



## CITY OF LIBBY

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### REGULAR COUNCIL MEETING #1618

DECEMBER 5, 2022 @ 7:00PM  
COUNCIL CHAMBERS – CITY HALL

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

- Pledge of Allegiance
- Prayer by Tom Cole
- Roll Call
- Welcome
- Approve City Council #1615 minutes dated October 17, 2022, City Council minutes #1616 dated November 7, 2022, and City Council minutes #1617 dated November 21, 2022.

#### **ANNOUNCEMENTS:**

#### **COMMITTEE REPORTS:**

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- 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. Growth Plan Draft – Discussion Only.
2. Approve all Beer, Wine or Liquor Licenses received to date.
  - a) Crosscut Casino, 812 W 9<sup>th</sup> St.
  - b) Gold Pan Casino, 420 E. 9<sup>th</sup> St.
  - c) Harold’s Casino, 116 E. 9<sup>th</sup> St.
  - d) Kaiju Bar & Grill, 419 E. 9<sup>th</sup> St.
  - e) Maggie’s 2, 519 E. Larch St.
  - f) VFW #1548, 114 W. 2<sup>nd</sup> St.
3. Approve all Coin Operated Licenses received to date.
  - a) VFW #1548, 114 W. 2<sup>nd</sup> St.
4. Approve all claims received to date.
5. Approve all business licenses applications received to date.
  - a) Space Lift, 1010 Washington Ave., Individual, Interior Cleaning, Organizing, and Painting.

**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. LOR South Flower Creek/Old Snowshoe Recreation Development Plan.
3. Montana Sky proposal to update City phone system and internet.

**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:** 12/1/22

## UNAPPROVED MINUTES

The City Council held Council Meeting #1615 on Monday, October 17, 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 by Marcus Girod, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Samuel Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm. Councilor Zach McNew was not in attendance.

Mayor Williams welcomed all present.

### **Approve Council Minutes#1611 dated 15 August 2022:**

Councilor Beach **MADE A MOTION** to approve Council Minutes#1611 dated 15 August 2022, and Councilor Berke **SECONDED**.

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

### **MOTION PASSED.**

**Announcements:** Mayor Williams announced a letter was received from the Governor's office awarding the city ARPA grant monies of \$573,492.00 being used for wastewater projects. \$426,474 for Bar Screen and \$174,000 for PLLCs (computer controllers) and the Growth Plan Public Hearing being held by the Planning Board on Monday, October 24<sup>th</sup> at 6pm.

### **Committee Reports:**

**Administrator:** Administrator Sikes announced a new employee was hired for the Water Treatment Plant, Brad Lee, retired Army with 22 years experience. A letter was received from the DEQ called "lead service line projects request". The federal government is requesting every state to inspect all water service lines to identify lead piping, Libby still has some lead goosenecks. Montana could receive up to \$28 million in federal funding, for the city to receive any of that funding, a project request must be submitted. Building permit report for September 2022, 3 residential (2 roofs and 1 siding), 1 commercial for a credit union remodel, for a total of 18 permits totaling \$11,400.00 for fiscal year 2023.

**Fire:** Councilor Zimmerman reported 9 calls for September 2022, all in the Rural Fire District. 1 vehicle, 3 structures, 2 mutual aid with ambulance, 1 false alarm, 1 power line, and 1 miscellaneous, totaling 80 calls for 2022. The Training Center and Legion concession stand have been winterized.

**Finance:** Clerk-Treasurer Monigold reported after reviewing the first quarterly budget report everything appears to be on track. A few expenditures items were identified as slightly over from original budget; Black Mountain expenditure lines are slightly higher than budgeted due to a \$1000 price increase after the budget was created. An increase in liability property assessment insurance was accounted for in the general fund, but there was an oversight in the Water and Sewer budgets to increase that expenditure.

**Public Comment on Non-Agenda Items:** Mark Radzwion, 688 Line Butte Rd., Troy, representing the American Legion Club at 319 California, inquired about having designated handicapped parking on the street outside the club. Councilor Beach explained the correct paint has been unavailable, and there have been requests from downtown businesses to implement and remove handicapped parking. This spring, Streets/Sidewalk Committee will be working on a plan to place handicapped parking in strategic spots in downtown areas. Prior to implementing the plan, the Committee will contact downtown businesses to discuss handicapped parking options but any request for handicapped parking along California will need to be addressed by the State because it is considered highway. Council discussed delays in projects due to the back order of the special paints needed for pavement and sidewalks.

**Old Business:** None

**New Business:**

**Approve Municode-CivicPlus Renewal Contract:**

Councilor Zimmerman **MADE A MOTION** to approve Municode-CivicPlus Renewal Contract, and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

**Approve Water/Sewer Committee's Recommendation, Change Rules and Regulations 16 number 5-Water Shut Off Notices:**

Mayor Williams explained because the document as a whole and other changes were passed by resolution the recommendation will need to be presented in resolution form at the next Council meeting.

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

Hutch's Personal Care & Maintenance and Libby Tree Care LLC.

Councilor Smith **MADE A MOTION** to approve all business licenses applications received to date, and Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

**Unfinished Business:** IP Settlement, Mayor Williams stated the meeting scheduled with EPA is still on track to meet with the Subcommittee on October 26<sup>th</sup>. Prior to the City's meeting the EPA is scheduled for a public meeting with the Commissioners to give an update about the groundwater program from 9:45 am – 10:45 am.

**General Comments from the Council:** Mayor Williams explained the flyer given to Council is from a DNRC tree inventory taken August 2021, facts about replacement value and species were very informative. The health of the city trees are being addressed for care and an evaluation by an arborist to figure out what to do to have healthier trees in the future and start replanting after removing dead trees. That includes four trees in Fireman's Park, three in Riverfront Park, one along Louisiana, and several other dead trees around town that need to be removed.

Mayor Williams addressed Amy Fantozzi's request to present a Health Board update quarterly asking option of the Council. Council requested to review the contract before deciding.

Council discussed an email sent out by Kelly Lynch of the Montana League of Cities and Towns that included a written response regarding "Comments on Recommendations and Strategies to Increase the Supply of Affordable, Attainable Workforce Housing, Preliminary Draft, October 3, 2022" she submitted the letter to newspapers around the state after the Housing Advisory Committee released its recommendations for the next legislative session. Several newspapers have published the article "Housing recommendations remove local decision-making."

**Adjournment:**

Councilor Zimmerman **MADE A MOTION** to **Adjourn** and Councilor Taylor **SECONDED**.

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:29 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold

## UNAPPROVED MINUTES

The City Council held Council Meeting #1616 on Monday, November 7, 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 by Jeff O'Connell, roll call commenced. Present were Mayor Williams, Councilors Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, Clerk-Treasurer Leann Monigold, Streets Supervisor Justin Williams, (via Zoom) Councilor Gary Beach, and City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

### **Approve All Minutes: Public Hearing Minutes dated September 6, 2022, Council Minutes #1612 dated September 6, 2022, and Council Minutes #1613 dated September 19, 2022:**

Councilor Zimmerman **MADE A MOTION** to approve Public Hearing Minutes dated September 6, 2022, Council Minutes #1612 dated September 6, 2022, and Council Minutes #1613 dated September 19, 2022, and Councilor Smith **SECONDED**.

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

### **MOTION PASSED.**

**Announcements:** Mayor Williams reminded everyone to vote November 8<sup>th</sup>, for those that did not already turn in their ballot, voting is at the Memorial Center.

### **Committee Reports:**

**Administrator:** Streets Supervisor Justin Williams reported city equipment yard and parks are being prepared for winter. Bathroom facilities at Fireman's Park, city campground, and Riverfront Park are closed for the season. Our long time campground host has retired, the City will be looking at applications for a new host come spring time, leaf pickup will be November 9<sup>th</sup>, 10<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> all leaves must be boxed or bagged and on the curb for pickup. Concrete and paving has been finished at the Fire Department, street crews will be monitoring and cleaning screens at the lower reservoir more frequently with the seasons changing. Water customers need to protect the water meter if exposed to the cold, tree removal has been completed for the dead trees at Fireman's Park, cemetery, campground, Lincoln Blvd., and Riverfront Park. A new furnace will be installed at the City Streets Shop to replace the unrepairable unit. Street patching on Cedar Street has been finished, underground fuel storage tank has been removed and awaiting soil samples, and the above ground tank is being prepared to be installed.

**Zoning/Planning:** Councilor Smith announced Zoning Commission will hold a meeting Monday, November 28<sup>th</sup> and the Planning Board held a Public Hearing on the Growth Policy October 24<sup>th</sup> and has recommended moving the Growth Policy to Council for adoption with a few changes that have been made.

**Public Comment on Non-Agenda Items:** Ted Montgomery, 491 Cabinet Heights, inquired about street lights being installed in the Cabinet Heights area and said his surrounding neighbors stated they would like them also. Mayor Williams explained the residents in the Cabinet Heights area had previously said street lights were unwanted to keep their rural appearance but if that idea has changed, he should contact Administrator Sikes so he can begin looking into it.

**Old Business:** None

**New Business:**

**Tony Petrusha, South Flower Creek Recreational Development Plan (Discussion):**

Tony Petrusha showed a PowerPoint presentation to describe the South Flower Creek/Old Snowshoe Recreational Development Plan and stated the plan would be presented at a public meeting on Wednesday, November 16<sup>th</sup>, 6 p.m. at First Montana Bank to receive community ideas of other outdoor recreational activities. The plan was being presented to City Council for review and to create a resolution for adoption. Mr. Petrusha explained the background of the Libby Outdoor Recreation Association (LORA) and who they work with. The presentation showed a detailed look at the trail systems broken down into five sections spanning 35 miles from Cabinet Heights Road to South Flower Creek then connecting to a trail system leading to the Leigh Lake Road parking area, with a detailed description of each area and the recreational activities along the way. Maintenance will be performed by groups of volunteers and funding will come from grant, donations, and in-kind services.

Councilor Smith inquired if the plan addresses ways to promote the trails like signs and adding to online map services. Mr. Petrusha explained those are addressed in the plan along with, way-finding, signage, publications, notification, and other ways to get the word out.



**Approve Resolution 2009, Amendment to Rules and Regulations of the City of Libby Water System Rule Sixteen – No. 5:**

Councilor Zimmerman **MADE A MOTION** to approve Resolution 2009, Amendment to Rules and Regulations of the City of Libby Water System Rule Sixteen – No. 5, and Councilor Berke **SECONDED**.

**Comments:** Ted Montgomery, 491 Cabinet Heights, inquired if a landlord has the right to know if their tenant has not paid their bill. Attorney Chisholm said the landlord has a right to receive dual notice and to contact the front office to accommodate such notice.

DC Orr, 1117 Nevada Ave, asked to withdraw the \$10.00 late fee charge.

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

**MOTION PASSED.**

**Approve all claims received to date:**

Councilor Smith **MADE A MOTION** to approve all claims received to date, and Councilor McNew **SECONDED**.

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

**MOTION PASSED.**

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

Century 21 Summit Realty and Salon Avail.

Councilor McNew **MADE A MOTION** to approve all business licenses applications received to date, and Councilor Smith **SECONDED**.

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

**MOTION PASSED.**

**Unfinished Business:** IP Settlement, Mayor Williams announced a meeting was held with EPA and Council Subcommittee on October 26th. Councilor Smith stated the meeting went well and they seemed surprised to learn of our position, and with changes in their staffing and changes on the City Council it was a good time to reconnect and get positive momentum going. Councilor Taylor explained the City's concerns were taken well by the EPA and DEQ, who were also present, and working on relations to become allies to help the City's controlled groundwater situation be remedied.

DC Orr, 1117 Nevada Ave, enquired what the City's positions and concerns where that were presented to the EPA. Councilor Smith informed Mr. Orr the discussions were to hold IP's feet to the fire with issues that need to be addressed that the City feels the EPA has let go. The Subcommittee let them know concerns on positions the EPA should have been supporting the City on but weren't. Following some of the concerns raised, the EPA and DEQ members present took a brief break to confer with one another. The plan is to meet with them again after they have had time to process the discussions. Councilor Taylor stated a few of the biggest concerns is wanting them to assist with the irrigation water in the summer because it should not be a burden on city water users and to have them clean up the mess which was part of the original agreement.

**General Comments from the Council:** Council discussed the Meeting Owl, new audio/video technology being tried out for the meeting and a tutorial was requested if the City purchases one.

**Adjournment:**

Councilor Zimmerman **MADE A MOTION** to **Adjourn** and Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:47 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold