



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1593

NOVEMBER 15TH, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Matthew Coblenz.
- Approve City Council Minutes #1592 dated 1 Nov 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 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. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Adopt Ordinance 1995 - Zoning previously annexed property as Highway Commercial. (Second Reading)

NEW BUSINESS: Each new agenda item will be introduced by the mayor 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. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

2. Approve all businesses received to date.
 - a. Noble Industries, Corporation/LLC, 319 W. 9th St. Suite 1, Project Management

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 Investments 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: 11/10/21

UNAPPROVED MINUTES

The City Council held Council Meeting # 1592 on Monday, November 1, 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 completed, and Roll Call commenced. Present were Mayor Peggy Williams, Councilors Gary Beach, Kristin Smith, Brian Zimmerman, Zachariah McNew, Hugh Taylor, Rob Dufficy, City Administrator Sam Sikes and Deputy Clerk Charlotte Luedecke.

Mayor Williams welcomed all present and prayer was offered by Lloyd Miller.

Approve City Council Minutes #1584 dated 7 September 2021. Councilor Beach **MADE A MOTION** to approve, and Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Approve City Council Minutes #1589 dated 18 October 2021. Councilor Zimmerman **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Approve Special Council Minutes #1590 dated 25 October 2021. Councilor Beach **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Approve Special Council Minutes #1591 dated 25 October 2021. Councilor Smith **MADE A MOTION** to approve as amended, Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Announcements:

Mayor Williams reminded everyone about elections being held 2 November 2021 at the County Annex from 7:00am -8:00pm.

Committee Reports:

City Administrator: Sam Sikes reported that the Water Treatment Plant, due to the recent rains the filtration screens at the lower reservoir, experienced clogging on Friday, the 12th of October. The Streets crew cleaned the filters Friday morning and again from 10pm until about 1:30 am due to dramatically reduced water flow into the system. Treatment plant operators were on site all night to keep the turbidity within legal limits. Rural development completed an unscheduled inspection of the Water Treatment System to ensure compliance with all terms and conditions of the outstanding loans on the system. The plant, lower reservoir, and dam passed. Rural Development also completed an unscheduled inspection of the Wastewater Plant which the plant passed without exception. Engineers have been on site to finalize plans for the Bar Screen upgrade. The city picked up four dump truck loads of leaves during the last week. It has been noticed that there are many leaves remaining so the city crews will go around on Wednesday, November 3rd to pick up stragglers. Crews will be out and about the next few days making sure the storm water drains remain clear and complete some street sweeping.

Fire: Councilor Zimmerman reported that there were 7 calls in the month of October 2021, consisting of 1 in the City, 5 in Rural Fire District, and 1 outside of City or Rural Fire District.

Police: Chief Kessel reported there were 244 calls, 8 arrests, and 12 citations in the month of October. There was a threat on the school, which was quickly identified as a hoax, that was part of a national hoax originating out of Missouri and those people who concocted the hoax have been charged. There were a lot of resources wasted nationwide for law enforcement and school administrations to deal with this hoax. As a reminder the Snow Removal Ordinance is in effect now, a reminder will be posted on the Libby Police Department Facebook page, and it would be helpful if the media would post the ordinance as well to make Libby citizens aware before it snows. There is also the issue of recreational marijuana whether it will be admitted into the City Limits. If it is going to be sold now is the time to deal with this, not January. There have been reports of Grizzly bears in the Parmenter Hill area, at least 5 have been sighted and one male was trapped by Montana Fish, Wildlife and Parks. This is approximately ½ to ¾ of a mile straight downhill from the elementary school. If the grizzly bears become an issue in city limits law enforcement will make every attempt to haze them off, and if there is a threat to public safety the bear will be euthanized.

City County Board of Health: Amy Fantozzi reported that at the October 12, 2021, meeting, candidates for the open board position were interviewed. The three candidates were Dr. Greg Rice, Dave Harmon, and Dr. Diana Carvey. The vote was split 3-3 between Dr. Rice and Dr. Carvey, so the decision was sent to the County Commissioners who chose Dr. Diana Carvey of Eureka. The board is now 3 members from Eureka, 1 from Troy, 1 from Libby, and Commissioner Josh Letcher also of Eureka. The Health Department reported that they have hired a Planner/Sanitarian who will start this month. The board held a working meeting on October 19, 2021 to continue to establish ground rules, mission, and go over the bylaws. There were no decisions made at this meeting, just rough drafts which will be voted on at the November 9, 2021, meeting.

Councilor Dufficy asked if Dr. Brad Black's position had been filled as he retired.

Amy answered that Dr. Black is still the Public Health director and Dr. Carvey is replacing Dr. Sarah Mertes on the board.

Public Comment on Non-Agenda Items:

Scott Traphagen, 517 E. 6th Street, is asking for a Conditional Use Permit to use the shop on his property for his auto detail business. Scott says his equipment in the shop is very quiet and does not disturb the neighbors and he submitted signed statements to corroborate this statement. At this point the business model is to do one ceramic coating and 3-5 detail jobs per week so there will not be an issue with traffic. Most of the vehicles are picked up at Timberline Auto so there will not be many dropped off vehicles. If a shop were to become available to run this business out of, Scott said he would be happy to move and do business out of that shop. There are just no available locations right now.

Kurt Nelson, 608 Minnesota Ave, stated he is not at all bothered by Scott Traphagen's business being run out of his shop. He is a direct neighbor and hears nothing coming from the shop and has no problem with business being conducted at 517 E. 6th Street.

Martin Dunbar, Taylor Loop, states that grizzly bears have been hanging around Parmenter Creek for about three weeks and showed Council photos of the bears. Fish, Wildlife and Parks brought traps up to property and had a male bear trapped within 6 hours. Martin requested that the City notify the public of the presence of the bears.

New Business:

Adopt Ordinance 1995 – Zoning previously annexed property as Highway Commercial. (First Reading)

Councilor Smith **MADE A MOTION** to approve, and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Approve claims and payroll for October 2021.

Councilor Smith **MADE A MOTION** to approve, and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Approve all business licenses received to date.

Councilor Zimmerman **MADE A MOTION** to approve KM Construction and Handyman, and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Unfinished Business:

IP negotiations.

Mayor Williams reported that there had been no movement, but will attempt to check in with Allan Payne to get an update.

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

Councilor Zimmerman reported that the committee is waiting for a letter from Noble Investments so they can move forward with the easement from BNSF. A few items have come up while Noble and his people were writing the letter and they are doing more research. Once that is done, there will hopefully be something to present to Council at the November 15, 2021, meeting.

Councilor Smith asked if this would be an official letter.

Councilor Zimmerman said yes it would be an official letter,

General Comments from the Council:

Councilor Smith said she will be scheduling an Ordinance Committee meeting to discuss recreational Marijuana soon.

Councilor Dufficy wished everyone luck in the election and mentioned that the Halloween Party in the downtown district and what a success it was he then asked if Gail Burger could say a few words regarding the party.

Gail Burger, 302 California Ave, Gail reported that Mineral Ave., was closed from Timberline Auto to The Keep and the turn out was phenomenal. There were about 20 business that participated, Harlow's put a bus in the middle and Libby Transportation came out. There were more kids than ever, typically we expect around 400 and there were 700 plus this year. Many parents participated as well. Gail thanked Council for allowing the road closure.

Mayor Williams thanked Gail Burger for organizing the Halloween festivities and for all of the work she puts into it.

Adjournment:

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

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

MOTION PASSED.

Meeting was adjourned at 7:28pm.

Mayor, Peggy Williams

Deputy Clerk, Charlotte Luedecke

ORDINANCE 1995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA ZONING CERTAIN PROPERTIES PREVIOUSLY ANNEXED INTO THE CITY AS HIGHWAY COMMERCIAL.

WHEREAS the property described in the attached exhibit was annexed into the city limits of Libby in June 2021; and

WHEREAS said property was not assigned zoning at the time of annexation; and

WHEREAS the owners are pursuing HUD tax credits for an assisted living facility; and

WHEREAS the property, located along US Highway 2, is appropriate for said use; and

WHEREAS assigning the Highway Commercial district to the property is consistent with anticipated uses in this location.

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana that the property described as:

Tract 2AAA in NW ¼ SW ¼ NE ¼ Section 4, Township 30 North, Range 31 West, P.M.M., Plat No. 2076.

Be zoned Highway Commercial district as defined in the City's Municipal Code and as shown on the attached exhibit.

First Reading adopted by the Libby City Council on November 1st, 2021.

Second Reading passed and adopted by the Libby City Council on November 15th, 2021.

Signed by the Mayor on November 15th, 2021.

Mayor Peggy Williams

Attest: _____
City Administrator Samuel Sikes



N. 0° 06' 51" W 662.7' County Road
N 0° 06' 31" W 450.15'

KOOTENAI VALLEY GRANGE

NW 4 SW 4 NE 4
Sec. 4 Twp. 30 N., R. 31 W., M.P.M.

3.681 Acres

McGlumphy Survey

LINCOLN COUNTY, MONTANA.

The NE 1/4 corner and the NE corner of this standard subdivision were found in place, set by others, shown and accepted. The SE corner was established at the southeast corner of the 1/4 SW 1/4 of a similar section and the corner of the SE 1/4 SW 1/4. Similarly we established the SW corner at the midpoint between the NE corner and the SE corner of the 1/4 SW 1/4. The NE corner was also established at the midpoint between the NE corner and the SE corner of the 1/4 SW 1/4. The NW corner was established at the midpoint between the NW corner and the SE corner of the 1/4 SW 1/4. The NE corner was also established at the midpoint between the NE corner and the SE corner of the 1/4 SW 1/4. The NW corner was also established at the midpoint between the NW corner and the SE corner of the 1/4 SW 1/4.

An irregular tract of land near Libby in Lincoln County, Montana, lying wholly within the NE 1/4 SW 4 of Section 4, Twp. 30 N., R. 31 W., M.P.M., containing 3.681 acres, more or less, and more particularly described as follows: Beginning at a steel rod on the north line of the NE 1/4 SW 4 of Section 4, Twp. 30 N., R. 31 W., M.P.M., at a distance of 129.0 feet east of the southeast corner thereof, thence S 0° 06' 51" W, parallel to the north-south centerline of said Section 4 a distance of 200.0 feet to a steel rod thence west 109.0 feet to a steel rod on the east right of way line of the County road along the north-south centerline of said Section 4 a distance of 450.15 feet to an intersection with the north-south centerline of the line of the B. B. Highway No. 2, thence along said right of way line S 23° 08' 15" W 220.0 feet to a steel rod, thence S 23° 08' 15" W 101.56 feet to the point of beginning, along said south line, west 101.56 feet to the point of beginning.

U.S. Highway No. 2

WEST 161.58' Point of Beginning

WEST 109.0'

WEST 109.0'

WEST 109.0'

Scale: 1 inch = 50 feet

June, 1973

2076