



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1599

FEBRUARY 22, 2022 @ 7:00PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Elvie Miller
- Roll Call
- Welcome
- Approve City Council Minutes #1598 dated February 7, 2022

ANNOUNCEMENTS:

COMMITTEE REPORTS:

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

1. Approve Kootenai Pets For Life Building Expansion .
2. Pursuant to parties settlement agreement the City of Libby approves certificate of survey provided to Council- Brooks Holdings, LLC.

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 #1998 amending budget for fiscal year 2020-2021 to reflect actual income/expenditures.
2. Approve City of Libby seeking bids for wastewater bar screen construction project.
3. Approve Tina Oliphant as City of Libby grant administrator for upcoming wastewater/water construction projects.
4. Approve all business license applications received to date.
 - a. Honey-Do Crew, 215 E. Kootenai Ave., LLC., Home repair and remodeling.
 - b. Point Property Management, 1100 Greers Ferry Rd., LLC., Property Management.
5. Approve all Beer, Wine or Liquor Licenses received to date.
 - a. Pizza Hut, 903 California Ave.

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.

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: 2/17/22

UNAPPROVED MINUTES

The City Council held Council Meeting # 1598 on Monday, February 7, 2022, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was completed, Prayer was led by Bill Sonntag, and Roll Call commenced. Present were Mayor Peggy Williams, Councilors Gary Beach, Melissa Berke, Zachariah McNew, Kristin Smith, City Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and Attorney Dean Chisholm was present via Zoom. Councilors Brian Zimmerman and Hugh Taylor were not in attendance.

Mayor Williams welcomed all present.

Approve City Council Minutes #1597 dated Tuesday January 18, 2022.

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

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

MOTION PASSED.

Announcements:

Mayor Williams introduced Justin Williams the City's new Streets Supervisor. Mr. Williams thanked everyone present and offered a brief introduction about himself.

Committee Reports:

Police: Chief Kessel announced, via Zoom, one officer was out due to Covid. Chief Kessel read the report for the month of January 2022. There were 237 calls for service. 21 of the calls were for City Ordinance violations due to snow removal. 72 traffic stops approximately 25% were issued a citation the rest were given a warning to try to correct behavior. 8 automobile crashes, responded to 22 disturbances, 14 property crimes, 10 sensitive investigations underway. Chief Kessel announced the officer job that became available with Jonathan Graham's transfer to another city position has been removed, and Officer Graham will continue to work part-time to assist.

Ordinances: Councilor Smith reported that as a result of the work done over multiple committee meetings, the introduction of Adult-Use Marijuana in city limits would be an item being addressed later on the agenda and there are currently no committee meeting scheduled at this time.

Lights/Streets/Sidewalks: Councilor Beach reported no new updates with the committee, but a meeting is being scheduled for February 17th or 18th around lunch time, and the items to be discussed will be upcoming sidewalk projects and parking issue and requests in the downtown area.

Zoning Commission: Councilor Smith reported a meeting was slated for the end of January, but due to the Planning Board meeting on the Growth Policy Update, bled into time allotted for the Zoning Commission meeting. Councilor Smith indicated the Planning Board had a productive meeting on the Growth Policy Update.

City-County Board of Health: Mayor Williams announced Amy Fantozzi was out of town but had sent an email. Mayor Williams read the email, reporting the BOA had approved their mission statement to say: "The City-County Board of Health for Lincoln County works to prevent disease and illness, ensures a healthy environment, and promotes healthy choices by setting county-wide policies to protect the health of Lincoln County residents." The email also stated Public Health reported a recent increase in COVID cases and the Omicron variant has been confirmed in Lincoln County. New officers were elected: Board Chair – Josh Letcher, Board Vice Chair – Amy Fantozzi, Secretary – Patty Kincheloe, and Jan Ivers' term was renewed and the next meeting will be February 8th at 6pm at the Courthouse.

Parks District Manager of Projects: Tony Petrusa, 559 Florence Rd., presented the 2021 Annual Report. \$5,918 had been invoiced and paid. In the future, there will be quarterly reports instead of monthly. The Libby Pool Project is currently on hold and the committee would like to meet with community business leaders to get their input on an aquatic facility in Libby. Mr. Petrusa also stated with the Greater Libby Area Trails Plan, the Libby Outdoor Recreation Association (LORA) has an action team meeting to work on specific tasks and has developed a board of directors. They are a nonprofit entity registered in the State of Montana and have received an EIN # from the IRS to become a tax exempt nonprofit entity. Mr. Petrusa stated (LORA) participated in the City of Libby source water delineation plan, withdrew request from DNRC for section 16 bike course on Flower Creek/Parmenter Hill, and may be taking a different approach and looking into getting bicycle paths adjacent to the golf course. A road bed and drainage upgrade to FS128 (also known as Flower Creek Rd.) up to Flower Creek Dam was completed, and \$20,000 was obtained from RAC for paving FS128. Vault Toilet approval for Nordic ski course. (LORA) participated in the 1st annual Forest Fair. A parking area was established for Flower Creek trail head. Improvements were made to the historical Norgard trail and Snowshoe trail. (LORA) has started working with USFS to obtain easements for non-motorized trails from Nordic ski course to Snowshoe trail and continues to refine the Flower Creek Recreation Development Plan. Mr. Petrusa wanted to thank the City on behalf of Kootenai Winter Sports and Turner Mountain ski area for the building and the equipment that was donated.

Councilor Smith responded that the City did adopt the source water delineation plan and the document stated the plan could be executed at any time. Councilor Smith thanked Mr. Petrusa for actualizing the recreational opportunities for the community.

Councilor Beach inquired about who was elected for the board of directors and which entity they are associated with. Mr. Petrusa responded, The President is Bill Pepper from the Mountain Bike group, Vice-President is Cathy Spenser from the Chamber of Commerce, Secretary Treasurer is Tina Oliphant with KRDC.

Mayor Williams inquired about Mr. Petrusa's request for planning grants and wondered how it proceeded. Mr. Petrusa replied that it grants were rejected, but they would keep trying.

Public Comment on Non-Agenda Items: None

Old Business: None

New Business:

Introduction of Kootenai Pets For Life building addition request:

Faith Lee presented the KPFL request. Ms. Lee stated she is currently the President for KPFL located at 125 County Shop Rd., a non-profit animal shelter and KPFL started in Troy in 2001 and moved to Libby in 2008 to the current location. Ms. Lee explained since KPFL was established they have facilitated spaying and neutering for over 8000 animals, 3700 animals that have lived within the facility to be adopted and KPFL is a 100% volunteer organization. Ms. Lee gave statistics on adoptions, clinic operations, and volunteered hours for year 2021. Ms. Lee requested approval for, dog intake and quarantine, building addition and extending the roof over existing dog kennels.

Jeff Sharp, Director of KPFL, described the layout of the property and explained where the building addition would be, how the dogs would be housed, and the addition would include room for 4 more kennels, larger fencing area, and a covered breeze way.

Councilor Smith asked Mr. Sharp if KPFL would be launching fund raising campaigns to cover costs of the expansion. Mr. Sharp stated that fundraisers are being planned, and letters for donations are now being mailed out, as well as a Facebook live fundraiser on February 21st from 10 a.m. to 2 p.m. According to Mr. Sharp, the project will cost between \$90,000-\$100,000.

Councilor Beach inquired how many dogs could currently be housed. Ms. Lee stated at present there are kennels for 10 dogs, but more area would allow them to accommodate more dogs and help out-of-town shelters, reducing overcrowding.

Councilor Smith asked what action was needed from City Council. Mayor Williams responded that the current lease needs approval from City Council for an expansion and would be on the next agenda.

Councilor Beach suggested speaking with the newspaper staff, who were present, after the Council meeting to perhaps do a write-up to aid with fundraising.

Introduction to Adult-Use Marijuana Tax and Code Changes:

Councilor Smith announced that after several meetings of the Ordinance Committee, several recommended changes are being presented to City Council for consideration to City Ordinance. Councilor Smith referred to the Summary memo from the Ordinance Committee that stated the history of Initiative 190 from elections in 2020 and the citizens of Libby voted 63% in favor of legalizing it and obligated the City to allow adult-use marijuana within city limits and put up additional sidebars. The Ordinance Committee found the State statute sufficient for moving forward. Councilor Smith stated the Committee recommends requesting the County Commissioners to put taxation on the ballot, which would benefit the City in revenues along with recommended code changes.

Councilor Beach inquired about setting limits on how many dispensaries and distance between within city limits. Councilor Smith responded the Committee has not set a limit that finding retail space available and market conditions would dictate how many would be within city limits.

Public Comments: Kathleen Sheffield with Lincoln County Substance Abuse, expressed concerns about allowing dispensaries downtown. Ms. Sheffield agreed with the taxation to help different programs in the area. Ms. Sheffield expressed how important it would be to keep on top of the laws and rules to help keep everyone educated and to help kids know of the consequences of use as a minor.

Councilor Smith wanted to ingrate permits would be a Conditional Use Permit and would require a public hearing.

Approval of claims to date:

Councilor Beach **MADE A MOTION** to approve all claims to date and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Approve all business licenses received to date:

Mayor Williams read the businesses to be approved:

Eagle Outfitters of Montana, Happy Homes Cleaning Services and Supplies, Next Home Premier Realty, and Mobile Massage Therapy by Alicia.

Councilor Smith **MADE A MOTION** to approve business licenses to date and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Unfinished Business:

IP negotiations: Mayor Williams stated with the suggestion of Mr. Payne and the approval of the sub-committee sent a letter requesting a meeting with EPA.

Public Comments: None

General Comments from the Council: Mayor Williams announced Dan Clark would be in Libby for Training on Tuesday the 22nd at 4pm prior the Council meeting and a meeting at the Commissioners on the 16th regarding the CDBG request being put forth by the Libby Creek community. Mayor Williams announced the Food Pantry must relocate and is seeking another location. Council discussed where the best place would be to help them relocate. Councilor Beach agreed to have the Building Committee look into it.

Adjournment:

Councilor McNew **MADE A MOTION** to adjourn and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:45 PM.

Mayor Peggy Williams

Clerk/Treasurer Leann Monigold



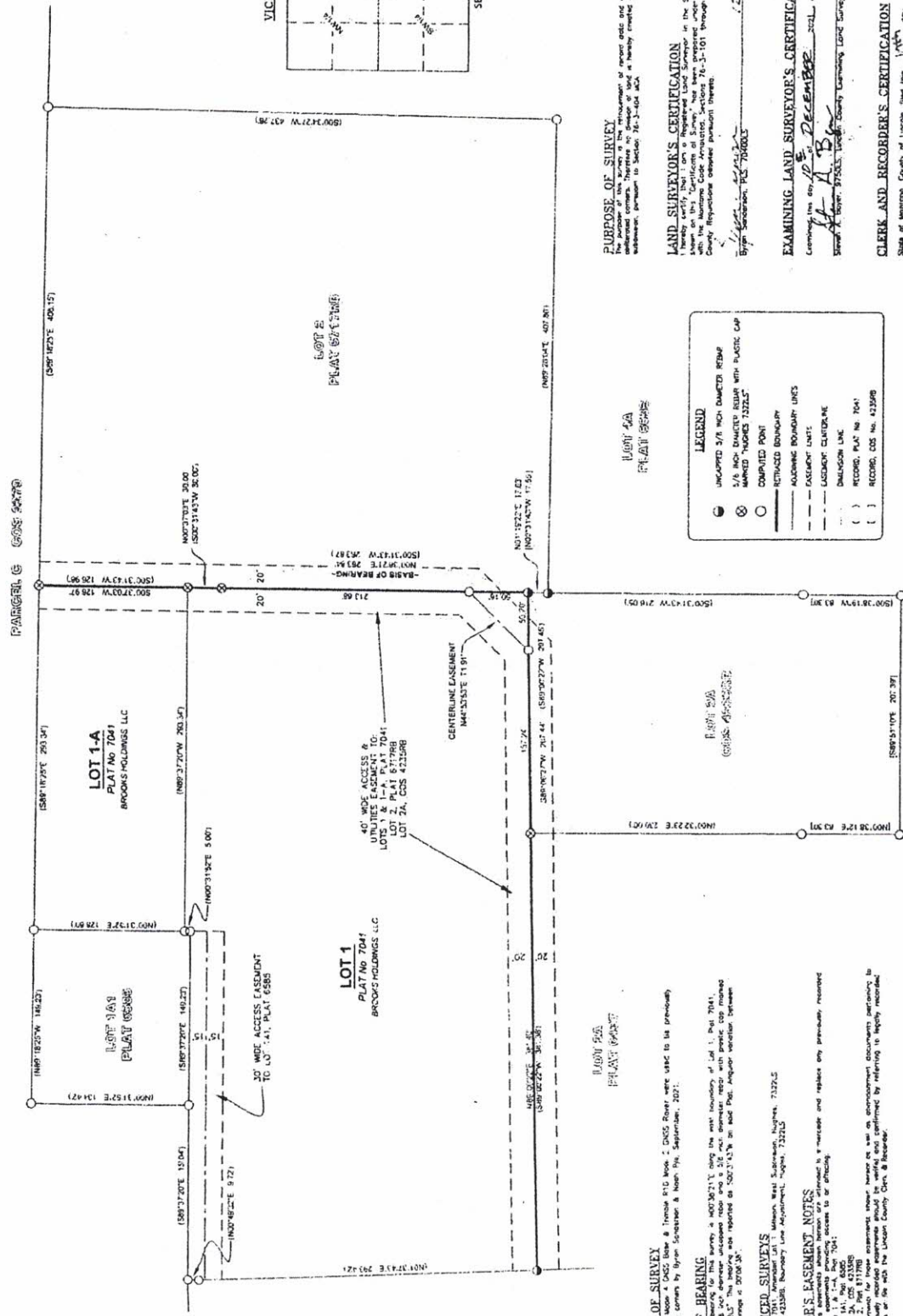
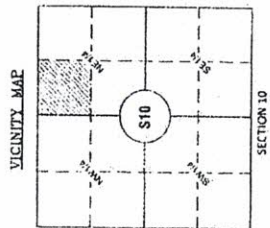
CERTIFICATE OF SURVEY

PARTIAL RETRACEMENT & EASEMENT EXHIBIT

SOUTH AND EAST BOUNDARIES OF LOT 1 and EAST BOUNDARY OF LOT 1-A, PLAT 7041

NW1/4 NE1/4, SECTION 10, T.30N., R.31W., P.M., MT., LINCOLN COUNTY, MONTANA

FOR: BROOKS HOLDINGS, LLC. DATE: OCTOBER, 2021



PURPOSE OF SURVEY
 The purpose of this survey is to retrace and certify the south and east boundaries of Lot 1 and the east boundary of Lot 1-A, Plat 7041, NW1/4 NE1/4, Section 10, T.30N., R.31W., P.M., MT., Lincoln County, Montana, as shown on the attached plat.

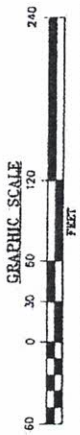
LAND SURVEYOR'S CERTIFICATION
 I, the undersigned, being a duly Licensed Land Surveyor in the State of Montana, and being duly sworn, do hereby certify that the foregoing is a true and correct copy of the original plat on file in my office, and that the same conforms to the provisions of the Montana Statutes relating to Land Surveying.

EXAMINING LAND SURVEYOR'S CERTIFICATION
 I, the undersigned, being a duly Licensed Land Surveyor in the State of Montana, and being duly sworn, do hereby certify that the foregoing is a true and correct copy of the original plat on file in my office, and that the same conforms to the provisions of the Montana Statutes relating to Land Surveying.

CLERK AND RECORDER'S CERTIFICATION
 I, the undersigned, being a duly Licensed Clerk and Recorder in the State of Montana, and being duly sworn, do hereby certify that the foregoing is a true and correct copy of the original plat on file in my office, and that the same conforms to the provisions of the Montana Statutes relating to Land Surveying.

CERTIFICATE OF SURVEY No. 4035

LEGEND	
○	UNGRADED 3/8" INCH DIAMETER REBAR
○	3/8" INCH DIAMETER REBAR WITH PLASTIC CAP
○	MARKED "NAILS" 1/2"x2 1/2"
○	CORNER POINT
—	RETRACED BOUNDARY
—	KNOWN BOUNDARY LINES
—	EASEMENT LINES
—	LOCATOR CLINDBANE
—	DIMENSION LINE
()	RECORD, PLAT No. 7041
()	RECORD, COS No. 423598



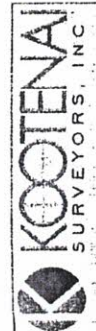
METHOD OF SURVEY
 A Trimble R6 total station, a Disto D5, and a Trimble S10 total station were used to take primary measurements. The survey was conducted on October 15, 2021.

BASIS OF BEARING
 The bearings for this survey were taken from the north-south line of Lot 1, Plat 7041, which is a 3/8" diameter ungraded rebar and a 3/8" diameter rebar with plastic cap marked "NAIL" 1/2"x2 1/2". The bearings were measured as 180°0'0" ± and 0°0'0" ± and compared to the bearings of the adjacent section.

REFERENCED SURVEYS
 2019 - COS 423598, Boundary Line Adjustment, North, 732745
 2019 - COS 423598, Boundary Line Adjustment, North, 732745

SURVEYOR'S EASEMENT NOTES
 1. The easements shown herein are intended to be perpetual and replace any previously recorded easements which may be shown on the attached plat.

2. The easements for these easements were measured by the surveyor and the easement documents were prepared by the surveyor and the easement documents were recorded in the Lincoln County Clerk and Recorder's Office.



RESOLUTION NO. 1998

A RESOLUTION OF THE CITY OF LIBBY, MONTANA, PROVIDING FOR THE AMENDMENT OF THE BUDGET FOR THE FISCAL YEAR 2020-21.

WHEREAS, the City of Libby, Montana, adopted the budget for the Fiscal Year of 2020-21 by Resolution Number 1989.

WHEREAS, the City of Libby, Montana, deems it necessary to amend the budget for fiscal year 2020-21.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA that the budget for Fiscal Year 2020-21 is amended as follows;

- Fund 1000 Increase (General): \$410,550
- Fund 2510 Increase (Street Maintenance): \$19,548
- Fund 2820 Increase (Gas Tax): \$1674
- Fund 2821 Increase (Gas Tax HB473): \$8,179
- Fund 2990 Increase (Cares Act – CRF): \$144,125
- Fund 5310 Increase (Sewer): \$106,871

Passed and adopted by the City Council and Mayor of the City of Libby the 22nd day of February, 2022

Peggy Williams, Mayor

ATTEST:

Leann Monigold, Clerk/Treasurer

ADVERTISEMENT FOR BIDS

City of Libby, Montana Libby Influent Pump Station Auxiliary Bar Screen

General Notice

The City of Libby, Montana (Owner) is requesting Bids for the construction of the following Project:

Libby Influent Pump Station Auxiliary Bar Screen Engineer's Project Number: P10074-2021-001

Bids for the construction of the Project will be received at **Libby City Hall** located at **952 East Spruce Street, Libby, MT 59923**, until **Monday, March 21 at 3:00 PM** local time. At that time the Bids received will be publicly opened and read.

The Project includes the following Work:

Work generally consists of procuring and installing the following major wastewater equipment in the wet well of the influent pump station at the existing wastewater treatment facility: a single wastewater bar screen; flow control gates; instrumentation and control panels; a solids washer/compactor; ancillary appurtenances. The Work also defines electrical and mechanical construction to be performed by or under the General Contractor.

Bids are requested for the following Contract:

- **Contract No. 1 – General Construction**

Other conditions applicable to the procurement of this Contract are described in "*Section 00 21 13 - Instructions to Bidders*" of the *Bidding Documents* and the bids will be evaluated by the procedure described in Article 18 of the Instructions to Bidders.

Owner anticipates that the Project's total bid price will be approximately **\$545,000**. The Project has an expected duration of 60 days for construction activities (plus time for review of submittals and shop drawings and lead times for major equipment).

Obtaining the Bidding Documents

Information and Bidding Documents for the Project can be found at the following designated website:

www.ae2s.com/bidding.php

Quest CDN #: 8031221

Bidding Documents may be downloaded from the designated website for a fee of \$25.00. Prospective Bidders are urged to register with the designated website as a plan holder, even if Bidding Documents are obtained from a plan room or source other than the designated website in either electronic or paper format. The designated website will be updated periodically with addenda, lists of registered plan holders, reports, and other information relevant to submitting a Bid for the Project. All official notifications, addenda, and other Bidding Documents will be offered only through the designated website and its registered plan holders. Neither Owner nor Engineer will be responsible for Bidding Documents, including addenda, if any, obtained from sources other than the designated website.

Pre-bid Conference

A pre-bid conference for the Project will be held on **Friday, March 4, 2022 @ 2:00 PM** at **Libby Wastewater Treatment Plant; 755 City Services Rd.; Libby, MT 59923**. Attendance at the pre-bid conference is encouraged but not required.

Instructions to Bidders.

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

This Advertisement is issued by:

Owner: **City of Libby**

By: **Peggy Williams**

Title: **Mayor**

Date: **February 25, 2022**

Republished: March 4, 2022; March 11, 2022

Publication: The Western News