



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1622

FEBRUARY 6, 2023 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Cornelius Girod
- Roll Call
- Welcome
- Approve City Council meeting #1621 minutes dated January 17, 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.

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) D&S General Contracting and Flooring, 2070 W 2nd St, Individual, Residential Construction and remodel.
 - b) Jameson Drywall, 357 Back County Ln., Individual, Drywall and Painting.
 - c) Sasquatch Boutique, 1102 Idaho Ave., Individual, Create Cards, Etch Glass, Apparel, Keychains, and Paper Flower Bouquets.
 - d) Studio 1889 LLC, 1211 Minnesota Ave, LLC, Home Interior Wood Working, Barstools, and Furniture.

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: 2/2/23

APPROVED MINUTES

The City Council held Council Meeting #1621 on Tuesday, January 17 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, prayer was by Cornelius Girod, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

Approve Council Minutes #1620 dated January 2, 2023:

Councilor Zimmerman **MADE A MOTION** to approve Council Minutes #1620 dated January 2, 2023, and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Announcements: Mayor Williams wanted to remind everyone of the snow plowing ordinance and to make sure cars are parked correctly.

Committee Reports:

Administrator: Administrator Sikes reported he would be attending the Western Regional Hazard Litigation Plan meeting that is required to allow the City to access FEMA funds if needed. A meeting was held with Zero-Five and LOR group to start finalizing the playground layout for final approval and LOR is looking into writing a grant to help with the project. Mr. Sikes explained the process what will be taken to build the playground. The Building Inspector issued 6 permits for the month of December, 3 buildings, 2 major remodels and 1 roof totaling \$ 8520.00. Fiscal year totals are 30 residential permits, 19 roofs, 1 garage, 2 siding, 1 fence, 5 new buildings, 2 remodels and 2 commercial permits, 1 truck bay, 1 remodel bringing the total to \$25,247 for 32 permits compared to 17 permits totaling \$16,751 this time last year.

Police: City Attorney Chisholm stated the City has been working with MMIA, our insurer, to find an independent 3rd party to review the new claims that were made by the departing officers. An investigator has been hired and has been asked the investigation be expedited. Interviews are being held by the investigator who will be issuing findings in the near future. Applications are still being accepted for the open officer positions and the Police Chief has been out on sick leave and is no longer on administrative leave.

Mayor Williams stated Jonathan Graham, who works full-time at the water treatment plant and has been covering a lot of shifts as a filling, has decided to concentrate on spring water school in order to pass his certification test and will no longer be filling in as an officer.

Lights/Streets/Sidewalks: Councilor Beach announced a committee meeting was held to discuss downtown handicap parking and plans on contacting downtown business adjacent to proposed handicap parking to get their input to be brought back to committee and plan on having an update for Council soon on what the findings are.

Zoning/Planning: Councilor Smith announced a committee meeting is scheduled for January 23rd and will be discussing Residential B district and plans are to prepare a package of residential changes to present.

Finance: Clerk-Treasurer Monigold reported the Annual Financial Report has been filed and accepted by the State. The Annual Audit for fiscal year 2022 is nearly complete and has been submitting final information the auditors have been requesting. Spoke with Montana Sky and they are in the beginning stages of updating the City's phone system and hope to have everything up and running within 30 days.

Public Comment on Non-Agenda Items:

DC Orr, 1117 Nevada Ave, expressed concern about the repercussions for the city from statements made in the newspaper from the resigning officers and a video that was posted on social media of the Chief and has filed a complaint with the State about City and County law enforcement problems.

Brad Nelson, 1120 Dakota Ave, informed Council a petition had been created to encourage the release of investigative documents of the Police Chief. Currently having 196 signatures from residents wanting these records released and after receiving a copy of Libby's Freedom of Information Act policy will be coming in tomorrow to request the documents.

John Bebee, 704 E. 9th St, spoke about seeing the Police Commissions openings in the paper and read the City policies of board appointments and requested a full description be provided to the public of the job requirements for Police Commission.

Jason Kinne, West Central Rd., expressed concerns about the recent City issues and raised questions as to what is the purpose of City Council, what are the true personalities and character as individuals and do you have the best interest at heart for the citizens as leaders in the community.

Josh Hoskins, 148 Manor Dr., stated he submitted his application several months ago to the Libby Police Department and with what he knows now he has no interest in serving with the department until the current chief is replaced.

Old Business:

Approve Resolution #2012 Libby City Council Resolution of Intention to Adopt the City of Libby 2022 Growth Policy Update:

Mayor Williams read the resolution.

Joel Nelson stated the Growth Policy would have an effective date of February 16th with the approval of the resolution

Councilor Smith **MADE A MOTION** to approve Resolution #2012 Libby City Council Resolution of Intention to Adopt the City of Libby 2022 Growth Policy Update, and Councilor Zimmerman **SECONDED**.

Public Comment:

Sue Riley, 19 Parmenter Dr., wanted clarification about what a Growth Policy is not, not an annexation plan but refers to see attached Growth Policy and how could find a copy; inquired where the notifications for the policy. Mayor Williams explained the Growth Policy was on the City Website and notifications of the meetings were made in the Western News and possibly another local newspaper.

Jennifer Nelson, 1026 Washington, a member of the Planning Board, inquired who made the decision for the downtown plan to incorporate into Growth Policy from a plan that was never approved or assigned, not recalling it being discussed during public meetings or Planning Board meetings. Joel Nelson stated it started with the from the Montana Main Street Program that supplemented the funding to incorporate an update to the downtown plan and was talked about throughout the Planning Board process and to make sure the \$8000 funding would apply to the project for the downtown update. Mr. Nelson agreed the previous Growth Policy was not adopted and the Growth Policy update is what the City plans to incorporate.

DC Orr, 1117 Nevada Ave., asked to give his 3 minutes to Jennifer Nelson. Attorney Chisholm explained rule 4 of Roberts Rules has no provision to allow a speaker to allow their time to another speaker.

Brian Hoskins, 148 Manor Dr, inquired who authorized the implantation of downtown plan into the 2022 Growth Policy. Joel Nelson explained there have been modification from the 2005 plan, some added, some deleted and all information is discussed at Planning Board meetings to make any changes and funding has been allocated to the downtown plan which has been there every step of the way.

DC Orr, 1117 Nevada Ave., felt the original Planning Board was illegally opened and operated and did not follow council rules and procedures, the previous growth plan was properly vetted by the public and feels the current plan has not been properly presented to the public for review.

Councilor Smith wanted to remind the Council that the Planning Board unanimously recommended the document to City Council.

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

MOTION PASSED.

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

Mayor Williams read the resolution.

Councilor Smith **MADE A MOTION** to approve Resolution #2011 LORA South Flower Creek/Old Snowshoe Recreation Development Plan, and Councilor McNew **SECONDED**.

Tony Petrusha explained the changes that were made to the plan to address the concerns of the Council.

Public Comment:

Sue Riley, 19 Parmenter Dr., asked if there was wording that addresses horseback riding. Mr. Petrusha explained there was no wording for or against horseback riding but the in preparation of the plan equestrian standards were considered.

DC Orr, 1117 Nevada Ave., inquired how much was being spent and requested to have Mr. Petrusha turn in regular invoices to show how much it is costing and to show it has economic advantages as the resolution reads.

Jennifer Nelson, 1026 Washington, thanked the Council for adding the caveat to protect the municipal watershed.

Councilor Smith **AMENDED HER MOTION** to incorporate the changes submitted by Mr. Petrusha to the plan, and Councilor McNew **SECONDED**.

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

MOTION FOR AMENDMENT PASSED.

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

MOTION PASSED.

New Business:

Approve all claims received to date:

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

Councilor Taylor had concerns over paying the fee that Lincoln County Sheriff's Office coverage of hours until we have a return opinion from the AG (Attorney-General) to see if we should pay this claim.

Council Berke agreed with Councilor Taylor.

Councilor Smith had concerns over withholding payment because the LCSO is covering on their off time and it is a partnership that we should honor with the County and is comparable to what we could have paid based on Mr. Sikes analysis.

Councilor McNew agreed with Councilor Smith.

Councilor Zimmerman believed if there was an overpayment the City would get it back.

Council Beach inquired if payment is withheld for the next two weeks has it been discussed if there would still be coverage. Mayor Williams said that has not been discussed.

Councilor Beach **AMENDED HIS MOTION** to table the LCSO invoice payment until the AG has responded, and Councilor Zimmerman **SECONDED**.

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

MOTION FOR AMENDMENT PASSED.

Public Comment:

DC Orr, 1117 Nevada Ave, had concerns of a verbal agreement with Sheriff's Office without knowing if it is legal for us to pay the Sheriff's Office.

Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR** withholding the LCSO invoice payment.

MOTION PASSED.

Approve all business licenses applications received to date:

Big Sky Exterior Cleaning Specialist, P3 Dog Training, Relaxation Station, and The Standish Project.

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

Public Comment:

Sue Riley, 19 Parmenter Dr., asked why a business license is needed for someone in Trout Creek. Mayor explained they would be bringing their business services into Libby.

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

MOTION PASSED.

Unfinished Business:

IP Settlement: Mayor Williams a meeting is still planned for the end February and awaiting details. Mr. Orr inquired if it would be a public meeting and was informed it would be a Sub Committee meeting and the members are Councilors Taylor and Smith.

General Comments from the Council:

Adjournment:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:57 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold