

CITY OF LIBBY

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REGULAR COUNCIL MEETING #1643

DECEMBER 18, 2023 @ 7:00 PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Bill Sonntag
- Roll Call
- Welcome
- Approve City Council meeting #1642 minutes dated December 4, 2023.
- Introduction of Libby Police Department's newest officer, Seth Power.

ANNOUNCEMENTS:

City offices closed December 22nd – 25th for Christmas and January 1st for New Years.

Swearing in of newly elected council members December 27th at 12pm.

January meeting: January 2nd and January 16th due to holidays.

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- Wildlife
- 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 Beer, Wine or Liquor License applications received to date.
 - a) American Legion Club, 319 California Ave.
 - b) Black Board Bistro, 803 Mineral Ave.
 - c) Cabinet Mountain Brewing Company, 206 Mineral Ave.
2. Approve all Coin Operated Licenses received to date received to date.
 - a) American Legion Club, 319 California Ave.
 - b) VFW #1548, 114 W. 2nd St.
3. Approve all business license applications received to date.
 - a) Handyman For Hire, 64 Granite Cr. Rd. #25, Individual, Basic plumbing and electrical, flooring, framing, remodels, repairs, painting, roofing, window/door install, demolition, and sprinkler repair.
 - b) HELYN'S Jewelry Store, 219 E. 9th St., Individual, Retail jewelry sales, jewelry repair, watch repair, and gifts.
4. Approve all claims received to date.

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.

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: 12/14/23

UNAPPROVED MINUTES

The City Council held Council Meeting #1642 on Monday, December 4, 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 Bill Sonntag, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristin Smith, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm. Councilor Hugh Taylor was not in attendance.

Mayor Williams welcomed all those present.

Approve City Council minutes for meeting #1641 dated December 4, 2023:

Councilor Zimmerman **MADE A MOTION** to approve City Council minutes for meeting #1641 dated December 4, 2023, Councilor Beach **SECONDED**.

Councilor McNew abstained.

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

MOTION PASSED.

Announcements: None

Committee Reports:

Administrator: Administrator Sikes reported the Sewer Department has a DEQ inspection on Wednesday, to ensure compliance with the discharge permit. There is an opening in the department, if anyone knows someone that might be a good fit, please encourage them to apply with the Job Service.

For the Water Department, there were a few recommended changes to the Emergency Action Plan for the Flower Creek Dam. Those changes are being incorporated into the plan. The final document should be completed in the next week.

The temporary employee has completed entering all the data received from water customers regarding the Lead Service Line Survey. Mr. Sikes asks that all water customers, if you haven't sent in your letter, please do so. It's going to cost the city a couple more thousand dollars for additional mailouts to get this inventory completed.

There have been a lot of questions as to the Water Rules recently, and specifically towards when does a homeowner have to bring their services up to current city standards and what that means. Rule Eleven states that the customer must bring their water service line up to current city standards if it is new; repaired, replaced, or altered. This usually affects homeowners who have older services with their water meters under their house, or when

two houses are ran off one service line due to subdivision or by old design. This usually means that homeowner(s) who must repair a service line due to a leak, must purchase a meter pit and curb stop for roughly \$900 and hire a contractor to install the curb stop and meter pit at the property line, or in the case of two homeowners on a single service line, both must update the service. The reason that this rule was adopted is so that, eventually, all the meters would be located to be read by radio and to locate any unmetered services. The city understands the cost burden this repair can place on a homeowner, but also understands that if homeowners do not repair and update their water services when required, the infrastructure will fail. The city maintains the water mains, the homeowners maintain the service lines.

WWC Engineering is currently working on a land use map that will be used to pre-zone areas around the current city limits for future growth. Once the map is prepared, it will go to the Planning Board for corrections, updating, and recommended approval prior to being presented to the City Council. The map is a crucial piece of the puzzle to receive grants for the city that will become part of the Growth plan.

Lincoln County Port Authority is planning on having one exit off the new road by Cedar Street that they will construct, the problem being they need to have secondary vehicle access, not for heavy traffic. Mr. Sikes asked that it be put into committee to see if access should be the road out front of City Hall or to use Spruce Street. Councilor Beach agreed to have it put into the Streets Committee.

Streets: Justin Williams reported two water main repairs have been completed, one on 2nd Street between Montana Ave. and Louisiana Ave. and one at the new clubhouse on Cabinet Heights. The old pump house on the river by the Pavilion has been repaired and is up and running. Tree trimming and removal, one removed from the corner of Dakota and 5th St. and another from the corner of Louisiana and 8th St. Trimming was performed on the corner of Lincoln Blvd. and Montana Ave. and the corner of Louisiana and Larch. St. Johns School signage is up as requested, along with a 4-way stop at Spruce St. and Montana Ave. Five of the ten vehicle radios that were ordered have been installed, waiting to receive the remainder. Crews have been doing storm drain work and cleanup.

A reminder to everyone about snow removal and to look at the seasonal parking restrictions in Ordinances 1550, 1481, and 1105, highly recommending people to look at the detail.

Fire: Councilor Zimmerman reported for the month of November, 4 calls were received, 0 City, 4 Rural Fire District. The calls were 1 vehicle, 1 chimney, and 1 false alarm for a total of 96 calls in 2023.

Police: Mayor Williams announced Chief Ercanbrack swore in our new officer earlier in the morning, Chief Ercanbrack is travelling to Helena to attend the Police Academy graduation of Officer Caleb Thomas tomorrow morning. Our new officer, Seth Power will be here in two weeks for a meet and greet. Chief Ercanbrack wanted everyone to know during Women's Night Out on Friday there would be extra police force to make sure everyone stays safe.

Water/Sewer: Councilor Zimmerman announced some preliminary numbers have been received from Sam to look at the Commercial Rates, still looking for a final report so a meeting can be scheduled to see how to proceed.

Zoning: Councilor Smith reported the Zoning Commission met November 27th, meeting was very productive and discussed front yard storage. Next meeting will be scheduled in January.

Cemetery/Parks: Mayor Williams announced the air conditioner in the pocket park has been moved to the roof of the Fire Hall, the remainder of the project is on hold until spring.

Public Comment on Non-Agenda Items:

John Bebee, 704 E 9th St., commented to remind everyone who is feeding wildlife around town, it is not good for the wildlife, and there is an ordinance against feeding the wildlife. Thanked the Mayor and Council for their dedication and good job, thanked Chief Ercanbrack for his hard work in getting the police situation back up to snuff, and thanked the Streets crew for the snow plowing and street repairs.

Old Business: None.

New Business:

Approve request for low cost/no cost burial of Rita M Fosjord, 29- year-old cremains of a recently identified widow of a veteran buried in City of Libby Cemetery:

Mayor Williams explained the request.

Councilor Zimmerman **MADE A MOTION** to approve request for no cost burial of Rita M Fosjord, 29- year-old cremains, Councilor Beach **SECONDED**.

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

MOTION PASSED.

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

Cabinet Mountain Brewing Company, 206 Mineral Ave, Cabinet View Country Club, 300 Cabinet Heights Rd., Empire Foods, 1406 Minnesota Ave., Kaiju Bar & Grill, 419 E 9th St., Pastime Bar and Lounge, 216 Mineral Ave., and Rosauers Supermarket #14, 703 W 9th St.

Councilor Zimmerman **MADE A MOTION** to approve all Beer, Wine, or Liquor Licenses received to date, Councilor Berke **SECONDED**.

Councilors Beach and Smith abstained. Mayor Williams pointed out that would mean there would not be a quorum to vote on the item. Councilor Smith requested to remove Cabinet Mountain Brewing Company license application from the item.

Cabinet Mountain Brewing Company was removed to have a quorum.

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

MOTION PASSED.

Approve all claims received to date:

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

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

MOTION PASSED.

General Comments from the Council:

Mayor Williams announced the star would be lit this week.

Councilor Zimmerman commented he had spoken with a constituent and suggested installing a generator at City Hall to keep everything online. Administrator Sikes stated there is a backup generator in City Hall and the outlets with a red cover are the ones set up for the generator.

Adjournment:

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

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

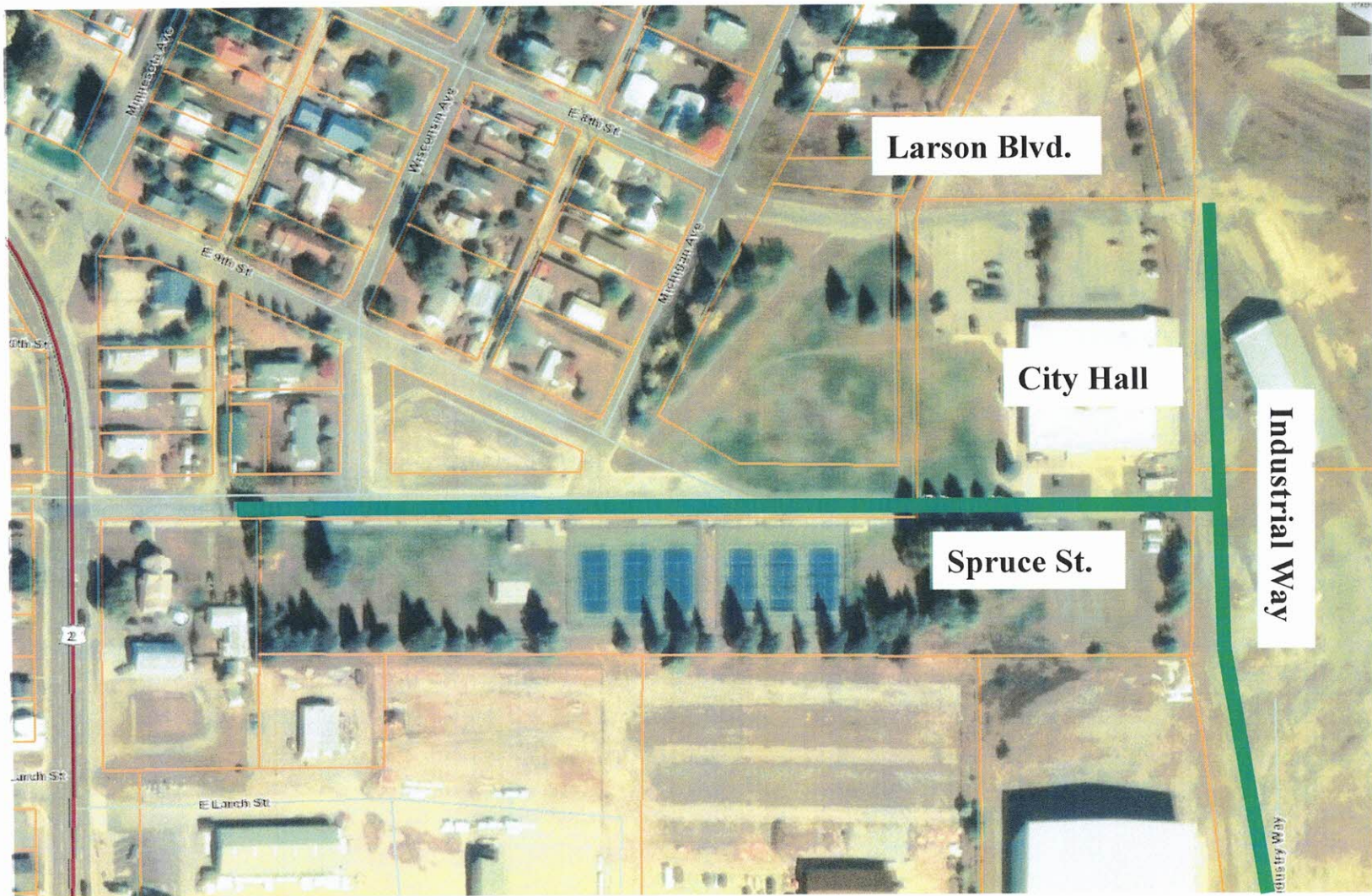
MOTION PASSED.

Mayor Williams adjourned the meeting at 7:20 PM.

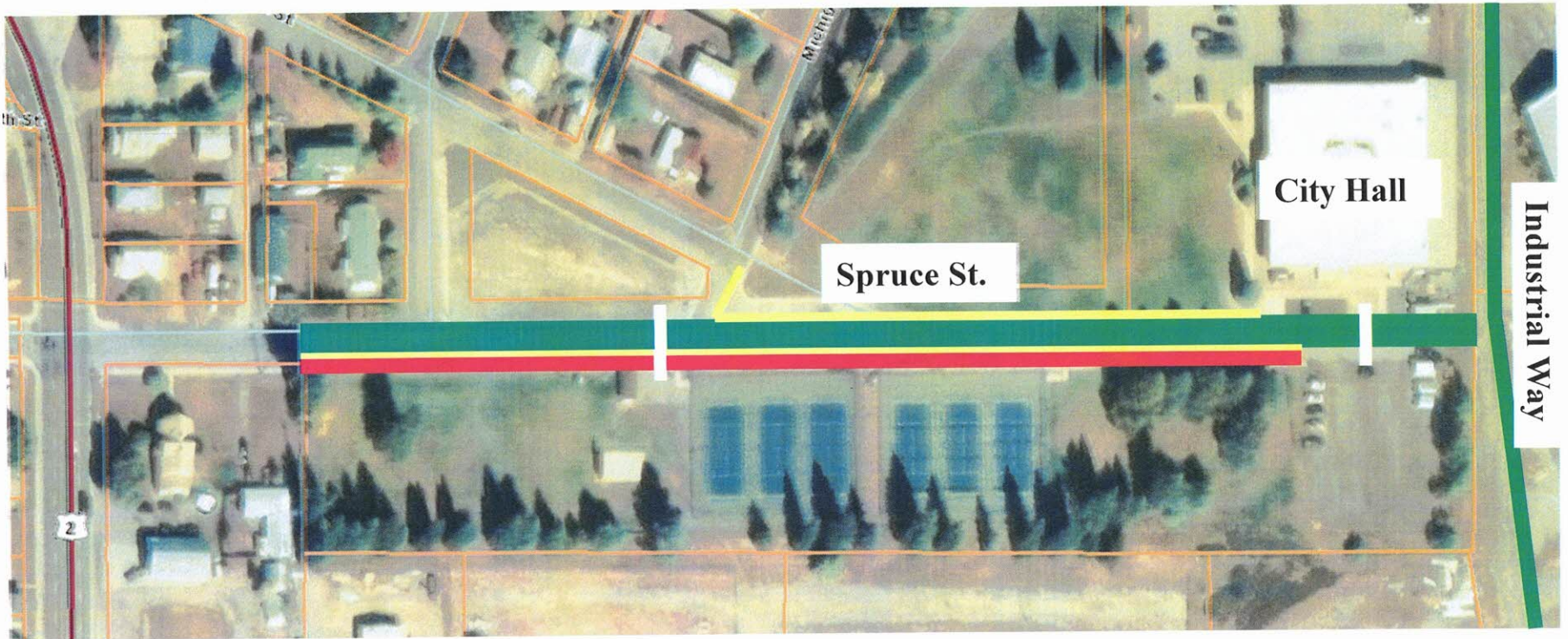
Mayor Peggy Williams

Attest: _____
Clerk/Treasurer Leann Monigold

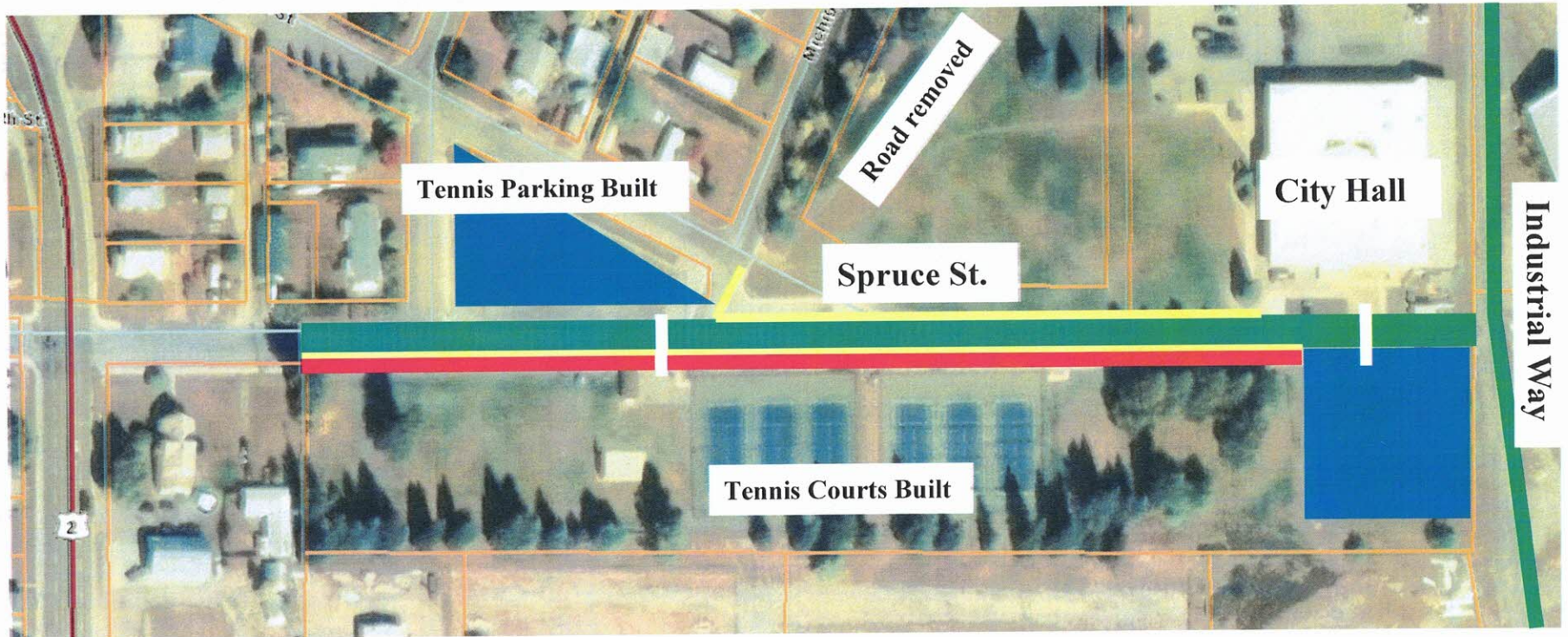
The \$231,304 of SLIPA funds with the matching \$57,826 from the gas tax would be used to rebuild Spruce St. (Spruce Street Project) from where it was previously worked to as close to Industrial Way as possible with the available funds.



The Spruce St. Project will use \$289,130 of SLIPA/Gas Tax funds to rebuild the portion of Spruce St. in green, curb and gutters in yellow and sidewalk in red. Two (2) pedestrian crossings, in white, will be added.



The parking lots in blue will be paved using city equipment and funds to complete the project area.



Manager Of Recreation Projects
Work Plan
Updated for 4th Quarter 2023

1. Libby Park District vitalization (planning and funding) **(updated)**
 - a. Create interface between board and county maintenance dept.
 - b. Confirm; tax levy funds applicability, TEDD revenue potential
 - c. Finalize development of Recreation Action Plan (May 2024)
 - d. Define elements in the MOU (County, Port, Park District) for leases, easements, tax funds, grants, ownership and maintenance of facilities, employees.
 - e. Submitted project abstract to Montana DOJ for NRD Program grant for interim funding recreation until dedicated foundation fund matures.
2. Port Authority - Swim Pond (Purchase and Construction) **(Updated)**
 - a. Final design in hand, (LOR grant)
 - b. Approval of *new* Water Right pending with DNRC
 - c. Funding by Lincoln County Credit Union of Libby for \$47,000 for liner and other material
 - d. Executed purchase order with NW Pipe Fittings for pipe and other materials, plan to work as much underground pipe and canal work as possible.
 - e. In-kind services by county road crew (depending on schedule)
 - f. Headgate fabrication completed and paid in full. County crew to call TCI for delivery when needed.
 - g. Sand from county screen plant delayed until spring
 - h. Liner supplier selected, 3-week lead time, will award in February for a March delivery
 - i. Completion spring 2024.
3. Port Authority Facilities (Planning and Funding) **(updated)**
 - a. Define all trails and assess condition
 - b. Create signage and maps, 7 map signs ready for installation
 - c. Create maintenance plan for upkeep in conjunction with Park Board
 - d. Recreation funding from proceed from a portion of property sales.
 - e. Establish long range agreement for a foundation to support funding for recreation facilities in the district (ref item 1d)
 - f. Contacted Montana Community Foundation, Whitefish Community Foundation and DA Davidson to discuss details of establishing a dedicated fund for generating cash flow to fund recreation. Need MOU in 1e above to continue.
4. Logger Trail/City Connectors (Planning & Infrastructure) **(updated)**
 - a. Outdoor recreation survey complete. Survey results in favor of walking/biking connectivity
 - b. Designing an overall map of the area with Port Property as the hub with spokes to Skidale, Down Town, Sheldon, J. Neils, Libby Creek/Swede
5. Balsam Street (Infrastructure)**(updated)**
 - a. Other Entities: City/County/Schools
 - b. Submitted project abstract to Montana DOJ for NRD Program grant to fund 1200 feet of sidewalk from Flower creek to Elementary school.
 - c. Safe Streets for All Grant (SS4A) Planning grant \$100k to \$10 million, a planning grant is required to get an Implementation grant from \$2.5 to \$25 million. July 2024 deadline

Manager Of Recreation Projects
Work Plan
Updated for 4th Quarter 2023

- d. Submittal deadline January 2024
- e. MDOT GRANT, used to start Balsam Street sidewalk, contacting consulting engineer regarding existing design from phase 1.
- 6. Flower Creek/Snowshoe Trails (Infrastructure)(**updated**)
 - a. LORA, County, USFS
 - b. Get FS to grant access through forest land and long-term agreement
 - c. NEPA assessment, (non-motorized) Analysis could take 1 year to start.
 - d. Get DNRC land use license for Sect 16 Norgard, restrained by adjacent landowner easement (final plat).
 - e. NRDP Early Start project abstract submitted
- 7. NRD (Natural Resource Damages Program) (**new**)
 - a. DOJ public hearing Nov 2nd in Libby. It is important to get strong public input into this plan and push the Department of Justice to release the money for early restoration projects. 5 project abstracts in total were submitted for Early Restoration.
- 8. Pedal Track in Pioneer Park (**new**)
 - a. LORA, County, Park District
 - b. Working with commissioners to include pedal park under Pioneer Park natural state clause.
 - c. County Attorney reviewed and approved intended use based on transmittal letter from Pioneer Society
 - d. Waiting on engineer for preliminary design
 - e.
- 9. RAISE Grant

According to the US Department of Transportation, the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program has a funding of \$1.5 billion for 2024 1. The minimum RAISE grant award is \$5 million, except that for projects located in rural areas, the minimum award size is \$1 million. Grants may not be greater than \$25 million 2. At least \$15 million in funding is guaranteed to go towards projects located in Areas of Persistent Poverty or Historically Disadvantaged Communities, and projects located in these areas will be eligible for up to 100 percent federal cost share, as directed by Congress in the Bipartisan Infrastructure Law 1.

NOTE:

TSP 2024 Train Stewardship Program Grant Cycle

The FY2024 grant cycle is OPEN. application cycle will run from November 1, 2023 through January 15, 2024

RTP 2024 Recreational Trails Program Grant Cycle

The FY2024 grant cycle is OPEN, application cycle will run from November 1, 2023 through January 15, 2024.