

APPROVED MINUTES

The City Council held meeting #1555 on Monday, October 19, 2020, in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:14 pm by Mayor Brent Teske owing to technical difficulties.

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

Mayor Teske welcomed all in attendance and requested and received a prayer given by Mr. Lloyd Miller.

Approve City Council Meeting minutes for #1554 dated 5 October 2020. Councilor Beach **MADE A MOTION** to approve and Councilor Williams **SECONDED**. Councilor Smith requested one change be made on page 5 which Mayor Teske granted.

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

MOTION PASSED.

Announcements:

Mayor Teske announced that the FWP meetings on Chronic Wasting Disease (CWD) are still on hold due to Covid-19 stating that information will be disseminated once it comes in and that the meetings will be held via Zoom to decrease the possibility of spreading Covid-19.

Committee Reports:

City Administrator's Report: Mr. Hammons reported that the city crews are in fall and winter transition mode by getting the vehicles ready and checking the roofs and buildings among other facilities and everything is running smoothly. When questioned by Councilor Williams and Mayor Teske, Mr. Hammons responded that the city leaves will be picked up the end of October and beginning of November on Thursday and Friday. Mr. Hammons confirmed that this would occur for two consecutive weeks and that it had been published in the local newspapers.

Fire: None.

Police: None.

Resolution/Ordinances: Councilor Williams reported there was nothing except for what is on the Agenda.

Lights/Streets/Sidewalks: Mr. Beach reported that there would be a meeting towards the end of next week to discuss some stop sign issues.

Building: None.

Water/Sewer: None.

Cemetery/Parks: None.

Finance: None.

KRDC: Councilor Zimmerman reported that there is a pending meeting.

City-County Board of Health: Mrs. Crismore reported that the September meeting was cancelled, and they are working on a date to get enough committee members together to hold a quorum hopefully before the end of November. She announced a County Mental Health meeting on the second Thursday of each month and continued that she was pleased with the development of Team 56 which is helping people through these rough times. FWP is announcing that the landfills are accepting carcasses to help prevent CWD. It was pointed out that it has been four months without a cooperative agreement between the EPA and DEQ.

Park District Manager: None.

Public Comment on Non- Agenda Items:

Ms. Jennifer Nelson of 1026 Washington Ave. requested a status update on 406 Ceramics. Ms. Nelson stated that Ms. Bailey had received the letter from the City Attorney and was supposed to move the building and close business by the 24th of September. Ms. Nelson continued to point out that the move had not occurred and asked when it would be resolved.

Mayor Teske informed all concerned that Ms. Bailey had been in contact with Premiere Buildings to move the building out of town. Premiere told Ms. Bailey, that with a current move themselves, it would be a couple months until they could move the structure. Ms. Bailey had also informed the Mayor that she is looking for another mover for assistance.

Ms. Nelson then asked if the Council if they could require Ms. Bailey to clean up the yard around the former 406 Ceramics. Mayor Teske stated that Ms. Bailey should be given a little leeway because of staying in constant contact and working hard to remedy the situation.

New Business:

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

Dr. Ben Scott of 402 Montana Ave. requested to install a vault toilet at the Cross-Country Ski Course as the packet he turned in requested. Mayor Teske and Dr. Scott discussed the location and construction of the vault toilet as well as a letter of grant support that was sent to Dr. Scott from the City.

Councilor Williams then asked Dr. Scott if he was in possession of the letter or the toilet. Dr. Scott answered the letter.

Mayor Teske then asked where the toilet was and received the response of “Granite Concrete, I guess.” The Mayor went on to inform Dr. Scott that it was discussed and portrayed that the toilet structure was already built and ready to be installed prior to winters arrival.

Councilor Williams asked Dr. Scott if Granite Concrete was fabricating the structure. After he replied, the tank, Mrs. Williams asked what other parts are needed and Dr. Scott answered, the framing.

Councilor Dufficy questioned Dr. Scott if the toilet had already been built and was ready for pickup and what else he needed. Dr. Scott answered that the tank had been built and that the walls were ready and so were the other pieces and money. Dr. Scott then replied that he needed the Council approval, then he would get the \$200 County permit to install it.

Mayor Teske then asked if it was a prefab toilet and Dr. Scott said no that it was going to be built over a septic tank. The Mayor then went on to explain that the deal was that the toilet was supposedly prefabricated, and it was never mentioned that it needed to be built as a stick structure. Dr. Scott then explained that it would be a wooden building on a concrete pit.

Councilor Smith entered the discussion stating that she was having a difficult time hearing on Zoom and saying that she was confused due to not being able to hear. She was under the impression that the toilet was a prefabricated unit. Mayor Teske explained that it was to be a prefabricated unit but now it is being described as a wooden framed structure over a concrete tank.

Councilor Smith then questioned as to why they did not move another toilet from a different location as previously discussed. Mayor Teske informed the Council that it was not feasible due to the larger size of the other toilet.

Councilor Smith informed the Council that the request for the toilet did not include a location on a map for orientation. Stating that for public documentation, Dr. Scott’s request should be more thoroughly conveyed and include an aerial photo, or the like, documenting the exact location providing more detail.

Councilor Williams stated that this request negates all the previous conversations on the matter.

Councilor Dufficy **MADE A MOTION** to table the request for a vault toilet until the next meeting so more information can be provided as to the site location and structure itself and Councilor Williams, after stating that the current conversation is not like what was requested, **SECONDED**, adding that Dr. Scott should get with Mr. Mike Frasier and have a conversation about the vault toilet.

Councilor Smith questioned that Dr. Scott should get the Health Departments approval for the toilet and Mayor Teske said the Health Department would come into play if the toilet was approved. Ms. Smith went on to ask if the Health Department should provide input on the location to ensure it meets all requirements and provide a range of where to place the toilet. Mayor Teske said that was not required because it is a containment tank that would be pumped out but would still get with Mr. Jake Mertes for information.

Dr. Scott apologized stating that he did not realize that it had to be engineered and the Mayor stated that was the basis of the previous discussions. Dr. Scott went on to say Mr. Petrusha is an Engineer and designed the toilet and the Mayor said he thought it was a prefabricated concrete toilet like the previous toilets which had to get State approval.

Mr. Tony Petrusha got up and said that he thought, due to a conversation on Ski Hill, that he just needed to provide the designs and not that it had to be a prefab unit like the City previously bought, then got approval from the State. Mr. Petrusha said he could meet all the same required criteria for the functionality and durability of the toilet but needs to know what is considered crucial criteria. The Mayor responded that in the past processes, toilets were purchased from a company that had gone through the State to get approval to make it correctly and get it certified prior to installation. The Mayor went on to say that now the plans had gone from a prefabricated toilet to an outhouse on a concrete pit.

Mr. Petrusha went on to say that the walls are laminated timbers six inches thick made in Spokane and the Mayor asked if it was then indeed engineered because the whole concept had changed. Mr. Petrusha informed the Council that the walls would be purchased and that the roof would then be framed. Mayor Teske then asked Mr. Petrusha to get more information for the Council's consideration such as the snow loads for structure and the pitch of the roof.

Councilor Smith brought up that it would be helpful to have the City Engineer look at the plans and give it his nod of approval. The Mayor stated that the engineer had given his approval to the prefabricated vault toilet. The approval was not in writing but now a review of the design plans would be smart.

Councilor Dufficy asked if there was any information that Dr. Scott could provide on the structured walls. Dr. Scott asked what he wanted and Councilor Dufficy said information such as the weight of the building and its strengths and that a packet be put together for the Council.

Councilor Zimmerman suggested that Mr. Petrusha and Dr. Scott get with Mr. Mike Frasier so that the toilet could get approval and that Mr. Frasier could inform the council of his opinion. The Mayor stepped in and told the Council that Mr. Frasier was in approval of the prefabricated toilet but now these are completely different plans.

Ms. Jennifer Nelson encouraged Mr. Petrusha and Dr. Scott contact Mr. Jake Mertes to find out if the concrete vault is an acceptable legal receptacle and the Mayor agreed it was a good idea and to get it in writing.

Mrs. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, and Mr. Taylor voted **FOR** tabling the motion and Mr. Zimmerman voted **NAY**.

MOTION PASSED.

Mr. Petrusha approached the microphone and informed the Council that the proposed structure was not an outhouse on a tank.

Approve Ordinance 1972 – Golf cart use in city limits.

Mayor Teske clarified the Ordinance and Mr. Chisolm stated that if the Council was doing this, this was the best way to write it up legally. No motion was made from the Council and the Ordinance died on the floor.

Approve Ordinance 1973 – Approve changes to Libby Municipal Code, Chapter 5, Business Licenses. Removing Sections 5.08 and 5.12 while creating Section 5.10 titled “Alcohol.”

Mayor Teske clarified that the ordinance change was to clean up the existing ordinance to match State law.

Councilor Williams asked Mr. Chisolm if the ordinance number should be removed from the top of #1974, as listed on the agenda, as it is part of Ordinance #1973. Mr. Chisolm agreed that by passing Ordinance #1973, Ordinance #1974, as listed in the agenda, would automatically become an attachment of Ordinance #1973. All that had to be done was to remove the ordinance number from the top of the #1974 ordinance page to make it part of ordinance #1973.

Councilor Williams went on to explain that this ordinance change became necessary because the old rules would not allow Rosaur's to sell alcohol on Election Day for example. The ordinance was so outdated that it stated that applications could be paid in installments and that this rewrite will roll beer and alcohol into one Ordinance.

Councilor Dufficy questioned if this Ordinance approval would mean Rosaur's could sell alcohol on Election Day and Councilor Williams answered yes and added that it was never State Code, but a Libby Code from 1976.

Mayor Teske Informed the Council that it was skipping Ordinance #1974 and looking for a motion on Ordinance #1973. Councilor Dufficy **MADE A MOTION** to approve Ordinance #1973 and Councilor Taylor **SECONDED**.

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

MOTION PASSED.

Councilor Williams stated that there will have to be a second reading at the next meeting on the Ordinance.

Approve all business licenses received to date.

Mayor Teske read through the 3 applications. Mr. Taylor **MADE A MOTION** to approve all three licenses and Mr. Dufficy **SECONDED**.

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

MOTION PASSED.

Unfinished Business:

City of Libby Wildlife Management Plan. Mayor Teske and Councilor Taylor discussed that a draft copy of the Deer Management Action Plan was sent to the FWP and they had amended it and returned the plan with changes made in red and that just today it had been sent back with the Cities revisions.

The Mayor asked if there were any questions and Mr. Neil Anderson stated that the next meeting will be Live Streaming and changed to Thursday the 22nd of October at 7 pm. Mayor Teske then stated that he will forward any information or additions he receives.

Mr. Neil Anderson informed the Council about changes from the FWP and City plan in capturing animals and who will pay for the captures. He pointed out that since CWD is above 5%, the FWP already has permission to manage CWD and not charge the City.

IP Negotiations. Mayor Teske said he spoke with Mr. Cirian about the DEQ and the sponsorship of controlled ground water concerns and asked for a pause. Other than that, there was no further discussions or movement.

General Comments from Council:

Councilor Dufficy questioned if anything had occurred on the Haul Bridge discussed in the previous meeting. The Mayor and Mr. Hammons informed the Council that indeed it had been looked at and there was even an attempt to put an excavator onto the bridge. Videos had been taken of the attempt and, looking at the bridge construction which turned out to be 2x6's, it was not safe for the equipment. Mr. Levi Thompson has been contacted for a crane and BNSF has been contacted and will provide a flagger with a safety representative to assist when the platforms are removed and the fence repaired.

Councilor Dufficy questioned how far the City will go in the deconstruction. Mayor Teske added that the City is only going to remove the two decks that were used to hold water barrels in the bridge's past.

Adjournment:

Mrs. Williams **MADE A MOTION** to Adjourn and Mr. Dufficy **SECONDED**.

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

MOTION PASSED.

Meeting adjourned at 8:03 pm.

Mayor Brent Teske

Attest; _____
Clerk/Treasurer Samuel Sikes