

## APPROVED MINUTES

The City Council held a Public Meeting Monday, June 21st, 2021, in the Council Chambers at City Hall for Transparency Training.

### Call to Order:

The meeting was called to order at 6:00 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 Zimmerman.

Mayor Teske welcomed all and explained this was the fourth, and last, year of the required transparency in municipal government training and classes.

Councilor Williams presented a slideshow covering programs provided in the past three years and changes made in the last three years to improve public access and city transparency. Information was given on Montana Law and Code as to what information could be requested and how to properly request information including Freedom of Information Act requests.

Councilor Williams offered general information on Libby Municipal Elections including requirements for office. Montana law and codes were explained for the Mayor and Councilors candidates. Registration and ID voting laws legislative changes were introduced.

### Council Comment:

Mayor Teske asked the Council if there were any questions or comments on the presentation. No comments were offered.

### Public Comment:

Mayor Teske asked if anyone had public comments on the presentation that was offered.

Mitch Walters, Troy MT, representing the John Birch Society, commended the Council for the transparency actions and for being accountable.

Ted Montgomery, 491 Cabinet Heights, requested to know whose job it is to complete the minutes and post them online as they have been months slow in getting finished.

Mayor Teske and Councilor Williams pointed out that, under Clerk/Treasurer Sikes, the minutes have been being completed quicker than ever. It was pointed out the last portion of the website to be updated is the calendar due to the responsibility being lost in various turnovers. Councilor Taylor, checking on a smart phone, informed everyone the website minutes were current and up to date.

Jennifer Nelson, 1026 Washington, thanked the Council for the updated transparency prior to expressing there are legitimate concerns that will require the City Attorneys involvement. Pamphlets were handed out covering several Montana Code Annotated (MCA) areas.

First, Jennifer spoke to MCA 7-1-4123 – Legislative Powers, stating the City's role in economic development was not effective or simple adding that economic development powers should not come from the Council as they must vote to approve them.

Covering MCA 7-5-4101 – General Powers of Municipal Council and MCA 7-1-4142 – Public Participation, Jennifer pointed out that, for proper public participation for such a significant public interest, all facts should be laid out for the public to see.

For MCA 7-1-4131 – Public Hearing, Jennifer questioned how the Kootenai River Development Council (KRDC) had become a sub-committee on the City Council Agenda. The KRDC is not a city organization and 2 members of the KRDC are currently serving on the City Council, referring to Councilors Zimmerman and Smith. MCA 2-2-121(5) (b) was read, and Jennifer voiced the opinion that members were in conflict-of-interest and attempting to influence the City Council votes as to the favor of the KRDC. It was pointed out that the 2 members had not abstained from any votes concerning the KRDC.

Jennifer next read Section 3 Part 1 of the Libby municipal Code to point out that in a small town everyone had to keep "their hats straight" because many will have dual roles in multiple areas pointing out that the Council is here to support Libby and not organizations. As the KRDC is always pushing for money from the city at the last possible minute, the Council has to remember that it is the City's, meaning the taxpayers, money and should be spent in the city limits.

Referring to MCA 7-8-4201 – Disposal of Property, Jennifer stated that to sell city property it takes an Ordinance or Resolution passed by 2/3rds of the Council and must be approved by a vote of the electors and not the elected. It was pointed out that this code has been disregarded in the past by the Council in the leases with the Chamber of Commerce and the Flower Creek Recreation Area. City property must have input by the people by a vote.

Jennifer's final point was that, now that the Council knows the law, it must act accordingly.

Mayor Teske stated that the KRDC became a sub-committee to help deal with Economic Development Grants. Jennifer stated it became a sub-committee in the fall of 2016.

Councilor Zimmerman said that KRDC is on the agenda because the City and KRDC have worked together so many times as a whole community effort. Mayor Teske stated that the KRDC is on the agenda for informational purposes only.

Jennifer Nelson gave the opinion that the Council substantiated the KRDC by placing it on the agenda adding that KRDC members of the Council should not vote on KRDC matters.

Mayor Teske stated that Dean Chisholm would have to get involved in some of the matters raised to find out if conflict-of-interest issues are present. If there is a conflict, the city will agree.

Dean Chisholm, City Attorney, stated that time was needed to thoroughly research the issues, but added that experience has taught it is not uncommon to give sub-committee status to groups.

Mayor Teske asked Dean Chisholm to investigate MCA 7-8-4201 concerning leases with the city to ensure everything is lawful. The mayor went over a laundry list of leases with the city.

Councilor Zimmerman explained to the Council that since the KRDC works a lot with the city, being on the agenda means transparency. Mayor Teske stated the law will be followed as written and will be researched by the City Attorney.

Councilor Zimmerman, speaking to the public comments, stated all information for the next meetings are posted the Thursday prior to the meeting which gives plenty of time for the public to research any issues, then asked for any ideas on how to fix the time issue.


Jennifer Nelson stated there is a policy issue suggesting the Council place a topic on the agenda for a meeting for discussion and then wait until the next meeting to hear public comments and vote on the topic.

**Adjournment:**

Mayor Teske closed the meeting at 6:45 pm.



Mayor Brent Teske

Attest;   
Clerk/Treasurer Samuel Sikes

