



City of Libby Libby Montana

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(AMENDED) REGULAR COUNCIL MEETING #1668 MONDAY, JANUARY 6, 2025 @ 7:00 PM COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Cornelius Girod
- Roll Call
- Welcome/Announcements
- Approve minutes for Regular Council meetings #1664 held November 4, #1666 held December 2, #1667 held December 15, 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. Sydney Stewert – State Asbestos Resource Damage Grant (Information).
2. Approve committee recommendation of skatepark placement.
3. Kootenai Angler request for rent space next to Legion field (discussion).
4. Approve Department of Commerce grant opportunity for Mineral Avenue.
5. Approve all alcohol license applications received to date
 - a. Cabinet View Country Club, 300 Cabinet Heights Rd.
 - b. Heaven’s Peak Organics Market, 313 California Ave.
6. Approve all claims received to date.
7. Approve all business license applications received to date
 - a. 4B’s Libby LLC, 1010 W. 9th St., Resaurant.
 - b. Mid Town Builders Corp. LLC, 8601 Six Forks Rd. Ste.400, Raleigh,NC., General Contractor for 24 new construction appartmens and club house.
 - c. Pinnacle Designers LLC, 310 E. 9th St., Residential and light commercial design and drafting, blueprints, and design consultant.

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: 1/2/25

APPROVED MINUTES

The Libby City Council held regular meeting #1664 on Monday, November 4, 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: Mayor Williams announced November's leaf pickup dates and reminded about Election Day, polling place for Libby at the Memorial Center.

Approve minutes of special Council meeting held September 16, regular Council meeting #1661 held September 16, 2024, and regular Council meeting #1662 held October 7, 2024:

Councilor Zimmerman **MADE A MOTION** to approve meetings minutes 1661 and 1662, Councilor Berke **SECONDED**.

Councilor Taylor **ABSTAINED** from Council meeting #1662, stating he was not present.

DC Orr, 1117 Nevada Ave., commented disagreeing with the accuracy of the minutes and felt he was censored because the minutes did not reflect matters he discussed. Commenting on Councilor Smith's Point of Order and felt it violated his right to participate.

Councilors Berke, Burger, K. Smith, and Zimmerman voted **FOR**. Councilor I. Smith voted **AGAINST**; Councilor Taylor voted **AGAINST** meeting #1661 minutes.

Councilor K. Smith **MADE A MOTION** to approve the minutes from the Special Meeting, Councilor Berke **SECONDED**.

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

Councilor I. Smith requested to see the substance of what Mr. Orr said, since Mr. Orr feels he is being censored, Councilor Burger agreed.

Councilor K. Smith stated minutes a reflection of what was said and happened at the meeting, feeling that were not expressed are not accounted for in the minutes.

Mayor Williams explained Mr. Orr's comment would go into tonight's minutes, not the minutes being voted on.

Councilor Burger didn't believe Mr. Orr's comments were reflected in the minutes. Councilors Taylor and I. Smith agreed.

Councilor Taylor stated he would like to relisten to the minutes to see if they reflect what was written.

Ms. Monigold explained the recording is available online.

Mayor Williams withdrew the special meeting minutes to allow time to listen to the recording and will be addressed at the next meeting.

Committee Reports:

Administrator: Administrator Sikes reported sewer main replacements are underway and will be completed in the next couple of weeks. The sewer plant is having issues with grease dumping down the sewer drain in large quantities creating a 2-foot gelatinous blanket over the top of the oxidation ditch and clarifiers. Mr. Sikes explained the problems that could arise and will be working with the County Health Department inspector to identify and educate businesses and the public that grease is not allowed to be dumped into the sewer mains. Mr. Sikes is getting together with the Sewer Plant and Streets Department to see if they can identify who is doing it to take corrective action. Councilor K. Smith inquired if it was food grade or petroleum-based grease. Mr. Sikes stated it is food grade grease being found.

The roof of the Headworks building needs repaired, explaining the repairs needed, costing approximately \$12,000, repairs starting later in the week. Deferred maintenance like this is an example why base rates need to be adjusted so the city can keep up on repairs.

The Water Department has received the replacement pumps for the 500,000-gallon storage tank and will be scheduling an electrician and plumber to get the pumps installed.

Working with the DEQ to amend and update the Opencut Mining Permit for accurate boundaries.

Mr. Sikes reported on questions asked at the previous meeting about water and sewer capacity for growth, sewer capacity can handle 500,000 gallons a day, the current average is 280,000 gallons a day which is at 56% of sewer capacity and there are plans in the next 15-20 years to add a second ox ditch and third clarifier that would expand capabilities. Water capacity, the plant is designed for 4 million gallons a day, current average is 1.2 million gallons a day which is 30% capacity.

Streets Supervisor: Justin Williams reported crews are out with the sweepers keeping leaves picked up, patching potholes, and jetting sewer mains.

Flower Street/ Nevada Ave. project is complete but has three conflicting mains in the intersection. Mr. Williams explained the conflict and how it was corrected.

Sewer main replacement behind Johnnies is complete, passing pressure test and gave an update on the water main replacement.

Three hazardous trees have been removed from Fireman's Park campground, crews have been trimming over hanging trees and bushes along the city winter plow routes, city sprinklers have been blown out and winterized and gave an update on the concrete and paving projects.

Mr. Williams gave a reminder of city ordinances related to leaves, plowing or shoveling snow into city streets and alleys, and seasonal parking.

Fire: Councilor Zimmerman reported for the month of October, eight calls were responded to, 3 calls for city, 4 calls for Rural Fire District, 1 call outside city or RFD, 3 mutual aid with ambulance, 1 false alarm, 1 power line, 1 fuel spill/HAZMAT, and 2 miscellaneous for a total of 71 calls in 2024. Concrete in front of the Fire Hall is still in progress and City Hall part training center/Legion concession stands winterized.

Ordinance Committee: Councilor K. Smith reported on the Committee meeting on Wednesday, October 23rd and discussed the ordinances and an update to the current parking ordinance presented to the Committee by the Chief of Police. Officer Luthey was present to guide them through the needed changes. The ordinance changes are currently with the City Attorney and will be coming forward for Council for consideration.

Police: Chief Ercanbrack reported for the month of October there were 207 calls for service, 2 assault cases, 7 threatening calls, 12 disturbances, 25 suspicious person or cars, 11 crashes, 13 theft cases, 3 cases involving juveniles, and 41 traffic stops.

Chief Ercanbrack announced Officer Smart would be graduating from the academy on Friday at the top of his class.

Councilor I. Smith explained why he had voted against the LOR grant in the previous meet and would like to see the grants go towards the equipment officers need. Chief Ercanbrack agreed and described the grants he is currently working on with Rural Agricultural Foundation and the Tourism Committee.

Public Comment on Non- Agenda Items:

DC Orr, 1117 Nevada Avenue, expressed concern about a meeting that was held with the EPA, that it was not noticed to the public and inquired about the IP negotiations expressing frustration nothing has been provided to the public.

Old Business: None

New Business:

Approve Resolution #2043, Owner requested annexation of Michigan (Clark):

Mayor Williams read Resolution #2043.

Councilor K. Smith expressed the importance of annexing properties that are getting services so they pay their share of taxes and help thin the burden. They can get services, but they're not annexed. It is an important, city municipal government, extension of power.

DC Orr, 1117 Nevada Ave., expressed disapproval of the annexation because the Port property has its own sewer system, explaining why he disagrees and inquired about impact fees.

Councilor K. Smith suggested if co-councilors have questions about the fundamentals of the infrastructure and how it is paid for, to speak to Mr. Sikes, he has presented that information before and recalls the Port's sewer system is not operational.

Councilor K. Smith **MADE A MOTION** to approve Resolution #2043, Councilor Burger **SECONDED**.

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

MOTION PASSED

Zoning districts: Residential A, A2, B, and Residential Business (Discussion):

Mayor Williams explained the Zoning districts are only for discussion and Ms. Smith provided a memo regarding the recommendations and notes concerning these districts.

Councilor K. Smith explained the red marking on the ordinance changes indicating Business Residential has more red marks because after the presentation last year, those changes were incorporated. The red, on Residential A and B are changes since presented to council.

Mayor Williams indicated she would start with Resident A and ask each Councilor for comments, questions, or how they would like to change anything.

The council discussed changes they would like to see in Residential A District.

The council majority was in favor of striking section B under Accessory Uses in the form of a motion.

The council discussed Home Occupations under Accessory Uses.

The council majority was in favor of striking 17.12.100 sub-section B and C in the form of a motion.

The council majority agreed to leave Home Occupations for continued discussion.

The council majority agreed in favor of striking section B under Accessory Uses in Residential A2.

The council discussed recreational fires and the 25-foot rule.

The council discussed Home Occupation to clarify wording.

The council discussed what motions had already been made and Council majority was in favor of striking 17.12.100 sub-section A and B in Residential A2 in the form of a motion.

Council discussed landscaping in 17.16.060 Residential B. Council had a split vote in the form of a motion to strike landscaping. Council discussed landscaping further and Council majority was in favor to change the word “will” to “could” and add a definition for landscaping in form of a motion.

Council discussed Residential Business

Council majority was in favor of striking the word “certain” and change it back to “any” in Residential Business 17.20.20 under Conditional Uses, D in the form of a motion.

The council discussed 17.20.050 (A), setbacks and building footprints for all buildings shall conform to the standards listed in Residential B District along with rear yards, for clarification.

The council majority was in favor of striking 17.20.040 B, Propane tanks are not permitted in the front yards., in the form of a motion.

Council discussed 17.20.050 B., under Performance Standards and had a split vote in the form of a motion to change 17.20.050 (B) to “Height of building my no exceed 45 feet, see Conditional Use.” Mayor Williams voted against the change and to keep the sentence intact at this time.

Mayor Williams said the changes will be made and Council will have another opportunity to look at them.

Public Comment:

Karen Dinkins thanked the Council for the decision to strike the garage setbacks and the fire pit restriction to the back yard.

DC Orr praised the Council for a productive discussion and emphasized the fact material was not available for the public to review and was under the impression from the agenda it was for discussion only and felt it was a violation of his right to participate since items were being voted on and he should have had the opportunity to comment after each vote. Mr. Orr disagreed with the way the Zoning meetings were run and inquired why there were no minutes available to the public.

Justin Williams suggests gathering information on transition zones through site visits to better understand the impact of zoning changes and highlighted issues with larger buildings and their impact on neighboring properties, including crowding and maintenance challenges.

Approve all claims received to date:

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

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

MOTION PASSED.

Unfinished Business:

Discussion to amend Libby development Fund Policy and application process:

Mayor Williams thanked Council for attending the meeting with Montana West presentation and hoped they found it helpful.

The Council discussed the need for a grant writer, potential community development projects that would benefit the community, the idea of using a portion available for loans, and how a community development director or professional organization could benefit the city on how the funds released.

General Comments from Council:

Councilor Berke thanked the Zoning Commission for the hard work on the updates.

Councilor K. Smith addressed the difficulty of providing minutes without a minute taker for the commission and expressed frustration at the bullying and assured there were no conflicts, asking if anyone feels there are potential conflict to speak with her. Ms. Smith mentioned a program Leann has identified that may help with minutes.

Ms. Monigold discussed the AI program she has been working with for about a year that would help keep a better record of what was said, it can provide an outline, transcript, and a summary of the meetings.

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 8:45pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold

UNAPPROVED MINUTES

The Libby City Council held regular meeting #1666 on Monday, December 2, 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, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) Councilor Ian Smith. City Attorney Dean Chisholm was absent.

Announcements: Mayor Williams announced that the Christmas wreaths were scheduled to put up on Mineral and California Avenues one day this week. The public was also reminded that the winter parking ordinance is in effect, residents should check the ordinance for specifics.

Councilor Burger spoke about Santa on the Move from 1pm to 5 and Santa's village happening on Saturday, December 7 at 5pm on Mineral Avenue.

Approve minutes for Regular Council meeting #1663 held October 21, 2024:

Councilor Zimmerman **MADE A MOTION** to approve regular council meeting minutes 1663 held October 21, 2024, Councilor Berke **SECONDED**.

D C Orr 1117 Nevada objected to approving the minutes stating that the minutes did not contain Councilor K Smith remarks concerning minutes for planning board and zoning board minutes.

Councilor Berke asked to review the minutes.

Approval of minutes was postponed.

Committee Reports:

Administrator: Administrator Sikes reported that recent sewer main replacements were nearly complete and recapped problems encountered at three locations and the unforeseen expenses those problems added cost of the project. Working on regulations regarding grease traps. The position at water distribution is still open. Work continues on the open cut mining permit; as well as working with WWC Engineering for scope of work concerning the spoils pile.

Streets Supervisor: Justin Williams reported that the leaf pickup went well, crews have patched potholes, jetted lines, and generally preparing for winter. The last seasonal worker is gone until spring, the pickle ball facility now has water and sewer. Mr. Williams explained the arc of communication regarding projects so there is no misunderstanding of responsibilities.

Police: Chief Ercanbrack reported 167 calls in the month of November this year. Last year, there were 128 last year, this month we had zero assaults and zero domestic violence calls. Violent crime has gone down this month, which doesn't typically happen statistically with the holiday season. There were three threatening calls, five disorderly conduct, five disturbances, 11 thefts, one sex offense, 18 suspicious vehicles or persons and two alcohol offenses, seven crashes, four of which admitted to being distracted and over 48 traffic stops. A proactive stance has been maintained while moving through the city with officers doing calls of service, assisting the public, welfare checks for people concerned about family members, helping ambulance crews on medical calls, things like that. Officers were very busy, fortunately, we have seen a decrease in crime this month. Chief Ercanbrack is working with the Montana Tourism Council, getting the vehicle is going very smoothly, working with the other vendors. The contract should be signed in the next two weeks.

Ordinance: On the agenda

Lights/Streets/Sidewalks: On the agenda

Building: Lease for Pure North is on the agenda.

Zoning Commission: On the agenda

Cemetery/Parks: Councilor Berke said she wanted to have a committee meeting this week or next to talk about a skatepark request.

Public Comment on Non- Agenda Items:

Karen Dinkins announced an opportunity had arisen that will not allow her to serve on the Government Review Commission for the full two-year term. In the next six to eight months will no longer qualify and would like to step down to give someone else a chance to serve in the beginning stages.

Mayor Williams thanked Mrs. Dinkins and stated the position had been advertised.

Kaylee Cohenour, Cohenour Trucking 30711 U S Highway, wanted to propose a Christmas parade. She wants to get the community together with trucks, lights, 4H kids, Boy Scouts, the police, and Volunteer Ambulance. Staging would be on the Boulevard; big trucks might have to be in the parking lot of the Memorial Center. The route would be down Mineral, turning on 2nd Street, looping around the Care Center back down Louisiana to disperse. There will be no candy for the safety of the kids. The Dome Theatre has a movie starting at 7pm, the facility opens at 6, the starting time for the parade is proposed to be 5:30pm.

Mayor Williams suggested she speak with Administrator Sikes for assistance and Councilor Burger for help with event insurance.

Old Business: None

New Business:

Heritage Museum Montana State Tourism Grant update/approve support letter request (Sherry Turner):

The Heritage Museum is preparing to apply for a large grant for tourism with the focus on completing the rebuilding of the Shay locomotive. Sherry Turner, the Museum representative, had been talking with Libby's different councils and boards to involve more projects opportunities. They would like to include the city-owned logging Haul Road bridge over the Kootenai River. Ms., Turner has spoken with TCI (Thompson Construction) for an estimate of cost for submission with the grant.

Mayor Williams stated that the bridge has been on the city's radar for a while because it has had so much vandalism, which is part of the problem of trying to keep the fence up. It was suggested that Ms. Turner talk to Mr. Sykes about how that grant will work and what the city would need because we would be very interested in getting the bridge repaired. We've tried to brainstorm solutions; it's beyond our means at this point.

Ms. Turner went on to brief the council on what work has been done to date on the Shay and the company identified for needed repairs. A video has been put together by a volunteer, use of a painting done by a volunteer's father has been offered for use in fundraising.

Councilor K. Smith thanked Ms. Turner for her passion and dedication to the museum and pursuing all the funding sources and totally supports this project for the bridge.

If the bridge is included as a project the city would need someone to work on the steering committee.

Public Comments: None

Approve Pure North facilities contract update:

Councilor Taylor stated the contract had been in the works for a while, reviewing other contracts, this one has had no rate increases since 2017, the committee looked up the procedure to move forward, would be about a \$50 a month increase with a 5% increase every two years after that, they still pay their sewer and water bill.

Mayor Williams pointed out that there was an increase in liability insurance from 1 million to 2 million which is a requirement from MMIA who no longer considers 1 million sufficient.

Councilor K. Smith **MADE A MOTION** to approve the new lease, Councilor Zimmerman **SECONDED**.

D C Orr 1117 Nevada Avenue stated this was an improvement to what we have become used to, seeing the dollar amount to be paid, inquiring if that is tied to square footage, asking if in the future that square footage be included in contracts to know if the county is paying the same amount per square foot and to know the city got a good deal.

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

MOTION PASSED.

Approve submission of 2025 Road to Zero Community Traffic Safety Grant:

Chief Ercanbrack explained the grant is focused on lowering fatality crashes by implementing evidence-based countermeasures, supporting a safe system approach and performing necessary research to address disparities in mobility safety and access. He is requesting just under \$180,000 focusing mostly on school zones. The request includes three portable radar signs, seven body cameras, and six in-car cameras for patrol cars, with installation and software needed.

Councilor Zimmerman **MADE A MOTION** to approve the submission of 2025 Road to Zero Community Traffic Safety grant, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve Resolution #2050, Authorization to submit MCEP infrastructure Planning Grant Application for Wastewater Preliminary Engineer Report:

Mayor Williams explained that the current Wastewater PER is aging out with most projects completed. The city needs a new PER so no grant cycle is missed. City Engineer Andy Evanson has identified some planning grants that will help us fund the new PER, one of which is the MCEP grant. The grant amount is \$40,00 with \$10,000 match.

Councilor Zimmerman **MADE A MOTION** to approve the submission and signing of the MCEP grant request, Councilor Berke **SECONDED**.

Councilor K Smith inquired about the date of the most current PER.

Administrator Sikes replied that it was 2017. The city has completed all the projects. The city cannot get grants without an up-to-date PER.

Public Comments:

DC Orr 1117 Nevada asked Council to let the public know the city is collecting plant investment fees from people who hook up to water and sewer systems. Recognizing sewer system is at 65%

with a lot of development going on in the Port Authority let the public know people are paying to hook up to the infrastructure and how much they paid in plant investment fees for the project.

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

MOTION PASSED.

Approve award of bid for Spruce Street reconstruction and signing contract using SLIPA grant:

Project funding is State and infrastructure partnership act, \$231,304 from gas tax fund 57, 826, pulling \$15,000 gas tax for completed engineering leaving a \$128,66. contingency for problems encountered, change order. Complete phase I, for phase 2 from Michigan to fence line.

Mayor Williams read a letter from TD&H stating Noble Engineering can complete the work required recommending that bid be awarded to Noble Construction. Bids were opened in city hall last Wednesday.

Administrator Sikes replied to Councilor K. Smith that reconstruction will start at Riddles place, otherwise the storm water would not flow properly, so starting at the apron on Spruce, new sidewalks and curbs, and ADA compliance crosswalk.

Councilor K. Smith **MADE A MOTION** to award the contract to Noble Excavating for recommendation for the Spruce Street reconstruction and signing and submitting the contract, Councilor Zimmerman **SECONDED**.

DC Orr project is more or less a benefit of development for Port Authority, saying many times how the county takes advantage of city, asking Council to make sure the county pays for some of the development.

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

MOTION PASSED.

Approve Resolution Streets committee recommendation for reduction of speed on Mineral Avenue from 25mph to 20 mph beginning at 8th Street and continuing to 1st Street:

Mayor Williams explained the changes recommended by the Streets Committee and it was determined that municipalities can reduce speed limits without a speed study.

Councilor Zimmerman **MADE A MOTION** to approve the Streets Committee recommendation for the speed reduction on Mineral Avenue from 25 miles an hour to 20 beginning at 8th Street and continuing to 1st Street, Councilor K. Smith **SECONDED**.

No public comment

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

MOTION PASSED.

Approve stop sign placement at 4th and Mineral:

Councilor Zimmerman **MADE A MOTION** to approve stop sign placement at 4th and Mineral, Councilor K. Smith **SECONDED**.

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

MOTION PASSED.

Approve stop sign placement at 6th and Mineral:

Councilor Taylor **MADE A MOTION** to approve stop sign placement at 6th and Mineral, Councilor Burger **SECONDED**.

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

MOTION PASSED.

LOR offer to grant fund crosswalk flags to Mineral Avenue - update:

Mayor Williams provided info from Kirkland, having a city logo, buy plain orange ones, Mr. Williams talk to Twisted Turtle.

Councilor Burger inquired if they could be identified should they take a walk about, Mayor Williams said they would have the city logo.

Councilor Berke pointed out Kirkland has volunteers that maintain moving, in proper locations.

Councilor K. Smith suggested putting on air tags.

Mayor Williams said no information was found on flag loss and Tabithia is willing to put \$10, 000 into the project.

Justin Williams, the generic flags run \$7.80 each, Jeff looking at 11 X 14 ½, and will get a quote together for 48 flags in the next couple of days.

Chelsie Mugford, Jade Salon, wanted to know, now that everything is approved how long until they see these things getting done? Carol Sugar and Chelsie will volunteer to maintain flags at 4th Street.

Approve Ordinance #2045 Aggressive Solicitation and adding definitions to same (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2045, Councilor Berke **SECONDED**.

Councilor Taylor asked Chief if this would be the same as disorderly conduct or what would be the difference. Chief Ercanbrack explained the difference.

Public Comment: None

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

MOTION PASSED.

Approve Ordinance # 2046 Urinating and Defecating in Public Places (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2046, Councilor Berke **SECONDED**.

Vince Backen inquired if urinating outside a bar considered a sexual crime, then must register as sexual deviant. The chief replied, it is not.

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

MOTION PASSED.

Approve Ordinance # 2047 Camping, Sleeping, Motor Vehicles and Storage of Personal Property and Adding Definitions to Same (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2047, Councilor Berke **SECONDED**.

Public comment: None

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

MOTION PASSED.

Approve Ordinance # 2048 Parking Violations fee Schedule (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2048, Councilor Berke **SECONDED**.

DC Orr inquired what is declassifying a misdemeanor. Chief explained. Mayor Williams pointed out the word is part of the current ordinance, not new wording. Mr. Orr concerned under new law, no rights, pay fine, giving up rights of people, feels it is stealing rights.

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

MOTION PASSED.

Approve Ordinance #2049 Amending Title 17, Chapters 12, 16, 17, and 20 entitled Residential A, A2, B, and Residential Business, (first reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2049, Councilor K. Smith **SECONDED**.

Councilor Zimmerman inquired about clarification on Residential Business District, Performance Standards 17.20.050, B. Councilor K. Smith explained the wording the Committee used.

The council discussed district boundaries, height requirements, the meaning of adjacent, and how it affects different districts.

Councilor Taylor disagreed that it needed to be changed for the sake of changing just because it was written in 1987. Councilor K. Smith emphasized the changes where to provide clarity, and the need to address changes that were not able to be addressed before because of code.

Shane Campble commented how he has notice different porches that have been built with different setbacks standard than other houses in the same area.

Tina Oliphant commented the clarification is very helpful and will be using the new Ordinance as soon as it is approved.

DC Orr commented there is no real clarity, Zoning Commission should be providing minutes that show clarity and should be able to get clarity from committee reports but have heard vague reports.

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

MOTION PASSED.

Approve all claims received to date:

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

Public Comments: None

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

MOTION PASSED.

Approve all business licenses received to date:

Jessica’s Odd Jobs and Orth-Apothecary Massage. Libby Pawn application was pulled for later date.

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

No public comments

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

MOTION PASSED.

Mayor Williams, referring to law enforcement ordinances earlier in the meeting, allowed Chief Ercanbrack to go over his memo sent out earlier in the day, and advocate for the proposed Distracted Driving ordinance that was missed earlier.

Chief Ercanbrack explained and read statistics to show the importance of a Distracted Driving ordinance.

The council majority did not mind revisiting the proposed ordinance on a future agenda.

Unfinished Business:

Discussion to amend Libby development Fund Policy and application process: No Discussion.

General Comments from Council: None

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 8:22pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold

UNAPPROVED MINUTES

The Libby City Council held regular meeting #1667 on Monday, December 16, 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 Berke, 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: Mayor Williams announced there have been no application received for the vacant Study Commission seat, it will continue to be advertised to see if someone will file an application.

Approve minutes for Regular Council meeting #1663 held October 21, 2024:

Councilor Zimmerman **MADE A MOTION** to approve meeting minutes 1663 held on October 21, Councilor Berke **SECONDED**.

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

MOTION PASSED.

Approve minutes for Regular Council meeting #1664 held November 4, 2024:

Councilor Zimmerman **MADE A MOTION** to approve regular council meeting minutes 1664 held November 4, Councilor Berke **SECONDED**.

DC Orr commented Councilor K. Smith's closing comment about committee minutes was not accurate and repeated what he believes she stated. Mr. Orr commented on MCA 2-3-212, Minutes of Meetings, and gave his opinion on why he believes the Planning/Zoning meetings were not legal, requesting it be addressed.

Councilor Taylor requested to postpone the decision to have time to review Ms. Smith's statement to see if Mr. Orr was correct or not. Councilor I. Smith also requested a postponement. Councilor K. Smith commented Ms. Monigold goes by what is recorded and reminded Council the previous postponed minutes, just approved, were exactly as written the first time. Mayor Williams asked any Council member that would like to review them to review the audio from the website.

Minutes #1664 were postponed for approval until January 6th Council meeting.

Approve minutes for Regular Council meeting #1665 held November 18, 2024:

Councilor Zimmerman **MADE A MOTION** to approve meeting minutes 1665 from November 18, Councilor K. Smith **SECONDED**.

DC Orr commented on the way his comment was written in the minutes and requested they not be changed.

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

MOTION PASSED.

Approve minutes for Special Council meeting held November 4, 2024:

Councilor Zimmerman **MADE A MOTION** to approve Special Council meeting minutes from November 4, Councilor K. Smith **SECONDED**.

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

MOTION PASSED.

Committee Reports:

Administrator: Administrator Sikes gave the building report for October and November. For the month of October two building permits were sold, one for an addition and one for a new roof for a total of \$1,173, in November, four permits were sold, one for a remodel, and three for buildings for a total of \$24,068. One of those buildings permits was for the new housing units going down on Commerce Way, for 13 duplexes and one community building.

Fire: Councilor Zimmerman reported for the month of November 7 calls were responded to, 4 calls for city, 2 calls for Rural Fire District, 1 call outside city or RFD, 1 structure, 4 mutual aid with ambulance, 1 false alarm, and 1 miscellaneous for a total of 78 calls in 2024.

Lights/Streets/Sidewalks: Mayor Williams requested the pedestrian flags be put back into committee, there are details that need to be ironed out for the LOR grant.

Finance: Clerk/Treasurer Monigold reported the Annual Financial Report for fiscal year 24 has been submitted and accepted by the state and will be added to the city website in the following week.

Public Comment on Non- Agenda Items:

John Bebee commented he had seen the ad in the paper for the Study Commission, handing his resume and application to Mr. Sikes. Mr. Bebee explained why he submitted his letter of interest for the Study Commission.

DC Orr commented, referring to the December 2nd meeting, that the Police Chief should not have been allowed to speak about Distracted Driving under General Comments of the Council and explained why he felt that way.

Vince Backen suggested the Council vote to discuss a salary for the mayor that compensates for the time and work involved.

Kaylee Cohenour requested barricades for the Christmas parade starting at 5pm – 6:30pm. After Council inquiries, Ms. Cohenour explained she has spoken with Mr. Williams about the barricades, the Police Chief about having a patrol car leading and trailing the parade, and insurance coverage.

Kira Basham had concerns about the speed of traffic on the Highway from Copper Mountain Coffee headed towards Troy. Inquiring if the city has anything to do with that section. Mayor Williams suggested contacting the State Highway Department, they are responsible for all of Highway 2.

Old Business: None

New Business:

Approve Committee recommendation for skatepark element construction:

Councilor Berke stated the Parks Committee met Wednesday, December 11th with Mr. Montgomery and Mr. Phoenix and a small group of people wanting to put a small half pipe skatepark in the park between the funeral home and the Legion Field, the Committee agrees it would be a nice feature. Grant funding has been approved by LOR to complete the project, construction would be planned for spring. An alternative placement has been suggested in the green space next to the tennis courts but has not been looked at yet.

Councilor Taylor **MADE A MOTION** to approve the skatepark construction with the site to be determined, Councilor I. Smith **SECONDED**.

The council discussed concerns about the suggested placement and discussed alternative locations.

Steve Schnackenberg, owner of the funeral home, was in favor of a skatepark but has concerns about growth in that area because there is no room for parking as it is, even during baseball season, people are parking on his lawn, he has to ask people to move because they park on his sprinkler system. Mr. Schnackenberg requested they find another location to put a skatepark.

John Bebee agreed it was a good idea to have it near the tennis courts and suggested other activities and another alternative location.

Jarad Pheonix, involved with the skatepark project, explained the reason they had chosen the possible location near the Legion Field. Mr. Pheonix described the skatepark feature they would like to build and other possible locations they had looked at but there would be no room for possible expansion in the future.

Jennifer Nelson supported the idea of a skatepark but felt near the funeral home would not be an appropriate site and recommended an alternative location near the ball fields.

DC Orr supported the idea of a skatepark and commented on his previous experience skateboarding and a skatepark he had helped build in the past, suggested not postponing the idea as has happened in the past and utilizing money from the Community Development to help fund the project.

Justice Fahland a current skateboarder encouraged Council to add a skatepark in one of our current park settings.

Ethan Cole supported the idea of a skatepark and encouraged Council to provide an area for the project, so it does not get postponed.

Ben Montgomery, involved with the skatepark project, explained why they had chosen the location near the funeral home, but stated the location isn't critical, they would just like a location to get it built.

Craig Pheonix supports the skatepark and understands Steve's concerns having it near the funeral home, encouraging Council to pick a better spot.

Councilor Smith had concerns for the grant deadline, if there needed to be a specific location in order to submit for the grant. Mr. Montgomery said LOR only needs the city's willingness to designate a space to receive the grant.

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

MOTION PASSED

Approve signing and submission of DNRC grant request for Urban Forest:

Mayor Williams explained the DNRC Urban Forestry Grant.

Councilor K. Smith **MADE A MOTION** to approve signing and submitting the DNRC grant for Urban Forest, Councilor Berke **SECONDED**.

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

MOTION PASSED

Approve Ordinance #2045 Aggressive Solicitation and adding definitions to same (second reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2045, Councilor K. Smith **SECONDED**.

DC Orr inquired if adding the definition was in the first reading and if minutes were requested there would be a recording of the meeting. Mayor Williams said the definition was in the first reading. Councilor K. Smith said there was not a recording of the minutes, but they are written down.

John Bebee commented he would like to see the same zeal with removing ordinances as there is with creating new ordinances.

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

MOTION PASSED

Approve Ordinance #2046 Urinating and Defecating in Public Places (second reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2046, Councilor K. Smith **SECONDED**.

Jennifer Nelson understood the ordinance covers public property or in view of the public but wanted to know if there was an ordinance to prevent people from urinating in her front yard.

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

MOTION PASSED

Approve Ordinance #2047 Camping, Sleeping, Motor Vehicles and Storage of Personal Property and Adding Definitions to Same (second reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2047, Councilor Berke **SECONDED**.

Jennifer Nelson commented that she was unsure, not sure what the word way meant right of way and suggested changing the wording to state public right of way.

John Bebee commented if there is already a state law for indecency why be redundant with city ordinances.

Councilor K. Smith **MADE A MOTION** to change that to rights of way, Councilor Zimmerman **SECONDED**.

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

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

MOTION PASSED

Approve Ordinance #2048 Parking violations fee schedule (second reading):

Councilor Zimmerman **MADE A MOTION** to approve Ordinance 2048, Councilor Berke **SECONDED**.

Councilor Taylor inquired if there was clarification on whether the citation gives up the right to protest.

Attorney Chisholm said it does not take away any rights, citations can be protested. Mr. Chisholm wanted to clarify the word Ways in the previous ordinance refers to alleyways or thoroughfares open to the public not covered by the word streets.

DC Orr commented that the attorney is giving bad advice and with a municipal infraction there are no rights and there could be jail time. Mr. Chisholm said that it is inaccurate, there is no imprisonment term for faulty parking.

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

MOTION PASSED

Approve Ordinance #2049 Amending Title 17, Chapters 12, 16, 17 and 20 Entitled "RESIDENTIAL A, RESIDENTIAL B, RESIDENTIAL C AND BUSINESS RESIDENTIAL (second reading):

Councilor K. Smith **MADE A MOTION** to approve Ordinance 2049, Councilor Berke **SECONDED**.

Councilor Zimmerman would like to see for Business Residential under 17.20.050, Performance Standards adding under (A) "exceptions: garages and carports are not subject to rear yard requirements" depending on the size of the lot to allow people to have a garage or carport to allow two vehicles. And under (B) adding "adjacent does not include alleys or rights of way"

The council discussed the possible changes.

Councilor Zimmerman **MADE A MOTION** to amend 17.20.050 (A) to include exceptions: garages and carports are not subject to rear yard requirements and under (B) adjacent does not include alleys or rights of way, Councilor K. Smith **SECONDED**.

DC Orr inquired if it was legal, ethical, and honest to amend on a second reading when the public has not had the opportunity to go over the information. Mr. Orr wanted to know if he requested recordings of Residential A, B, C, and Business would he be able to hear them and if the Chair of those meeting would testify in court there were minutes, or the city may go down the road of a lawsuit.

Jennifer Nelson commented that the public should have the information Councilor Zimmerman introduced to better understand. Ms. Nelson, a member of the Planning and Zoning Board, explained why she would like to see how it would affect the different zoning districts.

John Bebee inquired if there were committee rules on parliamentary procedures and due process.

Roberta McCanns, a member of the Planning and Zoning Board, explained the process, time, discussions, and energy it took for the recommendations to come to Council and ask to pass the Ordinances.

The council discussed what the amendment meant.

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

AMENDMENT DID NOT PASS

Councilors Berke, Burger, and K. Smith voted **FOR**. Councilors I. Smith, Taylor, and Zimmerman voted **AGAINST**. Mayor Willaims voted **FOR** breaking the tie vote.

MOTION PASSED

Approve all alcohol license applications received to date:

American Legion Club, Black Bord Bistro, Cabinet Mountain Brewing Company, Crosscut Casino, Dorio's, Gold Pan Casino, Harper-Erdman VFW, Kaiju Bar & Grill, Libby Empire Foods, Libby Qwik Stop, Lucky Lil's Casino, Lucky Logger Casino, Maggie's 2 Casino, Mint Bar, Pastime Bar and Lounge, Red, White & Brews, Rosauers Supermarket, Switchback Bar & Grill, and Town Pump

Councilor I. Smith **MADE A MOTION** to approve all alcohol license applications received to date, Councilor Burger **SECONDED**.

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

MOTION PASSED

Approve all Coin Operated Amusement License applications to date:

American Legion, Haper-Erdman VFW, Mint Bar, and Pastime Bar and Lounge

Councilor I. Smith **MADE A MOTION** to approve all coin operated amusement license applications received to date, Councilor Berke **SECONDED**.

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

MOTION PASSED

Approve all claims received to date:

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

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

MOTION PASSED.

Approve all business license received to date:

Councilor K. Smith **MADE A MOTION** to approve all business license received to date and Councilor I. Smith **SECONDED**.

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

MOTION PASSED.

Unfinished Business:

Discussion to amend Libby Development Fund Policy and application process:

The council discussed ideas how they would like the funds to be spent.

Councilor Taylor suggested, for the next meeting, everyone come with two items or directions each and set aside the time to discuss those.

General Comments from Council:

Mayor Williams announced Justin Williams, Sam Sikes, and herself had met with the representatives of the Farmers Market last week and they are looking at a portion of Riverfront Park to use for their Farmers Market, describing the areas they are looking for, there is a need of a permanent shed area. They have been informed they would have to have port-a-potties and insurance. They are reviewing their options and may come back in January to request the space.

Councilor Taylor addressed comments on non-agenda items where the public is not allowed to ask questions or interact with Council, two people got a response during the current meeting and he does not think it is fair or equal, everyone needs to be treated the same, if they are not going to answer anybody then nobody gets an answer.

The council discussed why the public comment period is for comments and not conversation and if something should be put into committee or addressed by Council that is done during Council Comment.

ADJOURNMENT:

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

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

MOTION PASSED.

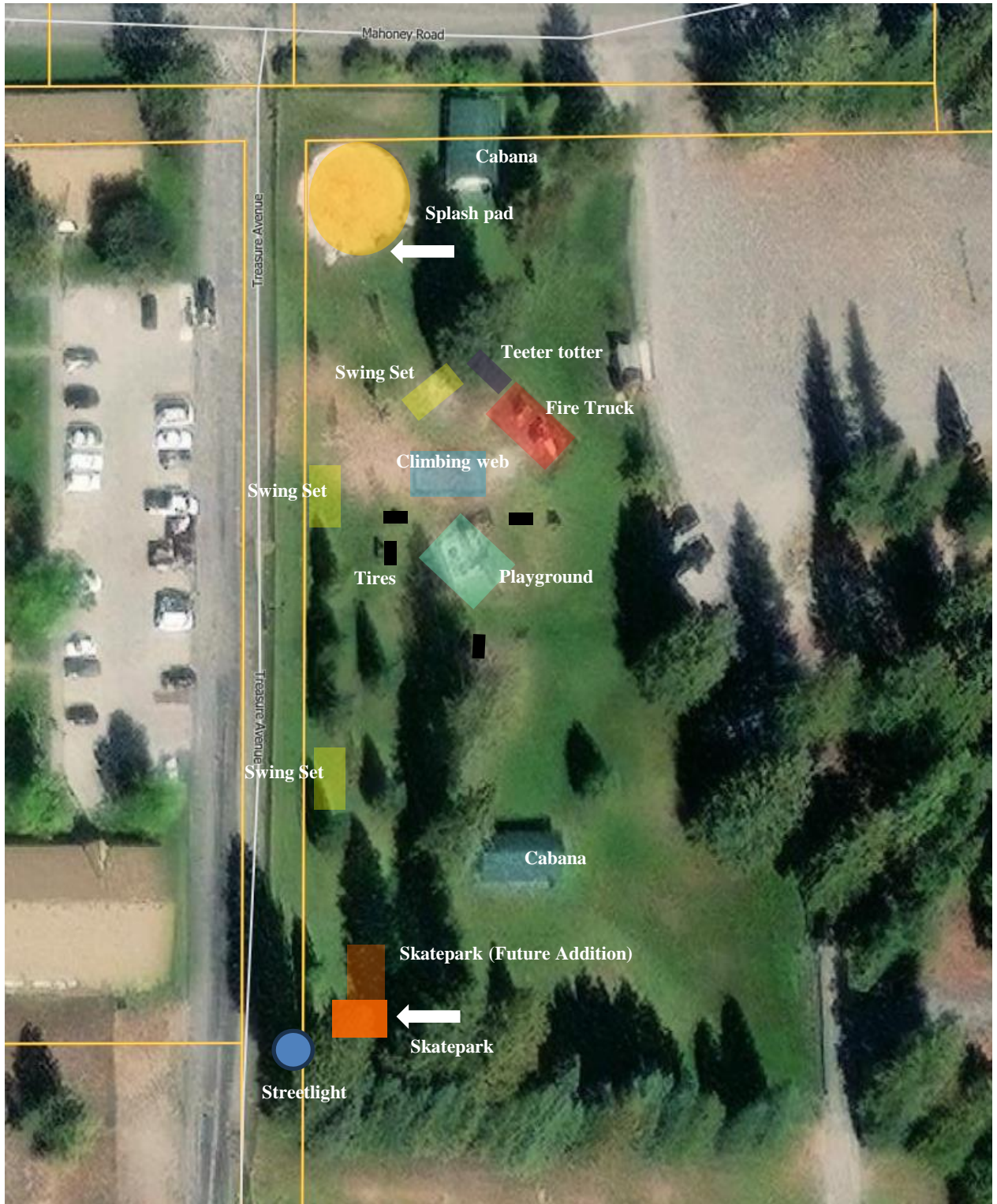
Mayor Williams adjourned the meeting at 8:34pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold

Fireman's Park 2025 Skatepark Addition



City of Libby

From: mayor@cityoflibby.com
Sent: Thursday, January 2, 2025 11:47 AM
To: 'City of Libby'
Subject: FW: [SPAM] Fly Shop Proposal - City Lease

From: Dave@montanaflyfishing.com -2 <dave@montana-flyfishing.com>
Sent: Monday, December 23, 2024 12:58 PM
To: mayor@cityoflibby.com
Subject: [SPAM] Fly Shop Proposal - City Lease

Hi Peggy,

Thanks for meeting with me last week about having a seasonal fly shop on city property. The two locations are on the map. My first choice would be the existing parking area by the ball field, I would need roughly an area of 150ft by 200ft. I would have a 12/14ft by 24 ft fly shop at the location from mid-may to mid-october. I would offer \$150/month rent for the 5 months which would be \$750. I would also look at a temporary/seasonal power hookup too, at my expense.

The second location by the park area would need proper signing along Hwy 37 for it to be a viable sight. That could also be a good area for the farmers market.

I am attaching a map with the two sites, along with a mono-slope shed fly shop building that would be similar to what we are thinking.

thanks,

Dave Blackburn

Kootenai Angler
GoFlyfishMontana.com

