



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1595

DECEMBER 20TH, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Prayer offered by Marcus Girod.
- Pledge of Allegiance
- Roll Call
- Welcome
- Approve City Council Minutes #1594 and Public Hearing Minutes dated 6 Dec, 2021

ANNOUNCEMENTS:

COMMITTEE REPORTS:

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

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: Each new 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.

1. Approve Resolution #1997 Alcohol License fee Adjustment.
2. Approve all businesses received to date.
 - a. Green Diamond Resource Company, Corporation, 138 Pipe Creek Rd, Forest Management.
 - b. Lincoln and Beyond Moving Labor, LLC, 503 Dome Mountain Ave, Packing and Moving Labor.
 - c. Massage Muse of Montana, Individual, 417 Mineral Suite 8, Massage Therapy.

UNFINISHED BUSINESS: Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

1. IP negotiations.
2. Noble Investments request for easement by Sewage Treatment Plant.

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 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: 12/16/21

UNAPPROVED MINUTES

The City Council held Council Meeting # 1594 on Monday, December 6, 2021, in the Council Chambers at City Hall.

Call to Order:

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

The pledge of Allegiance was completed, and Roll Call commenced. Present were Mayor Peggy Williams, Councilors Gary Beach, Kristin Smith, Brian Zimmerman, Zachariah McNew, Rob Dufficy, Hugh Taylor, City Administrator Sam Sikes and Clerk/Treasurer Leann Monigold.

Mayor Williams welcomed all present and introduced Leann Monigold as the new Clerk/Treasurer.

Approve City Council Minutes #1593 dated Monday, November 15, 2021. Councilor Beach **MADE A MOTION** to approve, and Councilor McNew **SECONDED**.

Councilors Beach, Dufficy, McNew, Smith, and Zimmerman voted **FOR**. Councilor Taylor sustained due to being absent for the previous meeting.

MOTION PASSED.

Announcements: None

Committee Reports:

City Administrator: Administrator Sikes reported that the Streets Department picked up a load of winter mix for winter road safety. Jonathan Graham was hired to fill the open position in the Water Treatment Plant and will start on December 13th. Graham will be transferring from the Libby Police Department. The Sewer Treatment Plant has had mechanical problems with the control panel. Problems are being resolved to the best of our ability due to parts no longer being available. Sikes stated he met with the USFS over improvements to the bank of Flower Creek between the upper and lower reservoir. Those improvements will be completed in the next couple of years.

Fire: Councilor Zimmerman reported that the Volunteer Fire Department responded to 13 calls for the month of November 2021. There were 5 calls in the City, 5 calls in the Rural Fire District, and 3 call were outside the City or RFD. There were 3 call for chimneys, 3 call for Libby Ambulance, 2 false alarms, 1 call for smoking exhaust fan, and 1 call for carbon monoxide alarm. There have been 123 calls as to date for 2021. The new SCBA equipment is scheduled to arrive on December 1st. The changeover for the new equipment will take approximately 3 weeks in order to complete fit testing, equipment training and familiarization.

Police: Libby Police Chief Kessel reported for the month of November that 177 calls were received for services, 16 arrests were made, and 12 citations were issued. There will be a vacancy with Officer Graham's departure, so advertising is in progress. One of the 2014 Explorers is out of service with transmission issues. Officer Smith represented the LPD for this year's Christmas activities.

Ordinances: Councilor Smith reported that a meeting is scheduled for December 7th to discuss recreational marijuana.

Lights/Streets/Sidewalks: Councilor Beach reported that there will be an upcoming meeting the subjects of discussion will be sidewalk projects, possibly seeking funds for mobile radar trailer for the LPD, and a parking request for the 100 block of E 6th St.

Zoning: Councilor Smith reported that a planning meeting is scheduled for 6pm 13 December 2021 with an update on the growth policy. A Zoning meeting at 7pm 13 December 2021.

Public Comment on Non-Agenda Items:

Gail Burger, 302 California, inquired where the refurbished Christmas wreaths for Mineral Ave. will be stored in the future since the current space they were stored is no longer available. Mayor Williams stated that future storage would be discussed with Sikes.

Dave Kemmerer, 124 Pioneer, was curious as to why the train whistle needs to blow throughout the night. Mayor Williams explained that the whistles are blown for safety reasons at all train crossings and that the city has no jurisdiction.

Nicole Rogerson, 505 Mineral Ave., inquired about having a parking space marked for Rogerson's new business. Chief Kessel stated it was not possible due to obstructing the line site.

Old Business:

Approve final plat for Girod subdivision – Nick Raines presented the Council with documentation that all eight conditions for approval of the final plat for the two-lot subdivision behind Big Sky Lumber have been met. Raines recommended that the final plat be approved by the Council.

Councilor Smith **MADE A MOTION** to approve, and Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Approve Noble Industries, LLC request for easement – Chris Noble requested an easement to develop the land by the City's Sewer Treatment Plant. Noble would like to begin developing the property by installing water and sewer lines along with road access for future development. Mayor

Councilor Smith **MADE A MOTION** to get it on the floor for discussion, and Councilor Taylor **SECONDED**.

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

MOTION PASSED.

Council Discussion: Mayor Williams asked Noble for clarification on the size of the easement.

Public Comment:

Dave Kemmerer, 124 Pioneer, had concerns about flooding (for the area Noble would like to develop.)

Jen Remp, 252 Kootenai Views Dr., asked how the new road would be maintained and taken care of. Noble replied that it would be a city street and could be put to city standards once built. Remp also asked, with traffic, what the easement requirement would be. Zimmerman explained the proper requirements for a standard city street. Remp then inquired whether their property would be zoned as city and not county. Noble responded that it would eventually be zoned for the city, but not in the near future, because this is to allow for future growth.

Council Discussion (reopened): Councilor Smith stated that the agreement Noble submitted should be considered a draft and rewritten by Attorney Chisholm for the city's interest. It should also have an attached exhibit that specifically shows the width of the easement. Councilor Smith feels the easement should be dedicated as a public easement. Councilor Smith suggested that part of the agreement should read that no construction should be completed until all aspects of easements have been acquired.

Councilor Zimmerman wanted to make clear that without the easements that no water lines, sewer lines, or roads would be added to this area.

Attorney Dean Chisholm was brought into the discussion via zoom to let the council know a redraft needed to be done.

Mayor Williams a decision until the new agreement can be drafted and future approval will be discussed on 20 December 2021 council meeting.

All council members agreed.

New Business:

Approval of the contract renewal and change in the monthly price with Fraser Management and Consulting, PPLC. The monthly price has gone up from \$190 to \$200.

Councilor Smith **MADE A MOTION** to approve, Councilor Beach **SECONDED**.

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

Approve all business licensed received to date:

Councilor Smith **MADE A MOTION** to approve businesses for Extra Help, Kootenai Treasures, LLC, T-Mobile West, LLC, and Welding Solutions, LLC and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Approve Claims and Payroll for November 2021.

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

Councilors Beach, Dufficy, McNew, Taylor, Smith, and Zimmerman voted **FOR**:

MOTION PASSED.

Unfinished Business:

IP negotiations: The council members discussed receiving an update in order to keep this as unfinished business.

General Comments from the Council:

Mayor Williams announced that her email address had changed and warned the public of a scam asking them to buy gift cards from her old email address.

Dan Clark Training on 22 February 2021, council agreed at 4pm. Upcoming Councilor Berke was also informed.

Councilor Taylor inquired if there was any new information about the S&D mobile car wash being in violation of residential zoning laws. Mayor Williams responded by recommending a cease and desist order be presented to them. Attorney Chisholm is currently investigating the situation. Council discussed S&D's zoning violations and resolved to postpone further debate until Attorney Chisholm's investigation is completed.

Adjournment:

Councilor Dufficy **MADE A Motion** to adjourn and Councilor Smith **SECONDED**.

Councilors Beach, Dufficy, McNew, Taylor, Smith, and Zimmerman voted **FOR**
MOTION PASSED.

Mayor Williams adjourned the meeting at 7:54 PM.

Mayor, Peggy Williams

Clerk/Treasurer, Leann Monigold

UNAPPROVED MINUTES

The Libby City Council held a Public Hearing on Monday, 6 December, 2021, at 6:15pm to obtain public comment regarding a Conditional Use Permit request for a CNC machine shop proposed within the former Elk's building 220 West 4th Street.

CALL TO ORDER:

The meeting was called to order by Mayor Peggy Williams at 6:22pm.

Present were Mayor Peggy Williams, Councilors Gary Beach, Kristin Smith, Brian Zimmerman, Zachariah McNew, Rob Dufficy, City Administrator Sam Sikes and Clerk/Treasurer Leann Monigold. Councilor Hugh Taylor was not in attendance.

Councilor Smith **MADE A MOTION** to discuss the subject of the conditional use permit. Councilor Dufficy **SECONDED**

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

Todd Francis the applicant for the Conditional Use Permit was not in attendance. Administrator Sikes contacted Francis and the Council was able to bring him into the discussion via audio on Zoom.

Francis outlined the operations of a CNC machine shop. There will be no dust flying around because all of the machinery is contained. There will be no odors or exhaust emanating from the structure or any noises to annoy the nearby neighbors because all of the machinery is quiet. The products will be manufactured by two people. Business hours would be Monday through Friday, from 8 p.m. to 5 p.m., and occasionally on the weekends. Francis stated that parts would be made in batches and then sold.

Mayor Williams opened the floor for public comment.

Jennifer Nelson of 1026 Washington was concerned that permitting a CNC machine shop into the residential/business zoning district may allow more manufacturing businesses to open near downtown service businesses. Nelson also wanted to know if the building will emit any pollutants. There would be none, Francis responded.

Gail Burger of 302 California Ave. supports the start-up of a new business in the area. Burger wondered if the business was producing a product for a single entity or if there would be walk-in customers. Francis indicated that walk-in traffic would be highly unlikely and that all products would be shipped to buyers.

Councilor Smith referred to the Conditional Use Permit application, stating that it will be 95% mail order and that the machine oils are environmentally approved, non-flammable, water-based, and all stored inside the building. Councilor Smith stated how the business/residential ordinance reads and that the building is within this unique district and that there are special provisions for businesses that meet all requirements of the ordinance.

Mayor Williams closed comments.

Mayor Williams suggested deferring the decision due to difficulty hearing with the audio problem and that the applicant was absent from the hearing unless the council felt comfortable making a decision.

The Council was in agreement that a decision could be made based on the information that was presented.

Councilor Smith reminded the Council that since the application is for conditional use, the permit may be subject to conditions.

Mayor Williams stated the conditions for the permit. The conditions include that the business must be as it was presented and there will be a building permit review since it is an existing building to ensure it is compatible with a CNC's use.

Francis agreed with the conditions.

Councilor Smith **MADE A MOTION** to grant the Conditional Use Permit subject to conditions. Councilor Dufficy **SECONDED**.

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

ADJOURNMENT:

Mayor Williams adjourned the meeting at 6:40pm.

Mayor, Peggy Williams

Clerk/Treasurer, Leann Monigold