



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 #1621

JANUARY 17, 2023 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Cornelius Girod
- Roll Call
- Welcome
- Approve City Council meeting #1620 minutes dated January 2, 2023.

ANNOUNCEMENTS: Snow removal-parking ordinance.

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.

1. Approve Resolution #2012 Libby City Council Resolution of Intention to Adopt the City of Libby 2022 Growth Policy Update, a proposed growth policy to replace the 2010 City of Libby Growth Policy.
2. Approve Resolution #2011 LORA South Flower Creek/Old Snowshoe Recreation Development Plan.

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. Approve all claims received to date.
2. Approve all business licenses applications received to date.
 - a) Big Sky Exterior Cleaning Specialists, 1120 Dakota Ave, LLC, Exterior Cleaning Service.
 - b) P3 Dog Training, 114 Vinson Mill Rd., Trout Creek., Individual, In-Home Dog Trainer and Group Classes.
 - c) Relaxation Station, 278 Sunnyside Dr., Individual, Mobile Massage Therapy.
 - d) The Standish Project, 320 California Ave., Individual, Art Gallery.

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: 1/12/23

UNAPPROVED MINUTES

The City Council held meeting # 1620 on Tuesday, January 3, 2023 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, prayer was offered by Phillip Coblentz.

Approval of City Council minutes #1619 dated 19 December 2022.

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

MOTION PASSED.

ANNOUNCEMENTS: NONE

COMMITTEE REPORTS:

City Administrators Report: Sam Sikes reported, the concrete pad for the fuel storage tank at the Water Treatment Plant is now properly cured and the tank will be secured later this week. This will finish the Capital Improvement Project.

The parts for the Auxiliary Bar Screen Project should start arriving this month and will be staged near the project location at the sewer plant. Once the main equipment arrives, a 60-day clock will start for the completion of the project.

Engineering is being completed for the Cabinet View water main replacement. Issues such as main replacement within a narrow 20 foot alley with an existing sewer main and raw water feed are being addressed. The costs are also a factor as construction and material prices are still elevated.

Street Supervisor Report: Justin Williams reported, the street crew has been busy plowing and doing snow removal within city limits and removing snow berms from the downtown area with the blower. Everyone's efforts have been appreciated, including dispatch, police departments, and citizens in keeping the roadways clear throughout this process. Williams asked that sidewalks and hydrants are kept shoveled.

There was one water main repair and one hydrant repair, we are still waiting for repair kits for the other hydrants. With the recent cold snap, there were numerous calls for frozen pipes and frozen meters. Most of these incidents could have been prevented with the simple use of insulation, heat tape and insulating exterior walls. There were eight water meter replacements due to freezing; a simple trickle of water is also helpful in preventing frozen pipes and meters.

Recently a new mini excavator was delivered to the street department, this will be helpful for water and sewer repairs in tight areas and also enable crews to have two machines available in emergency situations.

Safety topic: Please give all City, County and State Road Departments plenty of room to perform their work, be patient and stay out of their blind spot. Good rule of thumb is if you cannot see their mirrors, they cannot see you.

Police: City Attorney Dean Chisholm gave an update on the current police department situation, status since the last meeting is the departed officers provided a letter to the local media that included allegations that had not been shared with the city prior to that. Therefore, some of those matters were not investigated. The city is in the process of obtaining a third party independent investigator to look at the new claims and hope to have that person signed up and ready to go very soon.

Lights/Streets/Sidewalks: Councilor Beach reported there will be a meeting next week.

Zoning Commission: Councilor Smith reported the commission met 26 December 2022, ratified all changes to Residential A District, now moving on to other residential districts.

Cemetery/Parks: Councilor McNew reported they have been researching with Flathead Electric and Ron Miller regarding removal of a power pole and putting power back on the building. The bid is at around \$4,585.00. McNew stated that he would like to put a committee together and in the spring beautify the park with a mural and what not.

City County Board of Health: Next meeting 10 January 2023

Park District Manager of Projects: Gave annual report and stated that the consulting contract will expire January 2023, and that there is currently adequate funding to support funding for 2 more years, renewal of the contract will be discussed later. Invoiced amount for 2022 was \$6820.00.

PUBLIC COMMENT ON NON- AGENDA ITEMS:

Ian Smith-907 W. Balsam Street, Libby read a statement regarding resignation of the three police officers.

Other comments were made by: Brad Nelson, Dakota Ave
Brian Hoskins, 148 Manor Drive, Libby
Kerry Bowers, Hwy 56, Troy
Kenny Rayome,Jr., 1314 Dakota Ave.
Jason Fosgate, 38928 Us Hwy 2, Libby
D.C Orr, 1117 Nevada Ave., Libby
Mark McGinnis, 334 Reserve Drive, Libby

NEW BUSINESS:

Approve Resolution #2012 Libby City Council Resolution of Intention to Adopt the City of Libby 2022 Growth Policy Update, a purposed growth policy to replace the 2010 City of Libby Growth Policy.

Joel Nelson from Land Solutions stated that any final changes should be dealt with at this meeting and added to the resolution and growth policy document. Regarding public comment, Mr. Nelson did respond to the concerns of Dorian Boling on annexation concerns. As well as Jennifer Nelson, Planning Board Member and concerns regarding the downtown area. Emphasis on the Downtown area stems from the additional monies from the Montana Main Street Program to do somewhat of an update on the downtown plan. The growth policy does state that the 2005 plan was not adopted by the city but does acknowledge its value. Jennifer Nelson did suggest the downtown be put in the appendix rather than be so prominent in the document. Joel stated that placing it at the end would not denote the importance of the downtown if that were the intent. The major concern with restructuring the document would have budget concerns and making sure the Main Street funding would not be lost, at this time the project is on budget. Restructuring may not be of substantial value to the document. Another of Jennifer Nelson's concerns was on housing, this has been addressed throughout the growth policy, there is only so much a city growth policy can do to try to solve housing problems. Reasonable goals and actions for the city to pursue to help the housing situation are included. Joel Nelson addressed another concern regarding the growth policy, that of annexation of unincorporated areas and adding a statement in the introduction of the growth policy to address this.

Councilor Smith thanked Joel Nelson for shepherding the city through this process and stated she does not feel a statement regarding annexation is necessary.

Mayor Williams opened the floor for public comment. Comments were made by:

Felicia Lucas, Northwood Ave., Libby
Jennifer Nelson, 1026 Washington Ave., Libby
DC Orr, 1117 Nevada Ave., Libby
Katherine Hogan, 284 Hogan Drive, Libby
Michelle Lamey, 18 Midland Road, Libby
Danielle Hebert, 1302 Airth Ave., Libby

Councilor Taylor **MADE A MOTION** to add Joel Nelson's statement to the start of the growth plan. Councilor Smith **SECONDED**. Councilors Beach, Zimmerman, Smith, Berke, Taylor and McNew voted **FOR**.

MOTION PASSED – to add new language to the growth policy.

Mayor Williams asked Joel Nelson if the change would be an amendment to Resolution 2012.

Joel Nelson said it would.

Mayor Williams read Resolution 2012 aloud.

Councilor Smith suggested that an item #3 be added to inserting the sentence regarding annexation.

Discussion followed.

Councilor Smith **MADE A MOTION** to approve Resolution 2012 with the changes in the Resolution and draft document. Councilor Zimmerman **SECONDED**. Councilor Beach asks to table until the sentence is spelled out so it can be reviewed.

Mayor Williams was ok with postponing until the verbiage is correct and Councilor Smith **WITHDREW THE MOTION**. Tabled until the 17 January 2023 Council meeting.

Approve Resolution 2011 LORA South Flower Creek/Old Snowshoe Recreation Development Plan.

Mayor Williams stated this has been discussed at quite a few meetings and asked Tony Petrusa if there are any comments he wishes to make.

Tony Petrusa stated that the plan has been adopted by the Parks District and is being adopted by the Lincoln County Commission and the City of Libby is in there.

Mayor Williams read Resolution 2011 aloud and open the floor for comment.

Discussion followed.

Public Comments were made by:

Michelle Lamey, 18 Midland Road, Libby

Jennifer Nelson, 1026 Washington Ave., Libby

Kenny Rayome, Jr., 1314 Dakota Ave., Libby

Councilor Smith suggested moving forward this Resolution spells out Council support and individual projects have their own specific requirements just like the growth policy and require the same language be added regarding proximity to the water supply.

Mayor Williams asked if there was specific language to be added.

Discussion followed.

Mayor Williams stated that this needs more work and council would like to postpone adopting of this resolution at this time.

Tony Petrusa asked for there to be a specific contact person.

Mayor Williams responded that it would be her and Sam Sikes.

Approve all Beer, Wine or Liquor Licensed received to date:

Pastime Bar & Lounge

Councilor Smith **MADE A MOTION** to approve all Beer, Wine or Liquor Licenses received to date, Councilor Beach **SECONDED**. Councilors Beach, Zimmerman, Smith, Berke, Taylor and McNew voted **FOR**.

MOTION PASSED.

Approve all Coin Operated Licenses received to date:

Pastime Bar & Lounge.

Councilor Zimmerman **MADE A MOTION** to approve all Coin Operated Licenses received to date, Councilor McNew **SECONDED**. Councilors Beach, Zimmerman, Smith, Berke, Taylor and McNew voted **FOR**.

MOTION PASSED.

Approve all Claims received to date:

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

Discussion followed.

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

MOTION PASSED.

Approve all business license applications received to date:

Jen's Loving Care, LLC,
Eaton's Income Tax Services

Councilor Zimmerman **MADE A MOTION** to approve all business licenses received to date, Councilor Smith **SECONDED**. Councilors Beach, Zimmerman, Smith, Berke, Taylor and McNew voted **FOR**.

MOTION PASSED.

UNFINISHED BUSINESS:

IP Negotiations – Still waiting on a meeting with EPA and DEQ per Mayor Williams.

Memorandum of Agreement between City of Libby and Lincoln County Sheriff's Office regarding interim law enforcement services.

Mayor Williams stated that the County is waiting for a response from the Attorney General's office.

Public Comments were made by Ian Smith, 907 W. Balsam Street, Libby
D.C. Orr, 1117 Nevada Ave., Libby

Mayor Williams stated that the information to apply for the Police Commission will be made available on the city website.

GENERAL COMMENTS FROM COUNCIL:

Councilor Taylor stated that it is necessary for all committees and commissions to be current. Councilor Beach brought this up six months ago regarding terms, expirations etc. This seems to have fallen through the cracks. Also, Mr. Chisholm needs to move forward with drafting a letter to the DOJ requesting that they look into the police situation.

Dean Chisholm City Attorney stated to clear the record, two to three weeks ago both MMIA and the Attorney General's office were contacted regarding the situation with the police, both offices indicated they could not get involved in any investigation issues that the city has. Not sure what is wanted to be sent to the DOJ.

Councilor Taylor stated that the new allegations were not included in the decision.

Dean Chisholm said that is correct and a third-party investigator is being hired to investigate the new allegations but is not sure they are anything the Attorney General will involve themselves in. These matters were discussed a few weeks ago, those avenues are not available to the city.

ADJOURNMENT:

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

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

MOTION PASSED.

Meeting adjourned at 8:00pm.

Peggy Williams, Mayor

Charlotte P. Luedecke, Deputy City Clerk

RESOLUTION NO. 2012
A Libby City Council Resolution Adopting the
Libby 2023 Growth Policy dated January 2023,
a growth policy that replaces the
2010 City of Libby Growth Policy

WHEREAS, the City of Libby adopted the 2010 City of Libby Growth Policy (2010 Growth Policy) on November 1, 2010 as a revision to the 1972 Comprehensive Plan; and

WHEREAS, the City of Libby determined in 2020 that it was necessary to update the 2010 Growth Policy and therefore sought and received a planning grant in 2021 from the Montana Community Development Block Grant Program (CDBG), which with additional funding sources such as from the Montana Main Street Program and a City match, resulted in the funding necessary to provide for updates to the 2010 Growth Policy; and

WHEREAS, Montana law, Title 76 (Land Resources and Use), Chapter 1 (Planning Boards), Part 6 (Growth Policy) of Montana Code Annotated (MCA) provides for the adoption of City growth policies and requirements for growth policies, with the applicable planning board guiding the development of a growth policy, adopting the growth policy, and recommending the proposed growth policy to the governing body, which is the City of Libby City Council; and

WHEREAS, the Libby City Planning Board has worked with a planning firm to develop the City of Libby 2022 Growth Policy to meet the requirements of Montana law and to guide future growth and development within the City of Libby and surrounding planning area; and

WHEREAS, the City Council has held noticed public meetings to accept public comment and elicit recommendations and suggestions on the City of Libby 2022 Growth Policy; and

WHEREAS, the City Council considered and addressed the public comments received and on December 19, 2022 passed a Resolution of Intention to adopt the City of Libby 2022 Growth Policy with changes to Draft 2, which were incorporated into the City of Libby 2022 Growth Policy dated December 2022; and

WHEREAS, on January 3, 2023, the City Council voted unanimously in favor of a motion to pass a Resolution with minor modifications to the Resolution and the City of Libby 2022 Growth Policy dated December 2022 as described below, which have been incorporated into the attached City of Libby 2023 Growth Policy dated January 2023; and

WHEREAS, the update process has followed the procedural requirements for growth policies as outlined by Montana law; and

WHEREAS, the growth policy revision process has followed the revision process guided by the 2010 Growth Policy.

NOW, THEREFORE, BE IT RESOLVED by the Libby City Council as follows:

1. That the changes to the City of Libby 2022 Growth Policy dated December 2022 have included the following changes as directed by City Council to result in the attached City of Libby 2023 Growth Policy dated January 2023:
 - a. Change the date of the document to become the City of Libby 2023 Growth Policy dated January 2023; and
 - b. On Page iii, in the introductory sentence for Vision Statement, add “/2023” to state, “The Vision Statement, updated in 2022/2023...”; and
 - c. On Page 3, in the Introduction, add to the list of what a Growth Policy is not: “An annexation plan or the City’s plan to annex currently unincorporated areas”; and
 - d. On Page 7 (Life of the Growth Policy), add “primarily” to the final sentence to state: “With completion of the Growth Policy primarily in 2022, the Growth Policy reflects a City vision out to 2032.”

AND

2. That the Libby City Council hereby adopts this final Resolution Adopting the City of Libby 2023 Growth Policy dated January 2023 as updates to the 2010 City of Libby Growth Policy to replace the 2010 Growth Policy.

AND

3. The effective date of the City of Libby 2023 Growth Policy replacing the 2010 Growth Policy shall be thirty (30) days after passage of this Resolution, providing an effective date of February 16, 2023.

Passed and approved on January 17, 2023 by the Libby City Council.

Peggy Williams, Mayor

Date

Attest:

Leann Monigold, Libby City Clerk-Treasurer

Date

RESOLUTION NO. 2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA TO
ADOPT SOUTH FLOWER CREEK/OLD SNOWSHOE RECREATION DEVELOPMENT
PLAN AND RECOGNIZES THE ADVANTAGES OF
RECREATION AS AN ENHANCEMENT TO THE QUALITY OF LIFE OF LOCAL
RESIDENTS**

WHEREAS, the City of Libby recognizes the economic advantages of recreation to the economy of local business; and

WHEREAS, the City of Libby recognizes the city property located in the South Flower drainage provides the pivotal location for the centralization of recreational development for non-motorized activities such as hiking, mountain biking, cross country skiing; and

WHEREAS, the City of Libby is in favor of community use of the property for recreational purposes with some caveats;

The City's first responsibility is protection of its municipal water source and has voted against the creation of a parking lot on the spoils pile location, therefore any building or projects on city property will need approval by the Council and the City will not transfer ownership of property to any other entity.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Libby to approve South Flower Creek/Old Snowshoe Recreation Development Plan in concept only.

PASSED AND ADOPTED by the City Council of the City of Libby, Montana, on this 17th day of January, 2023.

By: _____
Peggy Williams, Mayor

Attest: _____
Leann Monigold, Clerk/Treasurer