



# City of Libby Libby Montana

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## REGULAR COUNCIL MEETING #1664 MONDAY, NOVEMBER 4, 2024 @ 7:00 PM COUNCIL CHAMBERS – CITY HALL

### CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Fred Palmer
- Roll Call
- Welcome/Announcements
- Leaf Pickup dates November 13 & 14, 2024
- Approve minutes for Special Council meeting held September 16, 2024, regular Council meetings #1661 held September 16, 2024 and regular Council meeting #1662 held October 4, 2024.

### 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 Resolution #2043, Owner requested annexation of Michigan (Clark).
2. Zoning districts: Residential A, A2, B, and Residential Business (Discussion).
3. Ordinance updates, Introduction/Discussion.
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.

Discussion to amend Libby Development Fund Policy and application process.

**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:** 10/31/24

## UNAPPROVED MINUTES

The Libby City Council held a Special Council meeting for a Vacant Council Position on Monday, September 16<sup>th</sup>, 2024, in Council Chamber at Libby City Hall.

### **Call to Order:**

The meeting was called to order at 6:00 pm by Mayor Williams.

Present were Mayor Williams, Councilors Melissa Berk, Ian Smith, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, and Clerk/Treasurer Leann Monigold.

Mayor Williams welcomed everyone and explained the purpose of the meeting was to fill the vacancy on the Council caused by a resignation. Mayor Williams stated there was one application submitted by Gail Burger.

Ms. Burger gave a brief introduction herself.

Councilor K. Smith stressed the importance that rules of civic engagement are followed in taking on a position of leadership in a group setting and being aware of websites and forums Ms. Burger has either been host or propagated other information about people in the community that was either false or mean spirited and not community orientated, how would she approach that being appointed an official.

Ms. Burger explained she runs several local pages on Facebook, having those pages doesn't mean she posts on them, people are free to post what they like but she does monitor them to make sure they don't get out of control for the most part. She believes freedom of speech is important, and as long as it isn't an outright lie that she is aware of, she does not personally engage with that. Being the President of the Libby Business Association, she tries not to engage as much as possible.

Councilor Berke inquired what made her decide to submit her application.

Ms. Burger said she knows there is a disconnect between a lot of the time with the council and the community and wanted to try to see if she can get it back on track.

Councilor Zimmerman inquired what she thinks she can bring to help with the disconnect she sees between the council and the public.

Ms. Burger is unsure at this time but knowing there is a lot of distrust and the many things people are saying she wants to be open and fair and see what they can do.

Councilor I. Smith inquired what is the number one issue she sees facing the residents today.

Ms. Burger says housing is a big issue in the community right now.

Councilor Taylor inquired if she sees any conflict between the Libby Business Association and being on Council.

Ms. Burger said she had discussed that with her board, and they have gone through their articles of incorporation and bylaws, there are no conflicts.

**Public Comment:**

DC Orr, 1117 Nevada Ave., commented on conflicts of interest and mentioned what he sees as conflicts of interest with other Council members.

Councilor Smith called Point of Order; the question is about comments on the appointee.

Councilor Berke **MADE A NOMINATION** for Gail Burger, Councilor K. Smith **SECONDED**.

Mayor Williams called for a roll call vote.

Councilors Berke, I. Smith, K. Smith, and Taylor voted **FOR**. Councilor Zimmerman voted **AGAINST**.

**NOMINATION PASSED**

Mayor Williams welcomed Ms. Burger to Council and clarified under MCA 71-41-37, even though she will be sworn in tonight, it states that before the officer performs any official duties, the oath of office, certified by the official before whom the oath was taken, must be filed with the election officer. Meaning, while Ms. Burger can at the council table tonight, she cannot vote.

Mayor Williams swore in Ms. Burger.

**ADJOURNMENT:**

Mayor Williams adjourned the meeting at 6:10pm.

\_\_\_\_\_

Mayor Peggy Williams

Attest: \_\_\_\_\_

Clerk/Treasurer Leann Monigold

## UNAPPROVED MINUTES

The Libby City Council held regular meeting #1661 with a Variance Request Public Hearing on Monday, September 16<sup>th</sup>, 2024, in Council Chamber at Libby City Hall.

### **Call to Order:**

The meeting was called to order at 7:00 pm by Mayor Williams.

Present were Mayor Williams, Councilors Melissa Berk, Gail Burger, Ian Smith, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) and City Attorney Dean Chisholm.

**Announcements:** None

### **Approve minutes of regular City Council meetings #1658 held August 5,2024, meeting #1659 held August 19, 2024, meeting #1660 held September 3, 2024, and Public Hearing held September 3, 2024:**

Councilor Zimmerman **MADE A MOTION** to approve meetings 1658,1659, 1660, and Public Hearing on September 3<sup>rd</sup>, Councilor I. Smith **SECONDED**.

Councilor Berke stated she was not present on September 3<sup>rd</sup> and would abstain for those minutes.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

### **MOTION PASSED**

### **Committee Reports:**

**Administrator:** Administrator Sikes reported for the month of July eight building permits were sold, all residential, 5 new roofs, 1 new building, 1 carport, and 1 deck. For the month of August, two new building permits were sold for a total of \$5158, into the Building Program. Mr. Sikes gave an update on the Lead Service Line Report progress.

**Streets Supervisor:** Justin Williams gave an update on the leak survey replacements that will be starting with help from TCI, who was awarded the contract. Mr. Williams explained the streets where sewer mains repairs will be done, and the areas sand is being staged for the projects.

**Fire:** Councilor Zimmerman reported for the month of August 5 calls were responded to, 1 call for city, 4 calls for Rural Fire District, 2 grass/wildlands, 1 mutual aid with ambulance, 1 false alarm, and 1 miscellaneous for a total of 56 calls in 2024. Crews have also been painting hydrants and the concrete in front of the Fire Hall is still in progress.

**Building:** Councilor Taylor reported he met with Leann today to go over the particulars for the Pure North lease contract, she will be getting together with Pure North with the proposal and then will be bringing it forward to Council.

**Zoning Commission:** Councilor K. Smith announced a meeting was held Monday, September 9<sup>th</sup>. It is recommended that Clark property by city hall be annexed and zoned. The commission was reticent to rezone the Asa Wood property due to insufficient information, so that will come back to the Zoning Committee.

**City – County Board of Health:** Councilor K. Smith reported, there was some technical difficulty with the County’s internet and phone during the last meeting and was able to connect about a half hour into the meeting. The Board acted on a variance request for the Dirty Shame, up in the Yaak, it was a distance that was an updated system, and it was closer than the old system, they granted that variance request. They went through their department's strategic plan; it is still in draft form. Each of the programs provided their updates and summaries, Zero to Five, vaccines, Criminal Minds, which is an app they have participated in. There was an update on the animal shelter, but because of the difficulty getting online, they did not act on the increase in fees. The local shelter seems to be going well but will be increasing the shelter fees. There was an introduction of a Group Event Policy for things that are happening, like at Happy’s Inn and event venues that are attracting a lot of vehicular traffic and people on the highway. There are concerns about permitting, human waste, solid waste, camping, etc., there are efforts to put some sidebars on that for those folks, for safety reasons.

Councilor Zimmerman gave an update on the slight shift in committees with the appointment of a new Council member.

**Public Comment on Non- Agenda Items:**

DC Orr, 1117 Nevada Ave., commented he has requested four times to have a spot on the agenda to discuss the policy for getting put on the agenda. Mr. Orr does not agree with how the agenda is set.

**Old Business:**

**Department of Labor and Industry Banner Program:**

Councilor Zimmerman suggested bringing the banner program into the Streets committee and working together with Janelle to put something together for Council to consider.

**Public Hearing – Board of Adjustment – Variance Request:**

Mayor Williams called the Public Hearing to order at 7:19pm and explained the Council was meeting as the Board of Adjustments.

Mr. Sikes explained the Variance Request received from Rianne Barnes. The new construction to rebuild a fence was identified as being in the visibility triangle.

Rianne Barnes, 504 Utah Ave., presented her variance request.

The council discussed the request.

Councilor K. Smith reviewed and discussed the variance evaluation questions and expressed her support. a

Councilor Zimmerman expressed his concern should the request be granted.

Council continued to discuss the variance request, discussing their questions, concerns, and opinions.

**Public Comment:**

DC Orr, 1117 Nevada Ave., commented the fence is a huge improvement and neighbors seem to like it.

**Decision on Variance Request:**

Councilor K. Smith **MADE A MOTION** to grant the variance, Councilor Taylor **SECONDED**.

Mayor Williams asked for a roll call vote.

Councilors Berke, I. Smith, K. Smith, and Taylor voted **FOR**. Councilor Zimmerman voted **AGAINST**.

**MOTION PASSED**

Mayor Williams closed the Public Hearing at 7:37pm to resume the regular meeting.

**New Business:**

**Approve Resolution #2041 to Authorize Submission of CDBG Application:**

Mayor Williams read Resolution #2041.

Councilor K. Smith **MADE A MOTION** to adopt Resolution 2041, Councilor I. Smith **SECONDED**.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED**

**Approve Montana CDBG Certification for Application:**

Councilor Zimmerman **MADE A MOTION** to approve Montana CDBG Certification for Application, Councilor Berke **SECONDED**.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED**

**Approve Forest Service Agreement for Flower Creek Streambank stabilization project (2025):**

Justin Williams explained in spring of 2023 the Foreman, one operator, himself, and two individuals from the Forest Service had walked the project and identified erosion due to the realignment of the creek. Mr. Williams explained the stabilization project and what the projected plan is to reshape the creek bed and to fortify the banks to take care of the bank erosion along Flower Creek.

Mr. Sikes explained the project was initially identified as part of the reconstruction for the dam and has been getting bounced back due to the Foresters lack of manpower or financial ability to do the project. Mr. Sikes explained the Forest Service is completing all the granting, permitting, and hydrology studies. The city will be providing in kind for wages and everything else will be covered by grants.

Councilor Zimmerman **MADE A MOTION** to approve Forest Service Agreement for Flower Creek Streambank stabilization project, Councilor I. Smith **SECONDED**.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED**

**Approve Tee Box subdivision:**

Councilor K. Smith **MADE A MOTION** to approve final plat to the Tee Box subdivision, Councilor Berke **SECONDED**.

Mr. Sikes explained this subdivision was part of the new rules the State came down with for expedited reviews. Explaining the plat map and how it meets the requirements for the expedited review, the city has 20 days to accept it from the time it was turned in and out engineer accepted it.

Ken Davis commented he had turned in the plat for the Tee Box subdivision several years ago, and thanked Mr. Sikes for his hard work helping the plat get pushed through.

Mayor Williams acknowledged there were six conditions for the subdivision to be approved; after reading the documents and the letters, assumes those conditions have been met.



Council agreed the conditions have been met.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED**

**Approve Resolution #2040 Local Government Study permissive levy:**

Mayor Williams read Resolution #2040.

Councilor K. Smith inquired what the amount would be for the property owner. Clerk/Treasurer Monigold did not have that amount available but could find out that information.

Councilor Zimmerman **MADE A MOTION** to approve Resolution 2040, Councilor I. Smith **SECONDED**.

Councilors Berke, I. Smith, Taylor, and Zimmerman voted **FOR**. Councilor K. Smith voted **AGAINST**.

**MOTION PASSED**

**Approve all claims received to date:**

Councilor I. Smith **MADE A MOTION** to approve all claims received to date and Councilor Berke **SECONDED**.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

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

5 Start Cleaning Service

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

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Unfinished Business:**

**Discussion to amend Libby development Fund Policy and application process:**

Councilor Zimmerman said he received an email from someone in the community that was reaching out because of the work Montana West Economic Development does out of Kalispell and how they do things. He will be forwarding that email to the Council, so they have a chance to look at it and see if it sparks any ideas.

**General Comments from Council:**

Mayor Williams announced Dan Clark has been scheduled for Council Training on October 29<sup>th</sup> and announced Kristin, Hugh, and herself had met earlier in the day with the Regional Director of the EPA and several people that work with her.

Councilor K. Smith stated it was quite reassuring, we were very appreciative they came and spoke with us about some of the other staff we have been struggling with at EPA for a number of years. She really was interested in our concerns, took them to heart, and stated she's going to work very hard to do that. She is a political appointee, so depending on what happens with the election, there might not be continuity, but two of her staff were there and planned on continuing.

Councilor Taylor stated it went well. She seemed very open and was unaware of some of our concerns. There is a document called Technical Impractical Ability Waiver that was signed back in the early 90s that the EPA has never reviewed. She assured us that it will be reviewed at their five-year review, which is next year. The meeting was to bring information forward for the management to find out what the employees have been doing.

Mayor Williams stated one of our very fundamental requests is that the EPA help bring IP back to the negotiating table. The city has not been able to have a conversation with IP since we refused their very low-ball offer in the spring of 21, they have refused to come back and talk to us. We've taken this sideways step with trying to get EPA to help us bring them back to the table. We didn't make any headway with Region Eight, so back in the summer, we finally took the step of going to Jon Tester, we've made a little bit of progress since then.

Councilor Taylor raised concerns about the proper hiring procedures for vetting by the Police Commission. After attending a recent meeting, he was surprised to find out one of the officers still has not been through the vetting process. Mayor Williams said she would reach out to Chief Ercanbrack and try to get that resolved.

**ADJOURNMENT:**

Councilor Berke **MADE A MOTION** to adjourn, Councilor K. Smith **SECONDED**.

Councilors Berke, I. Smith, K. Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:58pm.

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Mayor Peggy Williams

Attest: \_\_\_\_\_

Clerk/Treasurer Leann Monigold

## UNAPPROVED MINUTES

The Libby City Council held regular meeting #1662 with FY24 Budget Amendment Public Hearing on Monday, October 7th, 2024, in Council Chamber at Libby City Hall.

### **Call to Order:**

The meeting was called to order at 7:00 pm by Mayor Williams.

Present were Mayor Williams, Councilors Melissa Berk, Gail Burger, Ian Smith, Kristin Smith, Brian Zimmerman, Clerk/Treasurer Leann Monigold, and (via Zoom) and City Attorney Dean Chisholm. Councilor Taylor was not in attendance.

### **Announcements:**

Mayor Williams announced a groundbreaking ceremony for Cabinet Affordable Housing Apartments on Commerce Way at noon on October 16<sup>th</sup>. On October 21<sup>st</sup> agenda there will be a Public Hearing regarding an annexation request.

### **Committee Reports:**

**Administrator:** Mayor Williams updated on Libby Creek Community Project, still in review with DEQ, WGM hopes the review will be out mid- October then will get the final documentation and bidding out in mid-November.

**Streets Supervisor:** Mayor Williams stated the city crew has been working on four sewer main replacements. They discovered on Flower and Nevada, water, sewer, and storm drain all occupy the same intersection, so they are having to move the storm drain and water line a bit to do the replacement.

**Fire:** Councilor Zimmerman reported for the month of September 8 calls were responded to, 2 City, 5 Rural, and 1 outside City/RFD. 1 vehicle, 1 structure, 1 grass/wildfire, 2 mutual aid with an ambulance, 1 propane, and 1 electrical for a total of 63 calls in 2024. Concrete job in front of Fire Hall still in progress.

**Police:** Chief Ercanbrack reported 182 calls for service in the month of September. There were 4 assaults for threatening calls, 5 disturbances, 11 thefts, 1 DUI, 25 suspicious acts with vehicles, 2 disorderly, 2 involving juveniles, 11 crashes, 12 city ordinance, and 33 traffic stops.

Chief Ercanbrack explained two ordinances he would like to have a committee look at, Distracted Driving and Loud Noise in Vehicle giving examples and explaining the need. The council discussed the lack of current state laws and Chief Ercanbrack said the information he has is based from Whitefish, Kalispell, Columbia Falls, Missoula, and Billings. Councilor K. Smith accepted it through the Ordinance Committee.

**Lights/Streets/Sidewalks:** Mayor Williams explained a request was made from the VFW to allow them to create a parking spot for those who have a Purple Heart and would like to put into Streets Committee. Councilor K. Smith asked if that was something the Police Department would have to enforce. Mayor Williams explained that is one of the questions in the information that will be put into the Committee. The VFW doesn't want to give up a handicap spot, just want to create this special spot.

Councilor Zimmerman reported a meeting was held on September 24<sup>th</sup> to discuss how to proceed with the banners and brackets on Mineral and California Ave., discussing ideas and how to work things out. Another meeting will be planned in the evening to discuss several items, one being the Sutter's request off of City Service Road, Dean will be checking on a couple of things and getting back to him.

**Zoning Commission:** Councilor K. Smith announced a meeting has not been scheduled but plans to discuss all the changes they have worked on over the last several years.

**Finance:** Clerk/Treasurer Monigold reported the FY25 budget was submitted to the state on September 20<sup>th</sup>, and it has been accepted. She met with one of the auditors for the final closing of FY24 budget and they have recommended two budget amendments that will be discussed later in the meeting. The auditors will then begin preparing the information needed to submit the Annual Financial Report due at the end of December.

Last week we attended the Annual League of Cities and Towns Convention in West Yellowstone. There were many informative seminars, two of them were about our insurance with MMIA, the Risk Management session explained they offer programs like hands on training and through their website on subjects such as employment practices, work safety, and cyber security. MMIA would like to start giving credits to cities that enroll in these programs and go through the training possibly saving money on our insurance premiums.

Mayor Williams reported she had attended sessions that dealt with grant opportunities and how to get some of those grants, especially at the Department of Transportation, who has some infrastructure grants, particularly Safe Streets for All. She would like to check into that and other grant opportunities. Another session was about having police protection in your community. The session was to figure out ways to better fund your police department, but the topic changed to discussing some small communities that contract with their county, and how it is not working out so well and we ran out of time to discuss funding your police department through special district or similar ideas.

Mayor Williams explained that the League has been putting a lot of effort into finding clerk training and support for clerks across the state because of the high turnover. They are looking now trying to figure out how to support city attorneys because there are so few city attorneys across the state along with trying to help with auditors because there are so few that do government audits.

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

**Old Business:** None

**Public Hearing – FY24 Budget Amendment:**

Mayor Williams called the Public Hearing to order at 7:17pm.

Mayor Williams stated the Public Hearing was properly noticed in the Western News September 27 and again on October 4 explaining there are two amendments that were suggested by the auditor as part of year closing for fiscal year 2024.

Increasing fund 1000, General Fund, \$135,777.85, the amendment is for employee retirement, required by the state under GASB, and the transfer of funds to the Capital Improvement fund, those funds allow us to put funds aside for things like fire trucks, police cars, and into buildings for a maintenance fund.

Second, increasing fund 3387 Special Grants, \$43,825.00 was suggested by the auditor because the LOR Grants and other special grants need to have their own fund.

**Public Comment:** None

Mayor Williams closed the Public Hearing at 7:20pm to resume the regular meeting.

**New Business:**

**Approve budget amendments for FY 2024 – Resolution #2044:**

Mayor Williams read Resolution #2044.

Councilor Zimmerman **MADE A MOTION** to approve the budget amendment, Councilor K. Smith **SECONDED**.

Councilors Berke, Burger, I. Smith, K. Smith, and Zimmerman voted **FOR**.

**MOTION PASSED**

**Confirm Submission of Montana Main Street Mixed-Use & Adaptive Reuse Development Grant Application for Kootenai Float Company Inc.:**

Mayor Williams explained the Main Street Program had sent out a email saying they had been given a million dollars of special money for reuse and development and were taking applications. A couple of people were contacted, and Kootenai Float Company was ready to move on to phase two of their remodel. The email was sent out the email on a Tuesday stating the first round closed on Thursday. The Mayor stated each one (council members) of you were contacted to explain the situation, got verbal approval, but would like it solidified in the minutes, so it is documented we followed a process for approving that application.

Councilor Zimmerman **MADE A MOTION** to confirm the submission of the Montana Main Street Mixed-Use Adaptive Reuse Development Grant application for Kootenai Float Company, Councilor Smith **SECONDED**.

Councilor K. Smith expressed enthusiasm and explained this was a good example for the need of someone in a community development position who can act quickly and have materials ready to go. City Council has always been slow because they want a lot of extra information and tend to disregard people in position that have put things together on the city's behalf or community's behalf and deadlines have been missed or people just don't have all the information, expressing the need to move faster. Mayor Williams agreed this was one of those times that you either act fast or miss out.

Councilors Berke, Burger, I. Smith, K. Smith, and Zimmerman voted **FOR**.

**MOTION PASSED**

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

Good Home Health, LLC.

Councilor Zimmerman **MADE A MOTION** to approve all business licenses received to date, Councilor I. Smith **SECONDED**.

Councilors Berke, Burger, I. Smith, K. 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 and Councilor I. Smith **SECONDED**.

Councilors Berke, Burger, I. Smith, K. Smith, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Unfinished Business:**

**Discussion to amend Libby development Fund Policy and application process:**

The council discussed inviting a representative from Montana West Economic Development to discuss what they do.

**General Comments from Council:**

Mayor Williams reminded everyone Dan Clark will be here for Council Training on October 29<sup>th</sup> and will start at 6pm, she will have a meal so that it is easier for those just getting off work.

**ADJOURNMENT:**

Councilor Zimmerman **MADE A MOTION** to adjourn, Councilor Berke **SECONDED**.

Councilors Berke, Burger, I. Smith, K. Smith, and Zimmerman voted **FOR**.

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:28pm.

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Mayor Peggy Williams

Attest: \_\_\_\_\_

Clerk/Treasurer Leann Monigold

## **RESOLUTION NO. 2043**

### **A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE CITY OF LIBBY, MONTANA, TO ANNEX WITHIN THE BOUNDRIES OF THE CITY AN IRREGULAR TRACT OF LAND LYING EAST OF THE CITY OF LIBBY, FOR WHICH THE OWNERS HAVE PETITIONED FOR ANNEXATION AND DESCRIBED HEREIN. (SW1/4SE1/4 OF S3, T30 N, R31 W, Lot 7A of C.O.S. 4917RB)**

**LEGAL DESCRIPTION:** An irregular tract of land, lying east from the city of Libby, Montana, Lincoln County, in the SW ¼ SE ¼, Section 3, T30N, R31W, P.M.,MT. and more particularly described as follows; Commencing at the northwest corner of Lot 42A, Plat No. 6375, a 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING; Thence N25°04'07"E, 51.06 feet to a 5/8 inch diameter rebar with a plastic cap marked HUGHES, 7322LS; Thence N25°13'47"E, 276.05 feet to a 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, lying on the southerly right-of-way limit of abandoned Lincoln Blvd.; Thence along said road right-of-way limit the following three courses; Thence S89°57'18"E, 53.39 feet to an unmarked computed point; Thence S89°57'18"E, 50.87 feet to a 5/8 inch diameter rebar with a plastic cap marked HUGHES, 7322LS; Thence S89°57'20"E, 5.34 feet to a 5/8 inch diameter rebar with a plastic cap marked SANDERSON 70400LS; Thence leaving said road right-of-way limit S08°26'49"E, 302.49 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON 70400LS; Thence S89°21'04"E, 98.21 feet to an unmarked computed point; Thence S89°21'04"E, 195.14 feet to a 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the True Point of Beginning, containing 1.38 acres. Subject to and together with all appurtenant easements of record.

**WHEREAS**, Eric and Sara Clark, 100% owners of the property described herein, filed a petition with the City Administrator on 10 June 2024 requesting annexation; and therefore, the City Council considered this petition for annexation pursuant to the statutory Annexation by Municipalities Providing Services method set forth in Title 7 Chapter 2 Part 47 Section 4705; and

**WHEREAS**, the property described herein is currently zoned in Lincoln County within the Kootenai Business Park Targeted Economic Development District (TEDD), it is the intention of the City of Libby to annex the property with the city zoning of Business Residence; and

**WHEREAS**, the City Clerk did publish notice of such proposed extension of the city limits on October 4<sup>th</sup> and 15<sup>th</sup> 2024, as provided by Section 76-2-303 M.C.A.; and

**WHEREAS**, the City Council did on 21 October 2024 hold a Public Hearing during its regularly scheduled City Council Meeting to hear all matters pertaining to the annexation of the above-described parcel; and



**WHEREAS**, the City Council did on 21 October 2024 did adopt Resolution 2042 with the intent of annexing and zoning the above-described parcel; and

**WHEREAS**, it is hereby determined by the Libby City Council to be in the best interest of the City of Libby and the inhabitants thereof as well as the current and future inhabitants of the lands to be annexed that are described herein, which lands are contiguous to the corporate limits of the City of Libby, be annexed into the City of Libby and it is hereby declared to be the intent of the City of Libby that the corporate limits of the City of Libby be extended to include said lands described herein within the limits of the City of Libby.

**NOW THEREFORE, BE IT RESOLVED**, that the corporate limits of the City of Libby be extended to annex the tract of land, herein described and shown on Exhibit A attached hereto; and

**BE IT FURTHER RESOLVED** that the tract of land herein is zoned Business Residence; and

**BE IT FURTHER RESOLVED** that the minutes of City Council of the City of Libby, Montana, incorporate this resolution; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby instructed to certify a copy of said resolution so entered upon said minutes. **FURTHER** that this document shall be filed with the Office of the Clerk and Recorder of Lincoln County. Pursuant to Section 7-2-4607, Montana Code Annotated, this annexation shall become effective from and after the date of the filing of said document with the Lincoln County Clerk and Recorder.

**PASSED AND ADOPTED** this 4th day of November 2024.

Attest:

---

Peggy Williams, Mayor

---

Leann Monigold, Clerk/Treasurer



# City of Libby Libby Montana

www.cityoflibby.com

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Libby MT, 59923  
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Fax (406) 293-4090

## MEMO

**DATE:** 31 October 2024  
**TO:** City Council  
**FROM:** Kristin Smith, Chair, Zoning Commission  
**RE:** Zoning Commission Report recommending proposed zoning district changes

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During the last several years, the Zoning Commission has been working on making recommendations to the City's residential zoning codes which have not been reviewed since 1987.

Through public input and consensus, the Zoning Commission thinks these changes will provide clarity for property owners, staff and contractors while maintaining property values and quality of life and neighborhood character.

Below is a timeline of key milestones. Many council members will recall the introduction of these changes in September 2023. At that time, based on feedback of certain provisions, council removed part of what the Commission was working on and assigned it to Ordinance Committee. All other items have been addressed in some manner through the monthly meetings of the Commission.

### **TIMELINE:**

- November 2020 Initial review of Residential A
- January 2023 Initial review of Residential B
- July 2023 Initial review of Residential C (proposed as A2)
- September 2023 Recommendations Introduced to City Council
- Sep 23-Jan 24 Make additional changes to language based on public feedback
- February 2024 Initial review of Business Residence (proposed as *Residential Business*)
- May 23, 2024 Finalize all changes to Chapters 12,16,17 and 20 of Title 17

The Zoning Commission unanimously recommended City Council update its zoning ordinances with changes as presented.

### **Key Changes:**

- Added Purpose Statements to each district
- Re-organized performance standards within each district for clarity
  - i.e., setbacks, height, footprint, etc.
- Restrictions on outdoor storage – location and type
- Changes to sign provisions
- Added performance standards to Business Residence
  - (now Residential Business)
- Added Definition of Commercial Vehicle

NEW DEFINITION:

Commercial Vehicle – A commercial vehicle is a Class 1 or 2 as defined by the Federal Highway Administration, inclusive of Heavy-Duty pick-up trucks, and not to exceed 10k lbs. It must be licensed and registered.

Chapter 17.12 - RESIDENCE A DISTRICT

Sections:

**17.12.010 – Purpose & Intent**

Residential A is the largest of the residential districts. It is characterized predominantly by single-family detached dwellings. The purpose and intent are to maintain the walkability and density of housing of the neighborhoods.

**17.12.020 - Uses.**

Within any Residence A District, no building, structure, or premises shall be used or arranged or designed to be used, except for the following:

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. Community centers, except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck gardens or nurseries;
- G. Educational or religious institutions.;
- I. Municipal playgrounds and parks;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- B. Garages, or carports, ~~must be set back (recessed) a minimum of ten (10) feet from themay not extend into the front yard beyond the~~ frontmost face of the house.
- C. Where alleys are present, alleys must be used as vehicular access to the lot.
- D. Home Occupations:  
Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half

(1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

E. Signs:

1. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.
2. There shall be no electronic signs.
3. Any illuminated signs must be downward directional.
4. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property; provided that the total area of all such signs does not exceed eight (8) square feet.
5. Signs bearing the name or occupation of an occupant, shall not exceed ~~one-six~~ (16) square foot for each family housed.
6. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
7. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

**17.12.030 - Lot area.**

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

**17.12.040 - Setbacks.**

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

- A. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line.
- B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, with a minimum depth of twenty-four (24) feet for a one-story building, and thirty-six (36) feet for a two story or two and one-half story building.

#### Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be seven (7) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

#### Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

#### **17.12.050 - Building Footprint**

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

#### **17.12.060 - Height.**

No building shall exceed thirty (30) feet in height.

#### **17.12.070 - Accessory buildings.**

- A. Accessory buildings not more than fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

#### **17.12.080 - Vacant lots.**

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

#### **17.12.090 - Construction.**

All construction shall be in accordance with the City's adopted Building Code.

#### **17.12.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)**

- A. Outdoor storage of materials is not permitted other than typical items designed for residential outdoor use.
- B. Non-permanent parking structures may not be erected in the front yard without a permit for a set period of time, not to exceed 12 months while a permanent structure is being constructed.
- ~~C~~B. Propane Tanks are not permitted in front yards
- ~~E~~D. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in

accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).

~~D. No Class A or C or 5<sup>th</sup> wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property~~

Chapter 17.17 - RESIDENCE A-2 DISTRICT

Sections:

17.17 010 – Purpose & Intent

Residential A-2 is characterized by single-family detached dwellings, but with reduced setbacks from those in Residential A. It tends to be more suburban in design....

17.17.020 - Uses.

Within any Residence A-2 District, no building, structure, or premises shall be used or arranged or designed to be used, except for the following::

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. Community centers , except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck gardens or nurseries;
- G. Educational or religious institutions.;
- H. Municipal playgrounds and parks;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- B. Garages, or carports, ~~must themay not extend into the front yard beyond the be set back (recessed) a minimum of ten (10) feet from the~~ frontmost face of the house.
- C. Where alleys are present, alleys must be used as vehicular access to the lot.

D. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation



other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

D.E. Signs:

1. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.
2. There shall be no electronic signs.
3. Any illuminated signs must be downward directional.
4. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property; provided that the total area of all such signs does not exceed six (6) square feet.
5. Signs bearing the name or occupation of an occupant, shall not exceed ~~one-six~~ (16) square foot for each family housed.
6. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
7. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.17.030 - Lot area.

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

17.17.040 - Setbacks.

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

- A. No new building shall be erected with its street wall or walls nearer than fifteen (15) feet to the front property line.
- B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, with a minimum depth of twenty-four (24) feet.

Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be seven (7) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.17.050 - Building Footprint

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

17.17.060 - Height.

No building shall exceed twenty-four (24) feet in height.

17.12.070 - Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

17.17.080 - Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.17.090 - Construction.

All construction shall be in accordance with the City's adopted Building Code.

17.17.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Outdoor storage of materials is not permitted other than typical items designed for residential outdoor use~~Non-permanent parking structures may not be erected in the front yard without a permit for a set period of time, not to exceed 12 months while a permanent structure is being constructed.~~
- B. Propane Tanks are not permitted in front yards
- C. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).
- ~~D. No Class A or C or 5<sup>th</sup>-wheel recreational vehicles, or campers greater than sixteen (16) feet are allowed to be parked on the property~~

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## Chapter 17.16 RESIDENCE B DISTRICT

### 17.16.010 – Purpose and Intent.

The purpose of the Residential B District is to promote residential uses with greater density than Residential A. This takes the form of small lots as well as smaller footprints for single family homes; and more opportunities for multi-family housing.

### 17.16.020 Uses.

Within any Residence B District, no building, structure, or premises shall be used, arranged, or designed to be used, except for one or more of the following uses:

#### Primary Uses

- A. Any use permitted in Residence A District;
- B. Multi-family dwelling units meeting the design standards set forth herein;
- C. Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground. Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground;

#### Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory, and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each one thousand (1,000) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- B. Garages, or carports, ~~they may not extend into the front yard beyond the must be set back (recessed) a minimum of ten (10) feet from the~~ frontmost face of the house.
- C. Where alleys are present, alleys must be used as vehicular access to the lot.
- D. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant, but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

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E. Signs:

Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

1. There shall be no electronic signs.
2. Any illuminated signs must be downward directional.
3. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property, provided that the total area of all such signs does not exceed six (6) square feet.
4. Signs bearing the name or occupation of an occupant shall not exceed ~~one-6~~ (16) square foot for each family housed.
5. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
6. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Such signs may not be placed on the property to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

**17.16.030 – Lot area.**

The minimum lot area requirements shall be as follows:

Single-family dwelling	5,000 square feet
Two-family dwelling	6,000 square feet
Three-family dwelling	7,500 square feet
Four-family dwelling	10,000 square feet.

**17.16.040 – Setbacks**

No building shall be erected, reconstructed, or altered to project in any manner beyond the property line.

**Front yards**

- A. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line.
- B. Steps and/or ramps, uncovered porches and covered but unenclosed porches on the first story, which do not extend more than ten (10) feet beyond the front wall of the building, are exempt from the foregoing provisions.

**Rear yards.**

There shall be a rear yard on every lot, which rear yard shall have a minimum depth of twenty-four (24) feet for a one-story building, thirty (30) feet for a two-story building and thirty-six (36) feet for a three story building.

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### Side yards.

There shall be a side yard on each side of every building except as above provided for accessory buildings. The minimum width of any side yard and the least sum of the widths of both side yards shall be as follows:

Height	Least Widths of Side Yard	Least Sum of Widths of Both Side Yards
Sixteen (16) feet	Five (5) feet	Fourteen (14) feet
Twenty-eight (28) feet	Six (6) feet	Fifteen (15) feet
Thirty-six (36) feet	Eight (8) feet	Twenty (20) feet.
45 feet in height	Fifteen (15) feet each side	N/A

### Corner lot.

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

### 17.16.050 - Building Footprint

Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground.

Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground.

### 17.16.060 Height.

No building shall exceed forty-five (45) feet. Multi-family dwellings may be higher than forty-five (45) feet with a Conditional Use Permit and Design Review with the Zoning Commission.

Buildings proposed to be more than 45 feet in height shall be submitted for design review with the Zoning Commission. Conditions that will be placed on such projects include but are not limited to:

1. Landscaping
2. Increased setbacks

### 17.16.070 Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet in height may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are NOT permitted.

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### **17.16.080 Vacant lots.**

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

### **17.16.090 Construction.**

All construction shall be in accordance with the City's adopted Building Code.

### **17.12.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)**

- A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period, not to exceed 12 months while a permanent structure is being constructed.
- B. Propane Tanks are not permitted in front yards
- C. Recreational Fires: Shall only be in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces)

### **17.16.110 - Parking**

Parking shall be provided on property at a ratio of 2 spaces for each unit plus 1 guest space for every three (3) units.

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## Chapter 17.20 BUSINESS-RESIDENCE RESIDENTIAL BUSINESS DISTRICT

### 17.20.010 Purpose Statement.

The purpose of the Business-Residential district is to provide a transitional zone of residential uses blended with opportunities for low-impact commercial uses between fully commercial and fully residential districts. Historically, the district has been occupied by residential uses with some low-impact businesses intermixed.

### 17.20.010-020 Uses.

Within any Business-Residence District, no building, structure, or premises shall be used, arranged, or designed to be used except for one or more of the following uses:

#### Permitted Uses:

- A. Any primary or accessory uses permitted in a Residence A, A2 or Residence B Districts;
- B. Detached dwellings for not more than four (4) families or housekeeping units;
- C. Dormitories or apartment houses, boardinghouses, or roominghouses;

#### Conditional Uses:

D. Any Certain businesses may be placed permitted in this district only by the written approval of the board Board of adjustment Adjustment. Such businesses shall be low-impact, i.e., not inviting traffic (other than consecutive vehicular trips for clients); non-retail.

Evaluating such applications shall follow the process detailed in Conditional Use Permit (17.10) with special consideration given to visual impact on neighboring residential uses. after written application, together with submission of plans and specifications showing actual location of proposed building and general arrangements on any piece of ground, it being the intention to restrict this area to service units and business as specifically outlined and still maintain a practical standard for residents, with the board of adjustment to make such decision in each case regarding:

1. Location of buildings;
2. Type of business other than above;
3. Type of building;
4. Setback line;
5. Side yard, if any; and
6. Lot area and other pertinent items as are consistent with good zoning practice and the practical development of this district.

### 17.20.030 Signs.

Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

- A. There shall be no electronic signs.
- B. Any illuminated signs must be downward directional.



- 
- C. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property, provided that the total area of all such signs does not exceed eight (8) square feet.
  - D. Signs bearing the name or occupation of an occupant shall not exceed six (6) square foot for each family housed.
  - E. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
  - F. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

#### **17.20.040 – Outdoor Features, Storage and Temporary Storage (see Definitions)**

- A. Outdoor storage of materials is not permitted other than typical items designed for residential outdoor use.
- B. Propane Tanks are not permitted in front yards.
- C. Recreational Fires: Shall only be in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer’s instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces)

#### **17.20.050 – Performance Standards**

- A. Setbacks and building footprints for all buildings shall conform to the standards listed in Residential B District.
- B. Height of buildings may not be taller than adjacent properties that are in a different district; and may not exceed 45 feet (see Conditional Use above).
- C. Parking shall be in accordance with Chapter 17.34
- E. Provided, however, that all buildings shall be so placed that there shall be a front yard having a depth of not less than twenty five (25) feet from the inside sidewalk line on what is now U. S. Highway 2 as it runs on Ninth Street and Minnesota Avenue, also on Utah Avenue in the district, and a side yard of not less than ten (10) feet on the street side of all corner lots. Such yards, front and side, shall be entirely unoccupied by any structure or building.

(Ord. 1359, 1987)

#### **17.20.020-060 Vacant lots.**

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

These shall be kept free of debris, rubbish, or garbage at all times. Special uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

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~~(Ord. 1359, 1987)~~

### **17.20.030-070 Construction.**

~~All construction shall be in accordance with the City's adopted Building Code.~~

~~All construction shall be of a standard approved by the building inspector.~~

### **17.20.040 Signs.**

~~A. Signs pertaining to the lease, sale, or use of a lot or building may be placed thereon; provided, that the total area of all, such signs does not exceed eight square feet; provided, further, that on a lot or dwelling and pertaining to the use thereof or bearing the name or occupation of an occupant shall not exceed one square foot for each family housed. A sign or building board not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution, for the purpose of displaying the name and activities or services therein provided. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.~~

~~B. The above paragraph shall not apply to that property in the Business Residential District fronting on U. S. Highway #2.~~

~~C. Notwithstanding any other provision of this chapter, non illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three days after the election to which the sign relates.~~

~~(Ord. 1594 § 118, 2002; Ord. 1394, 1988; Ord. 1359, 1987)~~