



CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

REGULAR COUNCIL MEETING #1589

OCTOBER 18TH, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Mark Smith.
- Approve Special Council Minutes #1587, Regular Council Minutes #1588 dated 4 October 2021, and Public Hearing Minutes dated 12 October 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 to be taken. Following council discussion on each item there will be an opportunity for public comment prior to any action being taken. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. American Legion Auxiliary #97, Statue in cemetery repair. (In Committee)
2. City Council Committee reassignments.

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 to be taken. Following council discussion on each item there will be an opportunity for public comment prior to any action being taken. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Approve Resolution 1994 – Declaring certain property as surplus and authorizing its disposal.
2. Approve all businesses received to date.
 - a. Pinnacle Home MT, LLC, 35208 Hwy 2, Home Inspection and mold remediation.
 - b. Shawn Michalkiewicz Construction, Individual, 253 Forest Ave. General Construction.

UNFINISHED BUSINESS: Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

1. IP negotiations.
2. Noble Excavation request for easement by Sewage Treatment Plant. (In Committee)

GENERAL COMMENTS FROM COUNCIL: Public comment will not be taken during this portion of the meeting.

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: 10/14/21

UNAPPROVED MINUTES

The City Council held Special Council Meeting #1587 on Monday, October 4th, 2021, in the Council Chambers at City Hall to approve the Mayor's recommendation of Samuel Sikes as City Administrator.

Call to Order:

The meeting was called to order at 6:15 pm by Mayor Peggy Williams.

The Pledge of Allegiance was competed, and Roll Call commenced. Present were Mayor Peggy Williams, Council President Zimmerman, Councilors Gary Beach, Rob Dufficy, Zachariah McNew, Kristin Smith, Hugh Taylor, City Administrator Jim Hammons, and City Clerk/Treasurer Samuel Sikes.

New Business:

Mayor Williams welcomed all and informed the Council that the New Business portion of the meeting has been changed to open. Samuel Sikes agreed, so long as the Council does not ask or disclose inappropriate information of a personnel nature that belongs in executive session. The Mayor spoke of Sikes's qualifications and to responses during the interview process.

Councilor Taylor questioned the legality of the meeting as it was posted and advertised as a closed meeting.

City Attorney Dean Chisholm voiced the opinion that the meeting was legal as there was public participation during the Public Comment portion of the meeting. DC Orr attempted to make comments that Chisholm denied as public comment was not accepted in this portion of the meeting.

Councilor Taylor voiced disagreement with the Mayor and Attorney's opinion and recused himself prior to departing council chambers.

Councilors Smith, Beach, and Council President Zimmerman supported the recommendation of Sikes. Councilor Dufficy stated that the position should be opened up, for the good of the city, to see who else is out there.

Councilor Smith **MADE A MOTION** to support the Mayor's recommendation of appointing Samuel Sikes as the City Administrator and Councilor Zimmerman **SECONDED**.

DC Orr, 1117 Nevada, proclaimed that the meeting was illegal by Article 2, Sections 8 and 9, of the code and voiced the opinion that the only ethical member of the Council had left. DC spoke to transparency and secret interviews that the public had no input into.

Mayor Williams stated that Attorney Chisholm had addressed any legal issues.

Councilors Beach, McNew, Smith, and Zimmerman voted **FOR**. Councilor Dufficy recused himself until Council members and the City Attorney pointed out that there was no standing for recusal whereas Councilor Dufficy voted **AGAINST**. Councilor Taylor was absent.

MOTION PASSED.

Adjournment:

Councilor Smith **MADE A MOTION** to adjourn, and Council President Zimmerman **SECONDED**.

Council President Zimmerman, Councilors Beach, Dufficy, McNew, and Smith voted **FOR**. Councilor Taylor was absent.

MOTION PASSED.

Mayor Williams adjourned the meeting at 6:28 pm.

Mayor Peggy Williams

Attest; _____
Clerk/Treasurer Samuel Sikes

UNAPPROVED MINUTES

The City Council held Council Meeting #1588 on Monday, October 4th, 2021, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was competed, and Roll Call commenced. Present were Mayor Peggy Williams, Council President Zimmerman, Councilors Gary Beach, Rob Dufficy, Zachariah McNew, Kristin Smith, Hugh Taylor, City Administrators Jim Hammons, and Samuel Sikes.

Mayor Williams welcomed all present and prayer was offered by Bill Sonntag.

Approve City Council Minutes #1585 dated 20 September 2021. Councilor Zimmerman **MADE A MOTION** to approve and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Approve City Council Minutes #1586 dated 20 September 2021. Councilor Zimmerman **MADE A MOTION** to approve and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Announcements:

Mayor Williams introduced the new Building Inspector, Walter Snyder, who gave a brief bio to the Council.

Committee Reports:

City Administrator: Jim Hammons reported that there are only 4 or 5 more items left to complete the Water Systems Improvements project. Tina Oliphant and Mike Fraser are working on completing the paperwork for submitting a new CDBG Grant request for the sewer department. The County Forrester is working with the city on Fire Wise projects to remove bug killed timber on city property.

Mayor Williams announced that there would be a meeting next Tuesday on the 12th of October as the Second Meeting for the CDBG Grant process at 6pm.

Water/Sewer: Councilor Zimmerman echoed Jim Hammons with the current projects.

Zoning Commission: Councilor Smith reported no quorum cancelled the meeting on the 21st of September.

Park District Manager of Projects: Tony Petrusa, 559 Florence, updated the Council that City Pool options were still being discussed and added that the current research would be valuable in the future as the project is on life support without volunteers to help out. Section 16 of the Flower Creek Recreational Plan is being finalized and the City now has right of way through USFS land to the Dam. The Parks Board will be meeting again on the 13th and also need volunteers. Councilor Beach confirmed that the meeting will be at 6pm in the Council Chambers.

Councilor Zimmerman confirmed that the mitigation on the spoils pile had not yet started due to manpower shortages in the City. Councilor Smith announced vacancies on the Planning and Zoning Boards.

Public Comment on Non- Agenda Items:

None.

New Business:

Approve claims and payroll for September 2021.

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

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

MOTION PASSED.

Approve all business licenses received to date.

Mayor Williams read over the requests from M.V.P. Control, Stephens home health & cleaning services, and Tettenhorst Construction.

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

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

MOTION PASSED.

Unfinished Business:

IP negotiations.

Mayor Williams asked if any Councilors had contact with Attorney Allen Payne. No responses were offered.

American Legion Auxiliary #97 – Statue in cemetery repairs. (In Committee)

Mayor Williams reported that the item was still in committee and Councilor Smith stated that there would be a meeting soon to decide on a recommendation.

Lower Reservoir sampling building/generator purchase or donation.

Tony Petrusha spoke to the Council as to the financial benefits that Turner Mountain brings to the community and reiterated the desire to have the generator building donated to the group.

Mayor Williams stated that the draft Resolution to sell the building as surplus was being looked at by the City Attorney and a list of items to be auctioned is currently being put together.

Noble excavation request for easement by Sewage Treatment Plant. (In committee)

Councilor Zimmerman reported that there was no meetings due to COVID infections.

City Council Committee Reassignments.

Councilor Zimmerman will discuss the assignments later tonight with Councilor McNew.

General Comments from the Council:

Councilor Taylor confirmed that the next Council meeting was going to be on the 12th at 6pm and Mayor Williams confirmed that Jim Hammons would be at the county starting on the 12th.

Councilor McNew thanked everyone for helping learn the ropes. Council President Zimmerman spoke with the Councilors on new seating assignments which are proposed.

Adjournment:

Councilor McNew **MADE A MOTION** to adjourn and Councilor Taylor **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:23 pm.

Mayor Peggy Williams

Attest; _____
City Administrator Samuel Sikes

UNAPPROVED MINUTES

The Libby City Council held a Public Hearing on Tuesday, October 12, 2021, at 6:00pm to obtain public comment regarding a proposed application to the Montana Department of Commerce's Community Development Block Grant (CDBG) Program and other programs, as applicable for a sewer system improvement project consisting of replacing the treatment plant control system and selected deteriorated sewer mains.

CALL TO ORDER:

The meeting was called to order by Mayor Peggy Williams at 6:00pm.

Present were Councilors Gary Beach, Kristin Smith, Brian Zimmerman, Hugh Taylor, Rob Dufficy, Zach McNew, City Administrator Sam Sikes, and Deputy Clerk Charlotte Luedecke.

Mayor Williams gave the floor to Tina Oliphant and Mike Fraser to give their Power Point presentation on the on the Wastewater System Improvement and the Dept. of Commerce Community Development Block Grant – Public Facilities Program.

Oliphant pointed out that this public hearing was to discuss the project but, more so, to discuss the funding source. Oliphant noted that this meeting was advertised twice and proceeded to the Power Point slides explaining that the City is seeking funds for Wastewater Treatment Facility Control Improvements by upgrading 4 control panels including PLC hardware, as well as prioritizing replacement of 3 sections of sewer main.

Oliphant deferred to Mike Fraser who discussed the maps for where the work is to be done. The three top main replacement priorities are California Ave between 9th and 10th Street: Balsam Avenue South between Custer Avenue and Gallatin Street and Flower Street West of Nevada Avenue. The PLC hardware and SCADAs that will be replaced and improved are located at the Wastewater Treatment Facility.

Councilor Beach questioned if one of the lines could be moved to under the street down the block if that would that make more sense.

Fraser, noting good observation, said that is most likely what will happen as this is a known problem. Tina continued to explain the CDBG Grant Process and gave the total cost of the project which is \$1,039,000.

Fraser gave information and benefits on grants and projects already awarded for the sewer system. The Bar Screen will provide the biggest benefit in mitigating impacts to the plant wastewater system by removing solids before the grinder pumps which will save about \$750,000 in future costs. This will improve the whole process downstream all the way to the disinfection system. The plant is under strict permit discharge limitations, and it is going to assure compliance with discharge permits and reduce maintenance & operating costs. Without upgrading the operating system PLCs and SCADAs this could be at jeopardy in the future.

Fraser stated that this grant must be submitted by 10/28/2021.

Councilor Smith asked, keeping fingers crossed, what were the chances of making the deadline and getting the grant. Fraser was positive and said the city is ranked high going into the Competitive Grant Process.

Fraser added that there are a lot of good components, it will just depend on the competition, which may be less due to ARPA funds. A lot of communities have ARPA monies as 75 projects have been awarded in the competitive grant cycle and those are all using other ARPA monies, not CDBG. The city is in a good position strategically to proceed. We have finished the water project with the Certificate of Water Completion being signed tomorrow and submitted. So, this is looking favorable.

Mayor Williams opened the floor for comments. There were none.

Mayor Williams made a couple of announcements:

Next meeting on CDBG to be held 10/25/2021 at 6:15pm.

In relation to the Growth Policy, Joel Nelson from Land Solutions will be in Libby that same week and will meet with the planning/zoning board. Since the City will already be holding a meeting, Mayor Williams wants to start discussion the Growth Policy at a Council meeting following the CDBG meeting on 10/25/2021.

ADJOURNMENT:

Mayor Williams adjourned the meeting at 6:23pm.

Mayor, Peggy Williams

Deputy Clerk, Charlotte Luedecke



Libby Volunteer Fire Department

119 East Sixth Street
P.O. Box 796
Libby, Montana 59923
Phone (406) 293-9217 Fax (406) 293-3219

October 14, 2021

Libby Volunteer Fire Department responded to 9 calls in the month of August, 2021

2 calls in the City

6 calls in the Rural Fire District

1 calls were outside of City or RFD

Type of Calls:

Vehicle:

Structure: 1

Chimney:

Grass/Wildland: 2

Mutual Aid Libby Ambulance: 3

False Alarm: 2

Powerline: 1

Fuel Spill/HAZMAT:

Propane:

Electrical:

Miscellaneous:

94 Total Calls in 2021.

Other Information of Interest:



Libby Volunteer Fire Department

119 East Sixth Street
P.O. Box 796
Libby, Montana 59923
Phone (406) 293-9217 Fax (406) 293-3219

October 14, 2021

Libby Volunteer Fire Department responded to 8 calls in the month of September, 2021

2 calls in the City

5 calls in the Rural Fire District

1 calls were outside of City or RFD

Type of Calls:

Vehicle: 2

Structure: 1

Chimney:

Grass/Wildland: 1

Mutual Aid Libby Ambulance: 4

False Alarm:

Powerline:

Fuel Spill/HAZMAT:

Propane:

Electrical:

Miscellaneous:

102 Total Calls in 2021.

Other Information of Interest:

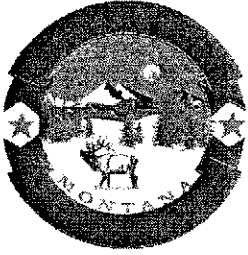
The Lincoln County Rural Fire District was not successful in obtaining the Assistance to Firefighters Grant for replacing our self contained breathing apparatus (SCBA's). Therefore both City of Libby and LCRFD Fire Departments will be presenting budget requests to replace our outdated equipment, will be approximately \$120,000 for each agency. If either agency has any other suggestions for optional funding approaches we would be happy to hear about those options.

PETTY 66	GIBBS 58	RICHARD J.
1 ALMER 76	MERRICK 76	
FJESETH 76	HOWARD 76	
2 JOHN G. 76	WELCH 76	
1 DUNIGAN 66	WILLIAM 58	
2 67	BOYD L. 63	
SALMONSON 67	SHERWOOD 77	
3 THOMAS 63	BANFIELD 63	
4 JAMES 62	RICHARD 64	
MULKEY	JAMES LEE	
1 THADDENS	THEODORE 3	
5. KRZES 89	JACKERMAN 81	
2 DONALD 83	EDGAR 83	
G. FRENCH	THEONSON	
1 ARTHUR	EDWARD 65	
KEMP 61	AGNES JOHNSON 82	
2 MARY 67	WILLIAM 60	
WILLIAM SA.	MC CONNELLY	
3 ARLEN S.	ALBERT 77	
FOLSON 61	LALONE	
4 JOHN LOUICK	GEORGE 8	
ARICE 67 83	MILLER 61	
TRETTAWIK	CLAYTON 84	
1 MEE C.	SIMONSON 94	
PEDERSON 94	ROBERT 94	
2 MERLIN 85	HINTZ 85	
AINESS	FRANK 62	
1 GEORGE	SWEET	
WIEDEMAN	RAYMUND 63	
2 ALBERT B.	STEVE 65	
SENN 71	CAGAWAY	
3 JAMES L.	ORVILLE 8	
CATTERAU 71	MURRY 71	
4 JAMES	FRANK 86 3	
BANE 71	APLINS 10A	
1 ROY 88	ARNOLD 7	
APLINS	DANNY JOE	
2 ORPHA	SMITH	
3 ARNOLD	SMITH	
SMITH	19 KNUD	
1 CLARK LUND	BEKIER SUIS	
2 BAUNIC	14 NELSON	
EDWARDS	EDWARDS	
3	15	

MACEY 50	ELEN 51
1 FRANCIS 8	CLIFFORD N. 7
NOLA 80	FREO 77
2 ALFRED 79	GIESE 77
SEVERINGEN	JAMES P. 7
1 ROBERT W.	BAKER 83
BROWN 51	EDGAR E. 5
2	DUPICE 53
JOSEPH 53	WALLACE
3 JESSE DAN	EARL R. 7
EGAN 53	DEY
4 SIGWARD	VALENTINE 8
WATTEN 53	VALDEZ 54
1 THOMAS J.	RAY MAIDEN 88
MATTLAS 81	GORDON 4
2 JOEL	NELSON 88
JOSEPH 81	GUY E. 5
1 UERMON	WALLASTON
C. FRIEND	MARICE J. 4
2 U.S. TRAYS.	POST 77
STEVE KARM	SAM 70 7
3 DONOUM	VARTANION
ABIRAHAMSON	GEORGE 70
4 ROY 64	BEEKS
HAMILTON	FLOYD 83
1 MONA 84	SIMONSON
KASTNER 10A	JESSE A. 4
2 DONALD 84	HUNT 84
P. CARROLL	ADOLPH 70
1 CHARLES R.	E. FOSJORD
RHEA 70	JOSEPH 71
2 ROBERT V.	STANEUK 15
ANDERSON 70	WILLIARD 57
3 DAVID	SHEPARD
CRIBE 70	GORDON 8
4 DAL R.	DISNEY 71
MORAN 70	JOHN S. 86
1 LESTER	SMITH 15A
DAVIS 85	ROLLAND 7
2 ALBERT 86	DENOWH 86
MANSKE	HAROLD 72
1 WALTER	PETERSON
KATHY 71	REU. WAYNE L. 4
RUBIN NELSON	
2 CALVIN 72	

MARLIN 66	ELAINE R. 7
2	SEIFKE 73
3A	JOHANNAS 5
1 MARLENE 78	E. SEIFKE
M. SEIFKE	LEONARD 78
2 OTTO	ROSS SEIFKE
SEIFKE 57	ARENCEY 7
3. ELIZABETH	M. LARSON
SEIFKE 58	WILLIAM 8
4 CAROL JANE	LARSON 54
SEIFKE 58	
1	
2	
3	
4	
5	FRANK 53
6	VANDERWOOD
7	MARY 49
8	VANDERWOOD
9	THEODORE 7
10	COMPEAU 84
11	COMPEAU
12	NICOLENA 49
13	COMPEAU 49
14	ROSE 88
15	LEDUM
16	LEDUM 11A
17	FLORENCE TALBOR 87
18	LEDUM 87
19	JOHN 67
20	THOMAS 49
21	BURNSON
22	OLENE B. BRYAN E. 4
23	LEDUM 58
24	JORDAN 71
25	EMMETT 5
26	DONALD 7
27	MYER 71
28	WOLLASTON
29	MONTE A. 8
30	LUCY L. VARTANIAN 93
31	PETTITT 93
32	MARGARET
33	DAVIS 81
34	DAVID L. 4
35	WILLIAMS 83
36	JOHN L. 51
37	THOMPSON
38	PHOEBE 53

○ = STAFF LOCATION
 RAY MAIDEN IS HEADSTONE ONLY



CITY OF LIBBY

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Elected City Officials

13 Oct 2021

<u>Position</u>	<u>Name</u>	<u>Term Expiration</u>
Mayor	Peggy Williams	12/2021
Councilor	Gary Beach	12/2021
Councilor	Robert Dufficy	12/2021
Councilor	Kristin Smith	12/2021
Councilor	Zach McNew	12/2023
Councilor	Hugh Taylor	12/2023
Councilor	Brian Zimmerman	12/2023

Committee Assignments

<u>Committee</u>	<u>Members</u>
Budget/Finance	Zach McNew, Kristin Smith, Gary Beach
Building	Gary Beach, Brian Zimmerman, Hugh Taylor
Cemetery/Parks	Kristin Smith, Zach McNew, Rob Dufficy
City/County Health Board	Amy Fantozzi
Fire	Brian Zimmerman, Hugh Taylor, Rob Dufficy
Lights/Streets/Sidewalks	Gary Beach, Brian Zimmerman, Kristin Smith
Ordinance	Kristin Smith, Brian Zimmerman, Zach McNew
Water/Sewer	Brian Zimmerman, Gary Beach, Rob Dufficy
KRDC	Tina Oliphant, Kristin Smith, Brian Zimmerman
Parks District Manager	Tony Petrusha
Planning/ Zoning	Kristin Smith, Roberta McCause, Jennifer Nelson, Christian Montgomery, Mark Andreasen

Samuel E. Sikes
Clerk/Treasurer

Resolution No. 1994

A RESOLUTION OF THE CITY COUNCIL DECLARING CERTAIN CITY OF LIBBY PROPERTY AS SURPLUS AND AUTHORIZING ITS DISPOSAL.

WHEREAS, the Kawasaki ES651V Model 80GAK generator and generator shed, utilized during the Flower Creek Dam construction for testing, located at the Libby Water System lower reservoir has served a useful life for the City of Libby's purposes and needs and is no longer being used or operated by the City; and

WHEREAS, the City does not anticipate using or operating the generator or using the shed at any time in the future; and

WHEREAS, Section 7-8-4201, M.C.A. provides that: Section 7-8-4201. Disposal or lease of municipal property.

(1) Subject to the provisions of subsection (2), the City or Town Council may sell, dispose of, or lease any property belonging to the city or town.

(2) (a) The lease or transfer must be made by an ordinance or resolution passed by a two-thirds vote of all members of the Council.

(b) Except for property acquired by tax deed, if the property is held in trust for a specific purpose, the sale or lease must be approved by a majority vote of the electors of the municipality voting at an election called for that purpose.

(3) This section may not be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city heretofore acquired for parks within the limitations prescribed by 7- 16-4223.

NOW, THEREFORE, BE IT RESOLVED BY THE LIBBY CITY COUNCIL, that Kawasaki ES651V Model 80GAK generator and generator shed located at the Libby Water System lower reservoir is approved for transfer in the form of a donation to Kootenai Winter Sports/ Turner Mountain.

PASSED AND ADOPTED by the City Council of Libby and approved by the Mayor this 18th day of October, 2021.

Peggy Williams, Mayor

Attest: _____
Samuel Sikes, Administrator