**APPROVED MINUTES**

The City Council held a Public Hearing on Monday, November 23, 2020, in the Council Chambers at City Hall.

**Call to Order:**

The meeting was called to order at 6:30 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. Zimmerman (via Zoom), and City Clerk/Treasurer Mr. Sikes. Mr. Taylor was not in attendance.

Mayor Teske welcomed all in attendance to the Public Hearing to approve a Conditional Use Permit, for phases I and II, to The American Covenant Senior Housing Foundation in their efforts to purchase Asa Wood School land and facilities for a future Independent and Assisted Living Facilities. The Mayor then read through Libby Municipal Code 17.10, Conditional Use Permits, then asked Councilor Smith if there was anything to offer from the Zoning Commission.

Councilor Smith stated that she did not have anything to add to the information but informed all that the Zoning Commission completed a summary review on the 28th of September after receiving a proposal from the Housing Foundation. The Committee discussed various concerns and made suggestions for improvements such as how the neighborhood would be affected by increased traffic. The Zoning Committee forwarded the Council a series of nine recommended conditions in a memo dated 1 Oct. 2020.

Councilor Smith communicated that the Zoning Commission recommended Council allow the Foundation to go forward with Phase I and II as it would be a good project and an asset to the community, if the nine conditions to receive the permit were accepted. Ms. Smith added that Phase III has not yet crystalized and the Foundation will return for the review when it is time. Councilor Smith then offered that it would be best to hear from the applicants at this time to which the Mayor agreed.

Mr. Gerald Fritts of Kalispell, Montana and Executive Director of the American Covenant Senior Housing Foundation accepted the summarization of recommendations from the Zoning Commission adding that there will be more than those specific conditions to aid in the Community usage of the land and facilities.

The Housing Foundation Planner, Mr. Mike Sikes (via Zoom), spoke to the fact that the plan is to build forty multi-use housing units behind the current school. Along with the housing units would be support staff and facilities to go with landscaping improvements to create an attractive setting. Mr. Sikes added that the Community Garden would remain untouched with the Food Bank and Public School Kitchen being moved into new facilities specifically built for their purposes.

Councilor Dufficy asked if the Foundation was going to build new buildings or use the existing structure. Mr. Fritts answered that, agreeable to the layout provided, the existing Asa Wood would be remodeled, 40 additional housing units, a new Food Pantry, and new Public School Kitchen would be constructed.

Councilor Dufficy requested information as to what would happen to the existing kitchen equipment and whether or not the buildings would be single or double storied. Mr. Fritts answered that that current kitchen equipment would be moved and that the new buildings would be double storied. Councilors Smith and Zimmerman along with the Mayor chimed in to say that the new construction would be in phase III.

Mr. Fritts stated that in the south west area of the property there is a trapezoidal area that may become a community center or memory care facility in the future, however, no feasibility studies or plans had been completed.

Mayor Teske reminded all that this hearing was to approve the Conditional Use Permit for Phases I and II only. Councilor Smith added that phase II was the housing unit construction to the West and Phase III would be the housing construction to the East.

Gary Beach asked the Foundation if the new Food Bank and School Kitchen would be where the current Basketball Court is located, which was answered yes.

Mr. Steve Lauer asked the Foundation if it had completed a study to find out if the existing water lines were large enough to provided adequate pressure for fire suppression systems in the buildings and if there would be enough flow to cover increased demands in the future.

Mr. Sikes said he believed that there was adequate pressure adding that new lines would be installed if it was not acceptable as fire suppression systems were mandatory in the permitting process. Mr. Sikes continued that he had met with the City Zoning Commission and Building Inspector three times but without the Civil Engineer he could not give an exact answer as to if the water lines were sufficient.

The Mayor asked if Mr. Lauer knew the size of the water main in that area and was answered no. Councilor Smith asked Mr. Sikes if the pressure were not enough if the line would be replaced with a larger one which Mr. Sikes answered in the affirmative.

Councilor Beach asked the Foundation if there was a rough timeline when the construction would commence. Mr. Fritts explained that with the EPA Grant was being processed, that it could take up to two and a half years to start.

Mayor Teske asked the Council to look at the nine conditions on the Memo dated 1 Oct. 2020 to make sure they were good with the points. With no responses from the Council, Mayor Teske opened the Hearing to the public.

Mr. D.C. Orr of 1117 Nevada Ave., proposed to the Council that the future use of the Asa Wood area be strictly a residential area and questioned if the new facilities would be solely for assisted living or if the public could just move in. He also questioned if the structures would be two stories and was worried that the area would become low-income drug houses.

Mr. Fritts explained that Independent Living and Assisted Living were just classes of care that would be provided in the new facilities where Assisted Living would have more medical assistance. Mr. Fritts went on to explain that the Foundation manages many developments in the State which are not drug houses. Mr. Fritts explained that there is a one strike rule that is agreed upon when a unit is rented which states that if the police are called the offender will be evicted. This includes violations such as drug violations or domestic disturbances.

Councilor Dufficy asked if the rules were in the contract which was answered yes. Councilor Smith questioned that the target age of the occupants was for those aged 55 years and above which was also answered in the affirmative. Mr. Fritts added that the minimum age limit of 55 would be the same for Assisted or Independent Living as set by law but that the age could change if State laws were altered.

Ms. Jennifer Nelson, member of the Zoning Commission, and Councilor Smith brought up worries about drainage owing directly to the sheer amount of square footage of impervious surfaces contained in the paved lots and roofs.

Councilor Smith stated that she was sure the City had planned for the drainage and the Mayor added that it was designed along with the storm runoff drainage.

Mr. Sikes assured the Council that the process will not allow the facilities to be permitted without addressing the issue of drainage. Mr. Sikes went on to explain that there is an abundance of impervious surfaces at the Asa Wood site currently and that the proposed plans would ensure that all storm water discharge was more manageable. Councilor Smith stated that the City Engineer could offer his assessment.

Ms. Jennifer Nelson, of 1026 Washington Ave., expressed her concerns on a multitude of items relating to the lower elevation and thus flood prone area of the Asa Wood site. Ms. Nelson discussed the multiple years in which flooding occurred at the site from 1948 through to 2013 with no mitigation plans prior to 1974. Mayor Teske posed the question to the Foundation if they had plans to elevate the back area to alleviate the problems.

Mr. Sikes commented on how the last thing that the Foundation wanted was flooding in the area covering how studies had to be completed both upstream as well as downstream to create a mitigation plan for flooding and ice blockage within Flower Creek. Mr. Sikes informed the Council that the permitting process can not continue without having an outside study completed on if and how to mitigate any flooding issues.

Ms. Jennifer Nelson asked if flood insurance costs would then be passed to the occupants and residents? Mr. Sikes explained that the Foundation has three other properties with flood insurance clarifying that getting the insurance is a process that must be taken care of at the proper time.

Councilor Smith suggested that two more conditions, J and K, be added to the Memo for 1 Oct. 2020. Paragraph J would be that it is necessary that Foundation have a completed Flood Mitigation Plan prior to being permitted. Paragraph K will be that the Conditional Use Permit is subject to revocation based on the opinions and decisions of the City Engineer.

Mayor Teske asked if there was any discussion on the two extra conditions with Councilor Dufficy having the only question which was if Mr. Fraser was the City Engineer which was positively answered.

Councilor Smith **MADE A MOTION** to grant the Foundation permission to move forward with the Conditional Use Permit subject to conditions A – K on the 1 Oct. 2020 memo as amended and Councilor Zimmerman **SECONDED**.

Mayor Teske asked if there was any public comment and Mr. D.C. Orr spoke to his concerns about Asbestos remediation on the land. Mr. Orr went on to explain that the walking path, old ice rink and track area were constructed with tailings from the W.R. Grace mine that would have to be remediated asking if this had been disclosed to the Foundation along with the legal responsibility for the asbestos.

Mayor Teske asked Mr. Fritts if he was aware of the asbestos and if he had a mitigation plan. Both were answered in the affirmative adding that the Foundation had accepted all future responsibilities for the asbestos remediation.

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

**MOTION PASSED.**

Mayor Teske stated that the final draft of the Memo would be finalized and disseminated.

**Adjournment:**

Without a Council vote the Hearing was adjourned by Mayor Teske at 7:08 pm.

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Mayor Brent Teske Clerk/Treasurer Samuel Sikes