



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1580

AUG 16, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Elvie Miller.
- Approve City Council Minutes #1579 dated 2 Aug 2021.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Budget
- KRDC
- City-County Board of Health
- Park District Manager of Projects

PUBLIC COMMENT ON NON-AGENDA ITEMS:

This is an opportunity for the public to offer comments related to issues that are not currently on the agenda that the council has jurisdiction over. Public comment is limited to 3 minutes.

OLD BUSINESS: Each previous agenda item will be introduced by the mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. Public comment is limited to 3 minutes.

1. American Legion Auxiliary #95, Statue in cemetery repair. (Tabled)

NEW BUSINESS: Each new agenda item will be introduced by the mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Adopt Resolution 1987 – Conduct Poll Ballot Election.
2. Approve the preliminary budget for FY22.
3. Approve Noble Construction and TD&H Engineering Grant Claims for Water System Improvements.
4. Approve all business licenses received to date.
 - a. Groomer Has It, Individual, 22w1 W. 9th St., Pet Grooming.
 - b. My Hearing Centers, LLC, 225 Commerce Way, Hearing Aids, New Owners.
 - c. NDY, LLC, 1218 Utah, Location/Space Rental.
 - d. Tudor Construction, LLC, 26 Hammon Ave., General Construction.

UNFINISHED BUSINESS:

1. IP negotiations.

GENERAL COMMENTS FROM COUNCIL:

ADJOURNMENT:

The manner of Addressing Council:

- Each person, not a Council member shall address the Council, at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue by granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with ZOOM,
Dial: 253-215-8782
Meeting ID: 4042719951
Password: 151041

Posted: 08/12/21

UNAPPROVED MINUTES

The City Council held meeting #1579 Monday, August 2nd, 2021, in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:00 pm by pro tem Mayor Peggy Williams.

The Pledge of Allegiance was completed, and Roll Call commenced. Present were pro tem Mayor Williams, Councilors Beach, Dufficy, Smith, Taylor, Zimmerman, and City Clerk/Treasurer Samuel Sikes.

Pro tem Mayor Williams welcomed all present and prayer was offered by Marcus Girod.

Approve City Council Minutes 1578 dated 19 July 2021. Councilor Beach **MADE A MOTION** to approve as amended, and Councilor Dufficy **SECONDED**.

Councilor Taylor requested that the minutes reflect pro tem Mayor Williams being uncomfortable with voting on the spoils pile mitigation due to the absence of a voting member and the mayor.

Pro tem Mayor Williams, and Councilors Dufficy, Smith, Taylor, and Zimmerman voted **FOR**. Councilor Beach abstained due to being absent for the meeting.

MOTION PASSED.

Announcements:

None.

Committee Reports:

City Administrator's Report: Pro tem Mayor Williams reported that Jim Hammons was out paving for the next few weeks but come to the office in the afternoons if needed.

Fire: Councilor Zimmerman was unable to get the numbers for July as of the meeting.

Police: Chief Kessel, for July of 2021, reported 220 calls for service, 22 arrests, 16 citations, and 7 ordinance violations. For the same period last year there were 210 calls, 9 arrests, 4 citations, and 12 ordinance violations. Pre-COVID numbers for July of 2019 were 287 calls, 22 arrests, 24 citations, and 16 ordinance violations. The number point out that the city is basically back to normal number.

Chief Kessel reported that Libby hosted stress training with Officers from multiple agencies. Officer Smith has completed firearms instructor school which gives the city two instructors. Officer DeWitt just welcomed a daughter into the world and is taking a week off to spend with child number three.

Councilor Dufficy asked what the capacity of the County Jail was to which Chief Kessel was unsure because it is a County Asset.

Ordinances: None.

Lights/Streets/Sidewalks: Councilor Beach reported working with Mark Andreessen on the Logger Trail sidewalk plans

Building: None.

Water/Sewer: None.

Zoning Commission: Councilor Smith reported that the next Zoning Meeting would be on the 24th of August.

Cemetery/Parks: None.

Finance: Samuel Sikes reported receiving a request for information from the auditors due by the end of August with the audit to follow. The Mill Valuations should be in tomorrow and will be due to the State within 30 days.

KRDC: None.

City-County Board of Health: Pro tem Mayor Williams read an Email from Amy Fantozzi reporting the next meeting will be on 10 August at the County Courthouse at 6 pm.

Park District Manager: None.

Public Comment on Non- Agenda Items:

None.

New Business:

American Legion Auxiliary #97 – Statue in cemetery repairs.

Pro tem Mayor Williams read over an email request from Terry Pitcher requesting assistance from the city in repairing a statue of an angel in the Libby cemetery. Terry was introduced and gave an oral presentation to the Council. Terry explained that the statue was originally on Mineral Avenue but was moved in 1968 due to vandalism in 1967 and 1968. The Auxiliary has raised \$500 so far and the project will cost \$6,000 to complete. The new base for the “unnamed angel” will consist of three octagonal layers that will be offset. The statue will be taken away to be repaired and will be ready for unveiling on Memorial Day in 2022, which is the 100th anniversary of the original dedication of the statue. Photographs were shown to the Council showing the extent of the damage to the head and arms.

Councilor Smith discussed with Terry the total cost, if the city can participate, and if the repairing business was the same one that repaired the current statue on Mineral Avenue. Terry explained that the same company would be completing the repairs at a total cost of \$6,000.

Clerk/Treasurer Sikes gave the opinion that the donations would have to come from the IP or Economic Development fund. The question would be put out to find out the legalities of donations such as requested.

Councilor Dufficy asked how much money was being requested and Terry explained that there was not a specific amount and requested, just as much help as the Council could give.

Councilor Beach asked if there was anything else besides the Statue involved in the restoration, including the metal bracket that is used to hang wreaths from during ceremonies. Terry and Sandi Deppewolf explained that the statue will be prepared, the base will be installed, and the metal hanger will be moved behind the current location.

Councilor Smith stated that it was good that the press was present to assist in advertising the effort to raise money to repair the statue and Councilor Beach asked Terry to get with the reporters following the meeting to get points of contact and donation locations out to the people.

Councilor Dufficy **MADE A MOTION** to table the request for financial assistance until all the facts and legalities could be obtained and Councilor Smith **SECONDED**.

Kenny Rayome, 1314 Dakota, VFW Commander, gave full support from the VFW and suggested that the city could assist by utilizing city equipment to place the prefabricated base.

Councilor Zimmerman expressed the opinion that repairing the statue was a wonderful thing to do. Councilor Beach confirmed that the base was added into the entire cost of the statue repairs. Councilor Dufficy urged the Auxiliary to contact the Rotary Club for donations for the considerable amount of funding available and Councilor Smith thanked the Auxiliary for initiating the process.

Councilor Dufficy stated that the cemetery flagpole should be move to a more desirable location which would be a simple fix. Kenny Rayome stated that the VFW has a Color Guard at the location for all events.

Pro tem Mayor Williams, and Councilors Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION TABLED.

Approve Resolution 1987 – Conduct Mail Ballot Election.

Pro tem Mayor Williams explained that 2009 and 2011 were mail ballot elections while 2013 and 2015 were poll ballot elections. There was not an election in 2019 due to only having enough applications to fill the vacancies and the 2017 election was unclear in the Minutes.

Councilor Beach informed the council that 2017 was a poll ballot election. Pro tem Mayor Williams stated that contact with the County Voting Officer, Paula Bluff, had been unsuccessful so there was no information as to that actual cost for a poll ballot election.

Councilor Dufficy questioned what would happen if the city did not want a mail ballot election explaining that the right and duty to vote was a solemn one. Councilor Dufficy pointed out that the last election was full of fraud and abuse that should not be allowed to occur here.

Councilor Smith called a point of order stating that there is no proof that the last election was fraudulent.

Discussion was held covering the United States voting timeframes, absentee ballots, foreign country's voting systems, and what day of the week voting is held on throughout the world ending with voting should be one man, one vote.

Councilor Smith **MADE A MOTION** to approve Resolution 1987 for administrative feasibility and fiscal responsibility and Councilor Beach **SECONDED**.

Councilor Taylor voiced the opinion that poll balloting is better as it fulfills the constitutional responsibility of voting. Councilor Beach concurred, however adding, that COVID may lock down the country again so the city would be better off with mail ballot for this election.

Councilor Dufficy stated frustration with COVID being the excuse for everything, including hindering the solemn duty to keep integrity in the vote and voters.

Councilor Zimmerman asked if there was a cost difference and pro tem Mayor Williams answered yes due to election judges, voting machines, and items such as changes in the ballot. Councilor Zimmerman voiced preference in a poll ballot until COVID is taken into consideration.

Pro tem Mayor Williams and Councilor Dufficy both stated that absentee ballots can be requested.

Kenny Rayome, not envying the Council having to make the decision, stated trust in the Lincoln County voting integrity. Kenny did not want to trade money over having a Constitutional Republic and suggested that if the country locks down again that we spend the money.

Councilor Smith stated that, with the multiple voting sites, there is a greater risk of something going wrong. Pro tem Mayor pointed out that the city only has one polling place in the Ponderosa Room before stating that this is difficult for both sides. Councilor Smith pointed out a dramatic rise in COVID cases that could get much worse.

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

MOTION FAILED. Pro tem Mayor Williams announced that Libby will have a poll ballot election.

Approve all business licenses received to date.

Pro tem Mayor Williams read over the requests from Fix Coffee House, ISU Stephen B. Marvin Insurance Agency, and Tina Inez Photography.

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

Pro tem Mayor Williams, and Councilors Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve Sick Leave donations past 120 hours for city employee.

Clerk/Treasurer Sikes explained the 120 hour limit for sick leave donations will not be adequate for the situation of one employee. Sikes recommended an open ended donation balance while requiring the employee to provide medical updates as to the estimated return to work date agreeable to the ADA. Sikes also recommended the subject be revisited upon any changes in the estimated return to work date, whether sooner or later.

Discussion was held between Sikes and Councilors Beach and Smith. City Attorney Chisholm interrupted to state that any further discussion should be held in an Executive Session if deeper comments or questions were desired.

Councilor Dufficy **MADE A MOTION** to approve Sikes's recommendations and Councilor Zimmerman **SECONDED**.

Pro tem Mayor Williams, and Councilors Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve claims and payroll for July of 2021.

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

Pro tem Mayor Williams, and Councilors Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Unfinished Business:

IP negotiations.

Pro tem Mayor Williams reported nothing new. Clerk/Treasurer Sikes reported preparing reports for Attorney Allan Payne.

General Comments from Council:

Pro tem Mayor Williams brought up the fact that three meetings are required in addition to the City Council Meeting on the 16th of August and requested input as to the scheduling. Cabinet Affordable Housing, LLC. needs the city to facilitate a Public Hearing on 23 August for compliance with IRS standards of receiving tax credits. Jim Beasley requires a Public Hearing to have the City Council consider a Conditional Use Permit for the construction of two 8-plex buildings, and a Special Meeting is required for interviews and to appoint a new Mayor.

Discussion was held with the outcome being that all three meetings would be held on the 23rd of August. Cabinet Affordable housing, LLC. will be scheduled at 6pm. Jim Beasley will be scheduled at 6:30pm, or thereabouts, directly following the first meeting. The Mayoral interviews and appointment will be scheduled for 7:15pm, or thereabouts, directly following the second meeting.

Councilor Zimmerman announced a Water/Sewer Committee Meeting would be held on either Thursday or Friday. Sikes would be contacted to have the meeting posted.

Councilor Taylor brought to the Council's attention that generators are being used in Fireman's Park. Discussion was held by the Council with Sikes being assigned the task of posting Stage II Fire Restrictions in the Park.

Further discussion was held by the council, concerning Fireman's Park, on generator use and the clearing of brush to eliminate fire hazards. Chief Kessel pointed out that this topic should be addressed by Fire Chief/Marshall Steve Lauer and Sikes was assigned the task.

Pro tem Mayor Williams and Councilor Zimmerman discussed brush removal and the rates at Fireman's Park. It was recommended that Chief Lauer be put on the next agenda to bring forward recommendations.

Adjournment:

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

Pro tem Mayor Williams, and Councilors Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Meeting adjourned at 7:50 pm.

Pro tem Mayor Peggy Williams

Attest; _____
Clerk/Treasurer Samuel Sikes

RESOLUTION NO. 1987

A RESOLUTION OF THE CITY OF LIBBY, A MUNICIPAL CORPORATION OF MONTANA, REQUESTING THE LINCOLN COUNTY ELECTIONS OFFICE TO CONDUCT A POLL ELECTION FOR THE MUNICIPAL ELECTION IN 2021.

WHEREAS, the Lincoln County Election Administrator has requested that the City of Libby Council confirm its intent to conduct a poll election on 2 November 2021; and

WHEREAS, Title 13 generally, and 13-19-104 specifically, of the Montana Code allows for the conduct of elections by poll or mail ballot; and

WHEREAS, Title 13 of the Montana Code Annotated allows a political subdivision, by resolution, to request the County Election Administrator conduct elections by poll or mail ballot; and

NOW THEREFORE BE IT RESOLVED THAT:

The City of Libby hereby requests the Election Administrator of Lincoln County, to conduct a poll election on 2 November 2021.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby directed to forward a certified copy of this resolution to the Lincoln County Election Administrator in accordance with the provisions of 13-19-202 MCA.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA, THIS 16TH DAY OF AUGUST 2021.

ATTEST:

Peggy Williams, Council President/ Mayor pro tem

Samuel Sikes, City Clerk/Treasurer