motion to which Mr. Chisholm replied they could do the motion for the proposal in principal while reserving the right to make decisions regarding the administration of the proposal. Mayor Teske asked Councilor Smith if she would like to amend her motion. Ms. Smith said yes, she would amend her motion.

There was more discussion from members of CVGC regarding the building materials and how they would be purchased.

Scott Thompson, 182 Riverview, commented that CVGC has not paid back the loan in 17 years and the City wants to give them more money.

DC Orr, 117 Nevada Ave, said, according to the figures Mr. Mee outlined, CVGC would get \$370,000 from the sale, and if CVGC sells the property where the old club house is located, and then they would have enough of their own money to build the new club house.

Councilor Williams said she did not want it to get lost in all the discussion, there are some zoning stipulations that need to be made... Mayor Teske agreed saying the area is zoned commercial and it needs to be changed to residential. More discussion follows regarding the time frame and type of zoning to be added to the property.

Mayor Teske ask for a vote:

Councilors, Williams, Smith, Beach and Zimmerman voted in favor of the counteroffer.

Councilors, Dufficy and Taylor voted against the counteroffer.

Motion Passed 4-2

Approve all Business Licenses received to date.

Mayor Teske read the business Licenses:

1. Caring Touch Massage Therapy, Individual, 108 E.9th St., Massage Therapy
2. Kootenai River Tubing, LLC, 1522 Cabinet Ave., Tube & Lifejacket rentals.
3. Tara Miehe, Individual, 1520 Utah Ave., Service for member of pilot program.

Councilor Smith **Made a Motion** to approve all business licenses, Councilor Dufficy **Seconded**.

Motion Passed.

Unfinished Business.

Wildlife Management Plan. Councilor Taylor said the committee would like to make the plan a resolution instead of an ordinance. Council said they were good with making it a resolution. There was discussion by the council on moving the plan forward as resolution.

IP Negotiation. Mayor Teske said he has not heard anything back from Mr. Payne but would try and get in contact with him to see if he has heard anything from IP.

Mr. Olsen, 336 Hwy 2, asked why the City was still using Alan Payne. He said Mr. Chisholm is the best attorney the city has, and we should be using him.

DC Orr, 1117 Nevada, said he had concerns regarding Mr. Payne as well. Mr. Orr said this man is dangerous, and he would bring an article from the Western News that says Payne lied.

Approve location for vault toilet at the Cross-Country Ski Course. No action still tabled.

Approve Resolution 1979-Schedule of fees for Specified water services. Councilor Zimmerman said he sent out an email regarding the fee schedule and never heard any response back. Councilor Beach **Made a Motion** to approve Resolution 1979. Councilor Zimmerman **Seconded**. Councilor Smith said she could not support the resolution, that is did not make sense for Libby, that the resolution targeted a very specific type of development.

Councilor Zimmerman said that the developer was paying for all the hookup materials for the project.

Councilor Williams talked with Mike Fraser and he said that he would not support the resolution.

There was more discussion from the council regarding the hookup fees.

DC Orr 1117 Nevada Ave said they are not hookup fees they are plant investment fees. He said these fees are paid by the developer to offset costs down the road to the city, so rate payers don't get stuck paying for the development. He said it was a ridiculous plan.

Mr. Teske ask for a vote. Councilor Zimmerman vote for and Councilors, Williams Smith, Beach Taylor and Dufficy voted against.

Resolution 1979 **Failed 5-1**

Approve Resolution 1989 – Schedule of fees for specified sewer services. Councilor Beach **Made a Motion** to approve Resolution 1980. Councilor Zimmerman **Seconded**. Mr. Teske ask for a vote, all opposed.

Resolution 1980 Failed 6-0

General Comment from Council

Mayor Teske asked the council to get back to people who reached out to them for information. We need to do a better job communicating.

Adjournment

Councilor Williams **Made a Motion** to adjourn. Councilor Dufficy **Seconded**.

Motion Passed

Meeting adjourned at 9:05



Mayor Brent Teske

Attest:  _____

City Administrator Jim Hammons