



## CITY OF LIBBY

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### REGULAR COUNCIL MEETING #1607

JUNE 20, 2022 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

#### **CALL TO ORDER:**

- Pledge of Allegiance
- Prayer by Jeff O'Connell
- Roll Call
- Welcome
- Approve City Council Minutes #1604 dated 2 May and #1606 dated 6 June 2022.

#### **ANNOUNCEMENTS:**

#### **COMMITTEE REPORTS:**

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Budget
- 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.

**NEW BUSINESS:** The mayor will introduce each new agenda item with a description of the item and an 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. Decision regarding request for variance at 620 Utah Ave.
2. Approve all business license applications received to date.
  - a. Cabinet Mountain Property Management, 1115 N. 9<sup>th</sup> St., LLC, Property Management.
  - b. Clear Vision Window Cleaning, 13546 HWY 37, Individual, Commercial and Residential Window Cleaning.
  - c. Mackenzie & Ethan Huributt Wallace, 42 Crossway Ave, Individual, Mowing, Weeding, and Snow Removal.
  - d. Place Construction, 695 Farm to Market Rd., Individual, Construction, Concrete Construction, and Snow Removal.
  - e. Westlund Lawn Care, 10 Pinehaven Rd., Individual, Lawn Maintenance and Clean-up.

**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.

**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 is 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: 6/16/22

## UNAPPROVED MINUTES

The City Council held meeting # 1604 on Monday, May 2 ,2022 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 Smith, Taylor, McNew, Berke, Beach, Zimmerman, City Administrator Sam Sikes and Deputy Clerk Charlotte Luedecke.

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

### **Approval of City Council minutes #1602 dated 4 April 2022:**

Councilor Zimmerman **MADE A MOTION** to approve City Council minutes #1602 and Councilor Beach **SECONDED**. Councilors Smith, Taylor, McNew, Berke, Beach and Zimmerman voted **FOR**.

**MOTION PASSED.**

### **Approval of City Council minutes #1603 dated 18 April 2022:**

Councilor Zimmerman **MADE A MOTION** to approve City Council minutes #1603 and Councilor Smith **SECONDED**. Councilors Smith, Taylor, McNew, Berke, Beach and Zimmerman voted **FOR**.

**MOTION PASSED.**

### ANNOUNCEMENTS:

Mayor Williams announced that the electronic billing system and payment services has now gone live with online bill pay as an option as well as paperless statements being available.

EPA will be here 1 June 2022 to focus primarily on a public meeting delisting OU3 the former Vermiculite mine as well as starting the process of delisting homes in Libby and Troy units 4 & 7. This would not start until September. Suggested putting this date on your calendar so you can attend if interested.

### COMMITTEE REPORTS:

**City Administrators Report:** Sam Sikes reported, the Streets Department has been continuing to work on the parking lot and intersection by the tennis courts. Once final grade is completed MAG will be applied for trafficability and dust mitigation. Future for the area include seeding, installation of sprinkling system, replacing the curbs and sidewalks at the tennis courts, and repaving the roads and parking lot.

Two trees were removed at the intersection of Louisiana and Highway 2. The trees were found to have rotten cores when the dangerous limbs were removed.

The County donated a Dodge 3500 dually pick up with 46,000 miles that was used for deicing. This pick-up will replace an older one that has reached its life expectancy. A detailed list is being produced for all required mechanical work and is expected to be minimal.

The crew continues to patrol the alleys throughout the city as time allows.

**Water section:** Water main leaks in Woodway Park and on Utah Ave. have been fixed in the last couple of days.

The DEQ sent a compliance letter from the violation in turbidity levels in March of 2022. The DEQ personally recognized Jeff Haugen for timely addressing, communicating, and correcting the problem.

**Sewer Section:** A section of collapsed sewer main was replaced on Balsam across from the elementary school track.

The city received a resignation at the Sewer plant. The position was advertised “in – House” prior to being opened with Job Service. It will be advertised twice and remain open until filled with Job Service.

**Other information:** A meeting was held with Brian Stephens at FWP concerning cleaning out the bedload under the bridges located within the city on Flower Creek. The city will be taking measurements and preparing a plan to remove the bedload in the future in coordination with the County EMA.

**Fire:** Councilor Zimmerman reported 14 calls for April, 5 City, 9 Rural and 0 outside.

**Police:** Chief Kessel reported there were 277 calls for April, 73 traffic stops, 26 animal control, 6 ordinance violations, 17 crashes, 33 crimes against others, 30 property calls and 92 miscellaneous calls. The new officer is attending academy currently is in week 3 and enjoying it.

**Water/Sewer:** Mike Fraser City Engineer reported on 2 items. First item was Water Preliminary Engineering Report – The contract negotiations are done, and a contract will be to Sam Sikes for the 16 May 2022 agenda. The estimated price is \$156,000 of which there are \$30,000 in grants. This will revisit everything in the water system and will be an in-depth study which is the reason for the expense.

Secondly, the city will be awarding the contract for the design services for plant controller and additional sewer line replacement. This was funded through MSEP, CDBG and global resources. The cost is \$1,189,000 worth of work at no cost to the city. That agreement will be on the 16 May 2022 agenda as well.

Sam Sikes added that for the Preliminary Engineering Report the city was awarded 2 grants of \$15,000 each and the Capital Improvement Plan will cover the rest so the budget will not be affected.

**Zoning:** Councilor Smith reported there was no meeting in April, but recommendations are on tonight’s agenda.

**Planning Board:** Councilor Smith did get an update from Land Solutions on Growth Policy and reviewed the big piece of with all the existing conditions, concerns and jobs data. There will be focus groups in a couple of weeks to help figure the rest out.

**City – County Board of Health:** Amy Fantozzi reported that every month Board of Health will be having a presentation from an organization within the community that provides mental health support of services. This month Maggie Anderson presented on Unite for Youth and the progress they are making in the county with the youth. Anderson stated that the percentage of youth using drugs, alcohol and tobacco has gone down. Each community now has a Youth Engagement Coordinated to work directly with middle school and high school teams to promote healthy and safe activities and events for kids and families.

Greg Montgomery from DEQ presented on the Lead Reduction in School Drinking Water Program and went over the rules that schools need to follow to make sure that there are no excess levels of lead in fountains and fixtures. Montgomery gave an overview of the sampling results that have been conducted in schools across the county. This data is available on the DEQ website.

The landfill is taking e-waste through August.

#### **PUBLIC COMMENT ON NON- AGENDA ITEMS:**

Terry Rayome-Kelly invited everyone to the ribbon cutting for the electric car charging station on 11 May 2022 at 1:00pm at Fireman's Park.

#### **NEW BUSINESS**

**Jonathan Gass/Mike Fraser, Libby Creek Community:** Mike Fraser reported that the city was approached by WGM Group about a possible connection to the city water system at the Libby Creek Community. The outcome was a PER and proposal to submit a MSEP application on behalf of the Libby Creek Mobile Home Community. Fraser asked Danielle Maiden of Neighbor Works and Jonathan Gass to explain.

Danielle Maiden, NeighborWorks Montana explained what Neighbor Works does to help communities with affordable housing options. Working with affordable housing directors to bring in new projects and assist with loans, construction grants and some permanent financing across the state, and are a HUD intermediary. Maiden runs ROC (Resident Owned Community) program. This program works with mobile home parks across the state to purchase their community and run it as a non- profit co-op. This helps tenants gain affordable housing, stability and have a voice in their community. This is the only affordable housing not subsidized by the Federal Government.

Neighbor Works has been working with Libby Creek Community since 2018, there are 14 units. Glacier Bank holds the 1st mortgage and Neighbor Works holds the 2nd mortgage. Maiden continued to explain the processes involved with engineers and the grant application process to upgrade and connect the park to the city water system. Grants applied for are CDBG, ARPA, RRGL and MSEP. The septic system will also need updated. Putting a public wastewater site in and then connecting to the city water. Lincoln County is providing \$400,000 and with the grants there should be no cost to the city. Councilor Beach asked how many residents in the park.

Barb the President of the Community replied there are 14 units with 2–3-person household.

Jonathan Gass – WGM - The sewer system at Libby Creek Community has passed its useful life to the point of being unsafe and the water system is low pressure and quite a bit of deferred maintenance. WGM began looking at costs associated with upgrading and there are some big-ticket items associated with new water supply, new sewer collection and new sewer treatment. WGM is also looking into grants for funding from MSEP, CDBG, RRGL and ARPA as well as other possible sources for funding.

Engineering reports found that replacing about 1200 feet of water main on Highway 2 could increase pressure on Spencer Road. This option would be a win, win for the Libby Creek Community as well as the City.

The EIS (Environmental Impact Statement) is neutral and will not be impactful but possibly beneficial. The Public Hearing for this was set for 16 May 2022 before the regular council meeting.

Mike Fraser summarized some of the issues that may still be on the minds of the Council. The 1200 feet of line to be replaced is some 20% of the undersized line that was installed 20 plus years ago. Replacement will elevate pressures that would have to be dealt with in the future. The replacement costs would be covered by grants that are discussed and applied for today with no real cost to the City.

The design will still be subject to review and approval by the City and the normal requirements of any construction project with inspection report, certificates and as built. This is an opportune time as Libby did not participate in the 2022 grant cycle and applying for these grants will not affect the 2024 grant cycle for the city. Discussion followed.

**Approve KPFL's request to waive the Ponderosa Room fee for Annual Fundraiser:**

Eileen Carney, 2233 Farm to Market Road, asked for the fees to be waived and gave a brief statement.

Councilor Smith **MADE A MOTION** to approve waiving Ponderosa Room fees for KPFL and Councilor Zimmerman **SECONDED**. Councilors Smith, Taylor, McNew, Beach, Berke and Zimmerman voted **FOR**.

**MOTION PASSED.**

**American Legion Auxiliary's request for Dedication of Cemetery Angel:**

Terry Pitcher gave an update on the statue and stated the Dedication Ceremony will be 28 May 2022 at 1:00pm and a Proclamation from the Mayor will be read at that time.

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

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

**MOTION PASSED.**

**Approve Igniters Car Club Street closure and noise variance request, August 19<sup>th</sup> & 20<sup>th</sup>:**

Kevin Peck from the Igniters was present and asked for the closure and variance.

Councilor Smith **MADE A MOTION** to approve Igniters Car Club request and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Adopt Adult Use Marijuana Ordinance – First Reading:**

Councilor Zimmerman **MADE A MOTION** to approve the first reading of Adult Use Marijuana Ordinance and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

**Approve all claims received to date:**

Councilor Zimmerman **MADE A MOTION** to approve claims received to date and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

**Approve all business licenses received to date:**

Mayor Williams read through the applications for: Comfort Care & Compassion and Milestone Home Improvements.

Councilor Zimmerman **MADE A MOTION** to approve business licenses received to date and Councilor Beach **SECONDED**.  
Discussion followed.

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

**MOTION PASSED.**

**GENERAL COMMENTS FROM COUNCIL:**

Mayor Williams explained that there needs to be a process put in place for those requesting a proclamation and provided a sample application. Mayor Williams noted that proclamations will cover charitable events and charitable occasions.

Discussion followed.

**AJOURNMENT:**

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

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

**MOTION PASSED.**

Meeting adjourned at 8:03pm.

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Peggy Williams, Mayor

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Charlotte P. Luedecke, Deputy City Clerk

## UNAPPROVED MINUTES

The City Council held Council Meeting # 1606 on Monday, June 6, 2022, 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, Prayer was led by Leona Mast, and Roll Call commenced. Present were Mayor Peggy Williams, Councilors Gary Beach, Melissa Berke, Zachariah McNew, Hugh Taylor, Brian Zimmerman, City Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) Attorney Dean Chisholm. Councilor Kristin Smith was not in attendance.

Mayor Williams welcomed all present.

### **Approve City Council Minutes #1605 dated Monday May 16, 2022.**

Councilor Zimmerman **MADE A MOTION** to approve **City Council Minutes #1605**, and Councilor Beach **SECONDED**.

Councilors Beach, Berke, McNew, Taylor, and Zimmerman voted **FOR**.

### **MOTION PASSED.**

**Announcements:** Mayor Williams announced Primary Elections will be Tuesday, June 7th, in the Memorial Center for the City. Juneteenth is not recognized as a day off for the City so the Council meeting will be held Monday, June 20th, and at 6:15 pm a Public Hearing will be held regarding a variance. June 14th and 15th focus group meetings regarding Libby Growth Policy Update with Joe Nelson will be held in the Ponderosa Room.

### **Committee Reports:**

**Administrator:** Administrator Sikes reported the City received a letter from the Department of Transportation outlining the statewide transportation improvement program for the next 5 years and a website link is available to see highway projects scheduled for the next 5 years.

Streets Department has two paving projects scheduled for the upcoming month to repair Highway 2 near Deshazer Ryan Realty and Harlow's Bus Service. Paving will be going on throughout the city in June at various intersections, and in July and August chip coating will begin throughout the city to protect previous years of paving.

The Water Department's annual Consumer Confidence Report (CCR) begins in June and will be published in the newspaper along with copies available at City Hall. The new Kubota Mini should be delivered in September and the city received 24 water meters that have been on backorder for the last year.



The Sewer Department has been having issues dealing with heavy white quilted paper towels being flushed and clogging up the pumps and floats, calls are being made to stop the flushing of these towels. Mr. Sikes announced a new member has been hired to fill the vacancy at the sewer plant and starts on June 27<sup>th</sup>.

Mr. Sikes wanted to remind everyone all Memorial Day decorations will be removed next week and the city does not save them, so persons wanting to save decorations need to have them removed before cleanup.

A Safety Committee meeting was held May 31<sup>st</sup> to come back into compliance with State regulations after pausing due to COVID-19. A meeting will be held every four months.

**Police:** Chief Kessel reported 319 calls for service in the month of May and of those calls 58 crimes against persons, 22 property crimes, 9 drug offenses, 6 DUIs, 11 crashes, 94 miscellaneous, and 93 traffic stops, 24 animal complaints, and 2 city ordinance violation due to the length of grass.

Chief Kessel announced the City's newest officer, Josh Brabo is doing well in the academy training and the County Attorney has sent a letter to S&D Auto Detail about zoning violation and were given until the 15<sup>th</sup> of June to cease and desist after which situations will be issued.

**Budget Committee:** Mayor Williams announced figures for the new budget are being updated as information becomes available and the next committee meeting will be June 20<sup>th</sup>.

**Public Comment on Non-Agenda Items:** None

**Old Business:** None

**Approve all claims received to date:**

Councilor Zimmerman **MADE A MOTION** to approve **all claims received to date**, and Councilor Beach **SECONDED**.

Councilors Beach, Berke, McNew, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve all business license applications received to date:**

Chloe's Cleaning, Dixon's Construction, Hawkeye Asbestos Consulting & Inspecting, Lincoln County Courier Services, and Manic Mechanic.

Councilor Zimmerman **MADE A MOTION** to approve **all business license applications received to date**, and Councilor Taylor **SECONDED**.

Councilors Beach, Berke, McNew, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Unfinished Business:**

**IP negotiations:** Mayor Williams spoke with Andrew Schmitt from the EPA and they are planning a meeting to be held in Libby on August 15<sup>th</sup>.

**Public Comments: None**

**General Comments from the Council:** Councilor Taylor wanted to thank Search and Rescue, Sheriff's office, and all the other towns that helped find the missing child.

Councilor McNew said the playground equipment is in Libby and looking into having a contractor put it together.

**Adjournment:**

Councilor McNew **MADE A MOTION** to **adjourn**, and Councilor Beach **SECONDED**.

Councilors Beach, Berke, McNew, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:17 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold