

APPROVED MINUTES

The City Council held meeting #1572 on Monday, May 3rd, 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, Councilors Williams, Beach, Dufficy, Smith, Taylor, and City Clerk/Treasurer Samuel Sikes. Councilor Zimmerman was absent.

Mayor Teske welcomed all present and prayer was offered by Tom Cole.

Approve Special Council Meeting Minutes for #1570 dated 27 April 2021. Councilor Beach **MADE A MOTION** to approve, and Councilor Williams **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, and Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Approve Special Council Meeting Minutes for #1571 dated 27 April 2021. Councilor Williams **MADE A MOTION** to approve, and Councilor Beach **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, and Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Announcements:

Councilor Smith urged everyone to thank their Mothers on Sunday for Mother's Day.

Committee Reports:

City Administrator's Report: Mayor Teske reported that Butch and Marlis, the Camp Hosts, would be here tomorrow. The danger trees were removed from Fireman's Park and all park rest rooms were now open for the season.

Police: Mayor Teske reported that there was a power outage that caused issues with the new computer system so there would be no report until next meeting.

Resolution/Ordinances: None.

Lights/Streets/Sidewalks: None

Building: None.

Water/Sewer: None.

Zoning Commission: Councilor Smith reported that the last meeting was cancelled due to lack of quorum and announced the next Zoning Meeting would be on the 10th of May at 6 pm in the City Council Chambers of City Hall.

Cemetery/Parks: Mayor Teske announced that the new seasonal worker, Fred Guinard, was hired and was working well and cleaning up the Cemetery and announced that a volunteer group was replacing and cleaning up headstones.

Finance: Mr. Sikes reported that the Police patrol vehicles would be paid off on the 5th of May and that the new cemetery tractor was ordered and would be paid off as soon as it arrives.

KRDC: None.

City-County Board of Health: Amy Fantozzi reported that the Board will be meeting again on the 12th of May. On 13 April the County had 28 COVID cases and was offering vaccines throughout the County. Councilor Dufficy asked what brand name of shots were being offered to which Amy Fantozzi answered that all three were being administered.

Park District Manager: None.

Public Comment on Non- Agenda Items:

Cheri Dunbar, Libby Vendors Market, gave a brief history of the Farmers and Vendors Markets and discussed how business was lost due to the COVID shutdowns. Cheri expressed the view that it was unfair not to be able to hold the Vendors Market in a parking lot and was in full support for the Vendors Market.

Marna House, 803 California (business), received a survey from Subway wanting to utilize the alley to install a drive-thru to the business. Marina opposes this as it would block the alley adding that the Evergreen Hotel is also against the drive-thru due to the noise and exhaust at the Hotel.

Mayor Teske stated that everyone should fill out the survey adding that he would look into the large pothole at the entrance to the alley in question.

Mayor Teske informed the Council that a variance request was going to be submitted and that there would be a Building Committee meeting once the variance was received. Marna House asked if everyone should fill out the survey to which the Mayor answered yes adding that the forms could be picked up at City Hall.

Brad Dunn-Meier, Troy, retired from teaching and chose to start farming, felt that the Chamber was greedy charging more money for prime locations at events, expressed support for the Vendors Market.

Joanne Fry, Bobtail Cutoff, spoke of total support for the Vendors Market adding that all surplus goods are donated to the Market and Juanita Shikora donates all revenue, plus more, to departments and charities throughout Libby.

Connie Beach, Bobtail Cutoff, expressed complete support for the Vendors Market being held in a public place and believed that the Chamber was taking the stance of personality over principle when it comes to the Market.

Helen Tarbert, Libby, asked if the Chamber had brought the mission statement to the meeting because it is the mission of the Chamber to support the people. Helen thanked Juanita Shikora for encouragement and gave utter support to the Vendors Market.

Angie McLaurey, 317 Parmenter, expressed sadness at the animosity and tension from, and between, the Chamber and Market. Angie stated that the vendors need more time to sell items after COVID and said that the vendors are the backbone of the community.

DC Orr, 1117 Nevada, voiced displeasure with the 3 minute rule, Council transparency, Golf Course Grant, and agenda items while supporting the Market and asking for slower action from the Council when making decisions.

Amber Pacheco-Holm, 912 W. 9th St. (business), President of the Chamber of Commerce, was present to clear the air. Amber read a letter from the Chamber to the Vendors Market requesting information such as business licenses and insurance then thanked the Market for removing the Chamber Trademark. It was avowed that the Chamber is not out to make money and is a non-profit.

Bob McLaurey, 317 Parmenter, conveyed the view that the Chamber has no business or say-so over the Vendors Market as it is not a controlling body and should leave the Market alone.

New Business:

Receive initial proposal for the Logger Trail.

Mayor Teske stated that the presentation had to be postponed to the next meeting.

Adopt Resolution 1979 – Deer Management Plan.

Mayor Teske stated that draft had been being worked for over a year and a half and it was time to move forward before reading the resolution.

Councilor Beach **MADE A MOTION** to adopt the resolution and Councilor Dufficy **SECONDED**.

Jennifer Nelson, 1026 Washington, thanked the Council and Committee for the work going back to 2014 explaining that it is difficult to see sick deer in town and watching gardens being destroyed.

Councilors Williams, Beach, Dufficy, Smith, Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Adopt Ordinance 1981 – Golf Carts (ADA) (Second Reading).

Mayor Teske addressed the Ordinance and Councilor Williams went through the changes that were offered prior to adopting the Ordinance.

Councilor Smith **MADE A MOTION** to adopt the Ordinance as amended and Councilor Dufficy **SECONDED**.

Billy Day, 319 Minnesota, thanked the Mayor and Council for the hard work in getting the Ordinance done. Mayor Teske asked how the licensing was going in Helena and Billy said it was okay adding that Oliver is the first person in Montana to be authorized the use of a golf cart.

Councilors Williams, Beach, Dufficy, Smith, Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Adopt Memorandum of Understanding with Brooks Holdings, LLC.

Mayor Teske explained that memorandum will be drafted if approved. Dean Chisholm gave a brief basis for the lawsuit stating that the memo is just the first step. Dean mentioned that the City would suffer no damages and the property could be replated and developed later.

Councilor Smith **MADE A MOTION** to move forward on the Resolution and Councilor Beach **SECONDED**.

Councilor Beach asked about the utilities on the property and if the City was securing easements to which Mayor Teske and Dean Chisholm answered yes, adding that the easements would stay on file for replating if needed.

DC Orr, 1117 Nevada, questioned the entire memorandum including previous owners, the grounds for the lawsuit, and why the memorandum is so vague.

Councilors Williams, Beach, Dufficy, Smith, Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Mayor Teske requested that Dean Chisholm draft the Resolution after which, once signed, the proper notices will be presented to the other side contingent on the replating of the property.

Review and Approve CVGC Grant reimbursement contract and forms.

Mayor Teske read over the CVGC (Cabinet View Golf Course) agreement and thanked Councilor Smith for the work with assistance from Tina Oliphant.

The Mayor and City Council went over the document making minor changes in the language to ensure it will meet the desire of the Council and protect the City.

Tina Oliphant ensured the Council understood that the contract was only a draft and needed to be gone over by the City Attorney. Dean Chisholm stated that the contract fit the general theme and could be tidied up.

DC Orr, 1117 Nevada, vented the view that the CVGC already broke the contract and that it would be fraud to give them money as it is not in the best interest for Libby.

Councilor Taylor requested a legal opinion to which Dean Chisholm explained that fraud is an eight element claim and the previous contract could only be looked at as an economic breach if it were not reformed to fit the current circumstances.

Mayor Teske requested that Dean Chisholm make the discussed changes.

Councilor Smith **MADE A MOTION** to enter into the Community Development Grant Fund agreement with the CVGC and grant the Mayor authority to sign the agreement, as amended, prior to the next City Council meeting if needed by the CVGC, and Councilor Beach **SECONDED**.

Councilor Taylor conveyed the opinion that the contract did not have to be signed prior to closing as the Council had already voted for reimbursing the money.

Councilors Williams, Beach and Smith voted **FOR**. Councilors Dufficy and Taylor voted **AGAINST**. Councilor Zimmerman was absent.

MOTION PASSED.

Approve all business licenses received to date.

Mayor Teske read through the applications: ITC Service Group Acquisition, Managhan's Furniture, and Woody's Landscapes.

Councilor Smith **MADE A MOTION** to approve the licenses and Councilor Dufficy **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, and Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Approve claims and payroll for March of 2021.

Councilor Dufficy **MADE A MOTION** to approve the claims and payroll, and Councilor Beach **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, and Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Unfinished Business:

IP negotiations.

Mayor Teske reported that, upon speaking with Allan Payne, a meeting with IP will be set up and requested that two Councilors volunteer to be part of the negotiations. Councilors Smith and Taylor volunteered. Mayor Teske took the lead and will set up the time and date for the meeting.

DC Orr, 1117 Nevada, expressed displeasure with the entire way the negotiations are being held and tried to place blame on the current Council for not already completing the deal.

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

Mayor Teske reported that the plans for the toilet were now in the hands of an engineering firm and would be looked at by the City Engineer once completed.

General Comments from Council:

Councilor Dufficy requested information on the work being completed by the Venture Inn. The Mayor explained that the current sewer main installation is being paid for by businesses in stage I of the work going from the Venture Inn to JB's Tires. Stage II will be installing a water main, as part of the Water System Improvements Grant, alongside the new sewer line across the highway to Education Way.

Councilor Smith thanked the vendors for coming out and thanked the Chamber for acting professionally prior to voicing the desire for the two groups to work together on future projects and areas of operations. Councilor Smith suggested that the Vendors Market should look at moving to different locations such as the old Asa Wood School.

Bob McLaurey asked if the Vendors Market was still set to start to which the Mayor answered yes. Councilor Smith questioned the Vendors registration and insurance to which the Mayor said both were in possession and would be forwarded to the Chamber.

Cheri Dunbar asked about the lawsuit that was filed against the City and if the Vendors Market had to deal with the Chamber directly. The Mayor stated that the Chamber and Vendors would go through the Mayor's office.

Councilor Smith stated that the Council had not properly dealt with the Chamber's issues to which Mayor Teske proclaimed that the answer had been given. The Mayor reiterated that the parking lot was not the property of the Chamber or under the Chamber business control.

Councilor Smith questioned that the parking lot was not under the Chamber's control to which Mayor Teske stated that the area of the parking lot the Vendors Market will utilize is not leased by the Chamber.

Juanita Shikora, Hwy 2 South, reluctantly spoke about the Farmers and Vendors Markets asking who the vendors had to talk to.

Bob Azure, 27 Fast Lane, questioned why the Chamber was so upset as the Vendors would operating on Wednesdays and the Chamber on Thursdays.

Helen Tarbert offered a copy of the regulations for vendors to which the Mayor accepted. Joanne also stated that Fireman's Park needed doggy bags and that the vendors would not block any roads or the Chamber while operating.

Adjournment:

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

Councilors Williams, Beach, Dufficy, Smith, and Taylor voted **FOR**. Councilor Zimmerman was absent.

MOTION PASSED.

Meeting adjourned at 8:28 pm.



Mayor Brent Teske

Attest;


Clerk/Treasurer Samuel Sikes