



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1568

APRIL 19, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Benjamin Girod.
- Approve Special City Council Meeting Minutes #1566 dated 15 March 2021 and City Council Meeting Minutes #1567 dated 5 April 2021.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- KRDC
- 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.**

NEW BUSINESS: Each new agenda item will be introduced by the Mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. **Public comment is limited to 3 minutes concerning the agenda item being discussed only.**

1. Approve Igniters Car Club street closure and noise variance request with Kevin Peck.
2. Accept presentation of a reproduction early American Flag from Lois Kotzin.
3. Receive a business update, voice concerns on parking lot events, and proposed changes to the lease from the Libby Chamber of Commerce.
4. Adopt Ordinance 1981 – Golf Carts
5. Approve Counteroffer from Cabinet View Golf Course for loan repayment.
6. Approve all business licenses received to date.
 - a. Caring Touch Massage Therapy, Individual, 108 E. 9th St., Massage Therapy.
 - b. Kootenai River Tubing, LLC, 1522 Cabinet Ave., Tube and life jacket rentals.
 - c. Tara Miehe, Individual, 1520 Utah Ave., Services for members of the pilot program.

UNFINISHED BUSINESS:

1. City of Libby Wildlife Management Plan – Deer
2. IP negotiations.
3. Approve location for vault toilet at the Cross-Country Ski Course. (Tabled)
4. Adopt Resolution 1979 – Schedule of fees for specified water services. (Tabled)
5. Adopt Resolution 1980 – Schedule of fees for specified sewer services. (Tabled)

GENERAL COMMENTS FROM COUNCIL:

ADJOURNMENT:

Notes:

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.
- No personal remarks shall be addressed to the Council as a body and not to any member of the Council or Staff.
- 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 by 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: 04/15/21

UNAPPROVED MINUTES

The City held Special Council Meeting #1566 on Monday, March 15, 2021, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was completed, and Roll Call commenced. Present were Mayor Teske, Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, Mr. Zimmerman, and City Clerk/Treasurer Mr. Sikes.

Mayor Teske welcomed all in attendance to the Special Meeting for the purpose of discussing the loan repayment of the Cabinet View Golf Club Loan that was presented at Council Meeting #1565 by the Club Treasurer Mr. George Mercer.

New Business:

Council to discuss proposal from Cabinet View Golf Club concerning loan repayment.

Mayor Teske opened discussion by asking Councilor Beach to begin with a statement.

Councilor Beach defined what economic development is by reading a prepared statement speaking to quality of life, job creation, and tax bases. A brief history of how the Economic Development Funds were obtained including the purpose, scope, and lack of limitations was offered and Mr. Beach suggested two plans. Plan A was to accept the offer, as established, with both parties receiving \$878,875 and the City forgiving \$662,125. Plan B was to deny the offer unless full payment is made to the City of \$1,541,000. Mr. Beach then offered a third plan in which the City would accept partial forgiveness to hopefully spur the economy through local jobs and materials purchasing.

Councilor Smith expressed pleasure with the offer and thanked the Golf Club management for the hard work during this process and for past efforts. Ms. Smith stated that more disclosure on the contracts and contingencies was needed and voiced concerns that the development would be used for residential only as the area is now zoned for commercial use. Included was the opinion that the development should keep with the spirit of the original agreement which was to keep the area residential.

Mr. George Mercer, 406 Willow Rd., echoed the opinion that the development should be kept residential stating that nothing was in the contract adding that it could be added in a counteroffer. Mr. Mercer stated that it is in the best interest of all involved that the development be residential homes and projected a quick turn around in the expected completion of the project asking how long it would take to rezone the area. Councilor Smith stated the rezoning would be quick if the landowner petitioned for the change.

Mr. Dean Chisholm, City Attorney, added that a deed restriction could be added to the sale requiring rezoning later. Mr. Mercer pushed for Residential B zoning that would allow for condominium and duplex construction asking if rentals would be allowed to which Councilor Smith confirmed they would.

Councilor Williams and Mr. Mercer discussed the 51 total acres and concluded that no lots would be retained for future use or sale on the back 9 holes as per the loan contract.

Mayor Teske stated that this is the time for the Council to discuss the matter at hand and offered the floor for further discussion.

Councilor Taylor stated that the Golf Club had not lost anything and added, if the loan were to be repaid in full, the Club would still receive \$200,000. Mr. Mercer stated that the economic development funds were meant for the economy and not for the City then spoke to other Grants and monies that were lost questioning where the \$662,125 fell in on the scale. Mr. Mercer openly asked what the Council would do with the money if it was returned, adding that the Golf Club had to be considered a top success story in the history of the fund.

Councilor Dufficy questioned why the City had to forgive the whole \$662,125. Mr. Mercer stated that the offer split the difference of the net proceeds of the \$1.541 million dollars and would pay back 60% of the loan. Councilor Dufficy asked if the City could forgive one half equaling roughly 350k. Mr. Mercer stated that he could not speak to the offer and expressed the desire to move forward while adding a warning to the City to be careful about the offer.

Councilor Dufficy confirmed the position as a fiduciary of the City's money to which Mr. Mercer stated that the funds were originally federal funds and not the City's.

Councilor Smith requested information on other outstanding loans to the Economic Development Fund to which Mr. Sikes stated that roughly \$40k was going to be repaid by the City for the Firehall roof. Councilor Zimmerman added that the City had utilized over \$1,042,000 of economic development funds for City improvements that was considered a Grant. The VFW was mentioned as still owing the fund money it had received.

Councilor Beach asked how many new homes were projected in the development to which Mr. Mercer answered 68 to 70 adding that there are only 14 homes for sale where the average has been 55 in the past. Mr. Beach stated that the focus should be on hiring local.

Mayor Teske stated that the base rate for water and sewer on 70 homes would be \$5,000 a month. Councilors Smith and Beach agreed with the Mayor that forgiveness would be a win-win situation.

Councilor Smith was in the opinion of leaning towards loan forgiveness as the whole community received the money, not just the City adding that, looking in broad strokes, the Golf Club is considered a community asset where the money is reinvested repeatedly.

Councilor Zimmerman pondered the idea that it is not loan forgiveness so much as an economic development investment for the future, not to mention, another story for the pages of the economic development fund. Councilor Dufficy agreed, but added, the desire for the City to lower the loss amount.

Councilor Zimmerman, with assistance of Councilor Williams, stated that a bird in the hand is better than 2 in the bush. Commenting that we could lose the deal by trying to figure out if the City will forgive \$300k or \$600k to which Mr. Dufficy stated that the City has already waited for 17 years.

Councilor Beach asked how long the land had been listed and for how many times. Mr. Mercer answered that the land had been for sale since 2010 and added that the MLS listing last year had brought the current offer from a, all considered, local person. Mr. Mercer continued to state that the 51 acres for sale is not land but considered a project.

Councilor Dufficy asked how much money had been received from logging the acreage to which Mr. Mercer stated \$22k which was used to help make ends meet with the deal.

Councilor Williams asked what the Club would do with the money it received and Mr. Mercer answered a new Club House, cart sheds, \$300 sprinkler heads, and basic survivability of the Club and Golf Course. Councilor Williams asked if the Club was a non-profit to which Mr. Mercer stated it had been for over 20 years. Mr. Mercer added that the Club had Certificates that were used for voting purposes only and were thus considered not for profit. Councilor Williams declared that, as to alleviate conflict of interest, KLCB owns a Certificate.

Mayor Teske opened the meeting up to the public for comment.

Mr. Dann Rohrer, 123 Swede Gulch Dr. and 42 year Club member, gave thanks and appreciation to the Council for considering the offer. Mr. Rohrer went on to explain all the expenses that were accrued by the Club for the development and for the existing golf course since being brought into City limits. Taxes went from \$5k to \$24k, \$20k for the first plat map, \$25k to buy a house, and \$20k on surveying were a few of the prices mentioned. It was Mr. Rohrer's opinion that 70 more homes would be huge for the Community and the Club by bringing in tournaments, filling Hotels, meals, shopping, and having Canadian Day adding to the economic development of the area. Councilor Williams asked who had approached who to receive the loan to which Mr. Rohrer stated that Mr. Wade Haynes who had approached the City.

Mr. DC Orr, 1117 Nevada, stated that the \$8 million dollars was received with no strings attached, direction given, or restraints added mentioning that it was said that the City could buy ice cream for the City with the whole amount if desired. Mr. Orr agreed that Mr. Haynes had worked on building the community sewer system adding that the loan could not have been made contingent on the sewer system. Mr. Orr explained that the citizens had paid for the Cabinet View project that the Club land will use questioning if the sewer treatment plant could handle the increased use. Mr. Orr ended by stating that if the loan was forgiven that the Council should not come to the citizens for more money later.

Mayor Teske stated that the City Engineer said the sewer system could handle the influx adding that the situation would have to be revisited when future sub-developments are added. Councilor Smith stated the newfound knowledge that future developers are financially responsible for increases to the system and not the City.

Mr. Jeremy Mee, 373 Rustic, stated that golf courses are in decline and added that the only real security the Club has is the sale of the land and once it is gone so is the security. Mr. Mee explained that the Golf Club wants to be renowned to draw more players adding that timing is everything and if the deal is delayed there may no longer be a golf course. The example of Polson was brought up where it started small and now has million dollar houses around it.

Mayor Teske directed Mr. Sikes to place the offer for the sale of the land on the agenda for the next meeting while asking the Councilors to reach out to their constituents.

General Comments from Council:

None.

Adjournment:

Councilor Williams **MADE A MOTION** to adjourn, and Councilor Dufficy **SECONDED**.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Meeting adjourned at 6:48 pm.

Mayor Brent Teske

Attest; _____

Clerk/Treasurer Samuel Sikes

UNAPPROVED MINUTES

The City Council held meeting #1567 on Monday, April 5, 2021, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was completed, and Roll Call commenced. Present were Mayor Teske, Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, Mr. Zimmerman, City Administrator Mr. Hammons, and City Clerk/Treasurer Mr. Sikes.

Mayor Teske welcomed all and prayer was offered.

Approve City Council Meeting Minutes for #1565 dated 15 March 2021. Councilor Beach **MADE A MOTION** to approve, and Councilor Zimmerman **SECONDED**.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.
MOTION PASSED.

Announcements:

None.

Committee Reports:

City Administrator's Report: Mr. Hammons reported that the City was gearing up for spring and work has commenced on the Boulevard by adding a sprinkler system, planting trees, and adding sod. Work has been completed next to the tennis courts by trenching and adding the new wiring for power.

Fire: Councilor Zimmerman reported 6 calls in March with 3 in the City and 3 in the Rural areas. 2 were for structures, 2 for chimneys, 1 for mutual aid, and 1 for miscellaneous reasons. Mr. Zimmerman continued to explain that the front apron was still an issue and informed the Council that Grants have been requested for the County and City, of \$100,000 each, to replace the 20 year old SCBA's.

Police: Chief Kessel reported 230 calls for service in March ending in 8 arrests and 31 citations whereas last year was 288 calls for 19 arrests and 34 citations. Libby Police has been, and is implementing, a new records system that will make reporting statistical data much easier. Libby was selected as one of two small departments in the State to receive the new system.

Resolution/Ordinances: None.

Lights/Streets/Sidewalks: None

Building: None.

Water/Sewer: None.

Zoning Commission: Councilor Smith reported that the next Zoning Meeting would be on the 26th of April at 6 pm in the City Council Chambers of City Hall and will hopefully finish Residential A.

Cemetery/Parks: None.

Finance: Mr. Sikes reported that the Insurance Policies for the City were being almost completed along with the City's Property lists. Thanks to Tracy Rebo of Troy, Mr. Sikes reported that an IRS 457 deferred compensation fund or Roth IRA will soon be available to the City employees. A budget meeting is set for Wednesday the 7th of April at noon in the Council Chambers.

KRDC: None.

City-County Board of Health: Mayor Teske reported that the Board had not met so a report would be available at the next meeting.

Park District Manager: None.

Public Comment on Non- Agenda Items:

Oliver Orak voiced displeasure with the Council by not passing the Ordinance on Golf Cart use in City limits. Mr. Orak explained that golf carts are the only device that allow the freedom to movement and travel for many disabled people and stated that the Americans with Disability Act (ADA) allowed the disabled person to choose any vehicle to utilized. Mr. Orak vowed to be driving the cart tomorrow regardless of the law since it has been over a year that the Ordinance was first proposed to the Council adding that the City is hindering free movement and that a lawsuit will be next if no action is taken. Oliver Orak made it clear that a lawsuit it not the desired outcome for either side but will be the only option without City action.

Mayor Teske informed Mr. Orak that the ADA documents were sent to the appropriate committee and that further information would be available at the next meeting following research into the matter from an ADA viewpoint. Mr. Teske added that the original Ordinance was to allow all golf carts with special crossings within the City and not looking at the ADA standing.

Councilor Zimmerman questioned why Mr. Orak could not use a mobility device that was already authorized by law to which was answered that the ADA allows the disabled person to choose any device wanted.

Mayor Teske read through portions of the ADA then Councilor Zimmerman brought up side by side vehicles questioning why Oliver could not to use one.

Ken Crandell, 3377 Bobtail Road, explained that a side by side would not work because of the height and ease of use stating that certain disabilities will not allow easy access to get into the vehicles. Four wheelers are also out due to steering, and the cart in question was specially adapted to Mr. Orak.

Mayor Teske requested that Mr. Orak wait until the 19th of April to drive to allow the Council time to research the ADA standpoint as to the issue adding that permission can not be given to drive the cart as it is now illegal to do so.

Mr. Chisholm stated that the ADA was a very tricky and fact specific, article adding that it was not true that whatever vehicle the disabled person chose was legal. Mr. Chisholm explained that Mr. Orak could not drive tomorrow without police involvement stating that precedent had been set in other states, and requested that time be given to look at the issue from the ADA viewpoint.

Mayor Teske reminded everyone that a timeframe had been established for discussion and debate on the golf cart issue for the 19th of April while reminding all that the limit is 3 minutes before the Council.

Derek Williamson, 514 East 8th St., spoke of the Supreme Court and precedent as to common rights so long as conducted safe and orderly.

DC Orr, 1117 Nevada, trying to understand the issue better, asked why the issue had not been looked at from the ADA viewpoint a year ago. Mayor Teske explained that a decision had been made which was no. Mr. Orr asked if the Highway was the issue to which the Mayor stated that the original request was for the whole City with crossings on the Highway. Mr. Orr voiced the opinion that the ADA works for whatever the disabled person wanted adding that there is no reason to make someone decide what to drive.

Debbi Lynch, 1320 Cabinet Ave., stated that Oliver did not want to go crazy, just wanting to go to work, the store, home, and to be simply independent.

New Business:

Approve offer from Cabinet View Golf Club on loan repayment.

Councilor Dufficy stated that it was in the best interest of the public to negotiate for a fairer deal and **MADE A MOTION** to reject the offer in total.

Mayor Teske reminded the Council that the agenda stated to approve the offer adding that the vote to approve must be held prior to moving forward.

Councilor Zimmerman **MADE A MOTION** to approve the Golf Club's offer and Councilor Smith **SECONDED**.

Mayor Teske opened the floor for discussion opting to go from left to right as the Councilors are seated.

Councilor Smith was equally concerned with the Golf Club, community, and citizenry stating that contracts are messy things. Ms. Smith explained that most folks were not supportive of full forgiveness opting for a more appropriate amount while considering the factors and history of the fund.

Councilor Beach concurred with Councilor Smith on the Golf Course being a great asset and project as a whole, adding that the comments received were concerning the amount offered and wanting to negotiate a different amount.

Councilor Williams concurred. Councilor Taylor offered support for the Golf Club adding that the deal may not be in the best interest of the community. Over 250 constituents gave the recommendation to have the loan paid in full.

Councilor Dufficy, a member of the Club, stated support for the Club but not the deal adding that the citizens want the money back. Mr. Dufficy explained that the land is a great asset while not accepting the ultimatum from the Club to take the deal.

Ann German, a Libby attorney, voiced her opinions starting with thanking previous generations for investing in Libby's infrastructure while questioning how Mr. Mercer could be so unprofessional and demanding of the City and Council. Ms. German explained how the City actually has a lien on the property, considered a mutual agreement, and should recover more money than offered as it was, and is, the City's money adding that the Golf Club had to borrow from the City as it could not get a conventional loan.

DC Orr, 1117 Nevada, agreed with Ann German and Councilor Beach that it is best to proceed slowly with all the facts to make the best decisions possible. Mr. Orr stated that the Golf Club is in default and is violating the loan contract adding that a third party coming in and taking money from the people's pockets is fraud.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **AGAINST**.

MOTION FAILED. Mayor Teske announced the offer rejected.

Councilor Zimmerman **MADE A MOTION** to accept \$1,041,000 and waive the remainder of the \$1.54 million dollars and Councilor Smith **SECONDED**.

Councilor Williams questioned what the number was based on to which Councilor Zimmerman answered that the City would still recover seven digits and write off \$550k, which is easy math.

Councilor Smith asked for the City attorney's opinion which was that the parties are free to negotiate and, with no insight into the Club Board, the City has every right to make counter offers.

Councilor Taylor stated that if the Club were losing money the numbers would be different and added that the Club is still going to make money once full repayment is made. Councilor Dufficy agreed and added that the Club has had the loan interest free for 17 years and it is time the money was repaid.

George Mercer, 104 Willow Rd., thanked the City for looking at the offer, and countering, and highlighted that the City did not negotiate when forgiving the Grant made to itself.

Mayor Teske stated that previous Councils made the decisions at the time and now is not the time to make the same mistakes. Mr. Mercer stated that the Government always has the upper hand and Mayor Teske stated that this is not a take it or leave it situation adding that it is in the City's best interest to renegotiate.

George Mercer commented on the Club by stating everything is non-profit without any benefits to the members adding that all monies received go directly back into the Club. The books are open to any

person who would like to see them, and the Club needs a new Clubhouse and Maintenance shed. George added that the offer would be the largest payback adding that the community and Club would profit from the extra 70 homes that will be built around the back 9 asking the offer to be reconsidered.

DC Orr stated it is illegal to make a counteroffer giving away \$500k without putting it on the Agenda for public comment, adding that the money was given to the City with no strings attached and questioned who the third party was, and related to, in the deal.

Dan Roher, 123 Swede Gulch Dr., gave the opinion the original purpose of the \$8 million was economic development adding that 70 homes would benefit the area every year adding that all successful communities have amenities such as skiing and golf as the areas are more attractive and receive more money in return.

Jerry Mee, 373 Rustic, stated the desire to move forward with the opportunity to sell the land or wait for repayment longer because the City cannot foreclose on the Club due to the way the contract is written.

Councilor Smith asked George Mercer if the Club had construction plans for the new clubhouse and where the location would be to which was answered that the plans place the new building in the front of the property close to where a large burn pile currently rests.

Councilor Dufficy asked if the Club had considered selling the old Clubhouse as that would bring in a lot of money to which George Mercer answered, yes, adding that the old clubhouse location would become residential. Discussion continued with the purchasing of surrounding properties and boundary line adjustments to sell the property as a major versus minor area which affects the price ending with Ray Hollinsworth not receiving an offer yet on the property adjoining the Golf Course.

Councilor Williams asked the City Attorney for an opinion. Dean Chisholm complimented the Council for the transparency adding that any vote would be legal but not necessarily binding as contractual changes and considerations would have to be completed.

Councilor Dufficy questioned if there was a motion on the floor, and if so, could the motion be tabled to which the Mayor stated that the motion was a counteroffer that should be given to the Club as a dollar amount allowing for open negotiations asking Councilor Zimmerman if the motion was still in effect. Councilor Zimmerman declined to pull the motion opting to move forward.

George Mercer offered appreciation to the Council and mentioned there was no relation to any party involved in the deal with the prospective buyer.

Councilor Beach expressed torn feelings between the economic benefit of 70 homes and the long term monies versus recovering more of the loan to be a better steward of the people's money adding the desire to see full repayment now with a Grant being awarded later to the Club.

Councilors Smith and Zimmerman voted **FOR** and Councilors Dufficy, Taylor, Williams, and Beach voted **AGAINST**.

MOTION FAILED. Mayor Teske announced the offer rejected.

Councilor Taylor **MADE A MOTION** that the Club repay the loan entirely while bringing Clubhouse plans, with cost estimates, to the Council at a later date to be considered for a Grant and Councilor Dufficy **SECONDED**.

Discussion occurred on the nonspecific grant amount and the desire to have further investigation to get the full picture. Mayor Teske informed the Council to ask the questions or have a different discussion now. Councilor Williams stated that both parties involved needed dollar amounts and assurances.

DC Orr gave the opinion the City could not compromise, stating, it was always the intention of Wayne Haynes, deceased, and the Club to develop the area and not bring in a third party. DC Orr added that previous Mayors and Councils had made it impossible to account for the full \$8 million dollars stating accountability should start now.

George Mercer explained the unawareness of where the Council was on the motions. Mayor Teske informed all that the current motion was to repay the loan in full and for the Club to return for a Grant in the future. Mr. Mercer stated that he would take the offer to the Board adding the meeting would have to be soon as there is a 14 May deadline.

Councilor Dufficy and George Mercer discussed the current Clubhouse and sheds that have passed the acceptable life span and thus could not be moved to a new location.

Councilors Zimmerman, Beach, Williams, Taylor, and Dufficy voted **FOR** and Councilor Smith voted **OPPOSED**.

MOTION PASSED. Mayor Teske stated that the information would be given to the Club and called for a 5 minute recess.

Adopt Resolution 1979 – Schedule of fees for specified water services.

Mayor Teske read the resolution.

Councilor Beach **MADE A MOTION** to adopt the resolution and Councilor Zimmerman **SECONDED**.

Councilor Smith expressed her confusion with the resolution as the Council was just trying to extract money from the Golf Club and was now giving leeway to a developer questioning why the resolution had 20 hookups, asking if there were only 15 hookups would the person pay the full price.

Mayor Teske stated that the resolution had come out of committee as proposed, to which Councilor Smith stated it would set bad precedent moving forward, adding that hookups are just part of the development cost and the resolution would incentivize mobile parks as affordable housing.

Councilor Zimmerman tried to explain that a subdivision is different than a mobile park as the lots in a park could not be sold individually to recoup the fees adding that the resolution requires the developer of a mobile park to pay for all aspects of the water and sewer system including the materials, equipment, and labor, while also paying a \$500 per hookup fee. Councilor Beach stated that the \$500 fee was for supervision and inspection of the system installation by city personnel.

Councilor Smith stated that the resolution would not preclude individual lots for mobile homes adding that someone else could make a park, not paying the full fees, and sell the lots individually later.

Councilor Smith asked if Councilor Zimmerman had investigated what other municipalities had done to which was answered yes. Councilor Taylor agreed with Councilor Smith and Councilor Dufficy asked if the motion could be withdrawn and the resolution be tabled. Mayor Teske stated his opposition to the constant tabling of items and Councilor Beach stated willingness to table the resolution.

Councilor Smith stated that ample time had not been given to consider the resolution just as with the offer from the golf club. Councilor Beach requested that the committee and city administrator supply support documentation for the resolution.

Mayor Teske asked Council if the resolution was to be tabled or a voted upon to which Councilor Beach agreed to table the resolution.

RESOLUTION TABLED.

Adopt Resolution 1980 – Schedule of fees for specified sewer services.

Mayor Teske read the resolution.

Councilor Smith **MADE A MOTION** to table the resolution and Councilor Taylor **SECONDED**.

Councilor Dufficy requested transparency as the proposed park was in the county and Councilor Smith stated that the resolution was too vague and needed more specifics.

DC Orr voiced the opinion that the fees were impact charges due to the greater stress on the water and sewer systems.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

Mayor Teske directed City Clerk Sikes to bump both resolutions down into the unfinished business section of the Agenda.

RESOLUTION TABLED.

Approve Land Solutions to upgrade the City Growth Policy. Total not to exceed \$50,000.

Mayor Teske explained that four proposals were sent out with only one being returned thus restricting the options for awarding the contract.

Councilor Williams **MADE A MOTION** to approve the Contract and Councilor Smith **SECONDED**.

Mayor Teske stated the City already had most of the money in a \$37,500 Grant and \$8,000 already earmarked for the project.

DC Orr stated the product would be like the county product and voiced concern whether Councilor Smith would be subcontracted to complete the work and asked for a legal opinion. Dean Chisholm made

it clear that the City Attorney did not work for, or answer to, DC Orr adding that Councilor Smith could state for the record that she was not going to subcontract for the job.

Councilor Smith stated that she would not subcontract any portion of the Growth Plan.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve all business licenses received to date.

Mayor Teske read through the applications for: Jones Services and Pats Tree Service.

Councilor Dufficy **MADE A MOTION** to approve the licenses and Councilor Beach **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Approve claims and payroll for March of 2021.

Councilor Williams **MADE A MOTION** to approve the claims and payroll and Councilor Dufficy **SECONDED**.

Councilors Williams, Beach, Dufficy, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Unfinished Business:

City of Libby Wildlife Management Plan - Deer.

Mayor Teske asked Dean Chisholm to explain if the plan was an Ordinance, Resolution, or Policy. Discussion was held, once again, over where the trouble areas were within the plan. Tanya from the FWP explained that 100 deer were trapped with 7 possible CWD and 89 given to the food pantry for processing.

Mayor Teske tabled the plan until a clear recommendation could be made and DC Orr was assured that the meetings on the plan would be public.

Approve location for vault toilet at the Cross-Country Ski Course. (Tabled)

Mayor Teske reported no movement on the toilet.

General Comments from Council:

Mayor Teske expressed understanding in Oliver Orak's situation with the Golf Cart Ordinance and was pleased it was being revisited with the ADA point of view.

Adjournment:

Councilor Dufficy **MADE A MOTION** to adjourn, and Councilor Williams **SECONDED**.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

MOTION PASSED.

Meeting adjourned at 9:00 pm.

Mayor Brent Teske

Attest; _____
Clerk/Treasurer Samuel Sikes