

APPROVED MINUTES

The City Council held meeting # 1628 on Monday, May 1st, 2023, 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 Mrs. Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristen Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Deputy Clerk Jody Martin, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

Approve City Council meeting #1627, dated April 17th, 2023, and special council meeting minutes dated April 20, 2023.

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting # 1627 and Councilor Berke **SECONDED**.

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

Mayor Williams asked if there any discussion or corrections. There were none.

MOTION PASSED

Announcements: Mayor Williams said that we had a good Arbor Day, 8 trees were planted around the City, the celebration had a nice turnout at Fireman's Park with crafts and storytime for the kids and 3 trees planted.

There is a new camp host coming to Fireman's Park, a local couple Ben & Jada Schnetter who are ready to start when the campground is opened around the end of May.

Mayor Williams invited the public to the swearing-in of new Police Chief on Wednesday at noon, in the Council Chambers.

Committee Reports:

City Administrator: Administrator Sikes reported that the Auxiliary Bar Screen is going well but there was an issue with another electronic control, so it may be another few weeks possibly up to a month before it's fixed which puts the City into issues with insurance policies for the contract. They have all been renewed by TCI so we are covered & renewed by the state. Water department, We are starting to get hit by the runoff and are starting to get higher turbidity levels, so the guys will be working some extra hours. Also with chlorine and hazardous materials its not the safest thing and it is causing issues, we are looking to go to a salt alternative, it would cut out cost by 75% and get rid of the hazardous materials with the same effect. The Department of Labor showed up unexpectedly and they were impressed with the city's safety standards. They did not need to teach us about

OSHA 300 logs, we are one of the only cities in the state that has this and is doing it properly so no discrepancy's.

Playco contacted us to get started construction of the playground, should start around the 20th so we will get our street crew over there to start leveling the ground, changing sprinklers, and measuring things out and hopefully, we will have it open by Memorial Day.

Streets Supervisor: Justin Williams reported that with the weather getting nicer crews have completed some water line repairs, installing curb stops for isolation and meter pit installs to bring up to city standards, and sewer line replacements to main due to failures. Met with the American Legion they are getting bids in order to replace the sidewalk, curb, and gutter and will designate two parking spots as handicapped parking. Pruning activities have been completed and tree planting was a success. Thank you to Jennifer Nelson and April Rainy and the other volunteers with these activities. We have hired two new seasonal workers, Mathew Andrews, and Scott Knock to help us out with our grounds maintenance this year, they have been doing a lot of handwork and cleanup throughout and started mowing today.

Fire: None

Police: Sargent Buckner reported for the month of April, response was to approximately 170 calls, compared to last month the numbers are down some. Calls involved motor vehicle accidents, disturbances, a lot of theft reports, and multiple reports of juveniles vaping at the schools. The patrol cars are still being worked on, with main power shut-offs added to save the life of the batteries when vehicles are not being used daily. The building has been updated with new fire extinguishers to meet the current fire code and added extinguishers to the patrol cars as well.

Chief Ercanbrack said that today was his first official day, we have had our first set of hiccups but are going to push forward. Sargent Buckner has been working very hard and doing a great job over the last couple of months, Chief Ercanbrack hopes everyone recognizes the hard work & diligence that he has put forward, Sgt. Buckner has truly embodied the spirit of law enforcement.

Resolutions/Ordinances: Councilor Smith said the committee did not meet and she was unable to get the new language for the visibility triangle.

Lights/Streets/Sidewalks: Councilor Beach said he met with a couple of representatives from the Legion along with Justin Williams and discussed their sidewalk situation. They had requested handicapped parking, their stretch of sidewalk is not up to code. The Legion will get some bids and get the ball rolling. As far as the committee goes Councilor Beach will try and get a meeting set up for the middle to end of next week.

Building: None

Water/Sewer: Councilor Zimmerman said a couple of weeks ago a meeting was held and went through the Rules & Regulations for the City of Libby Water System, reviewing changes that are looking to be made. The Committee voted and approved those and now they are heading off to legal to make sure all is good and then they will be brought to council.

Zoning Commission: Councilor Smith said they met last Monday, April 24th 2023. Erika Hartley was invited to tell us about her experience on the school board. Councilor Smith invited anyone to a Zoning meeting that has any issues, the commission is revising code right now so it would be a perfect time to address things through design standards. Progress is being made in Residential B and have more things to pursue.

Cemetery/Parks: Councilor McNew reported that he reached out to Ron Miller, Mr. Miller has ordered the parts and will start taking down the pole in the middle of the pocket park.

Wildlife: Councilor Taylor announced that the committee hopes to set up a meeting this month.

Finance: None

City-County Board of Health: None.

Public Comment on Non-Agenda Items:

Tracy McNew, 120 Cabinet View Country Club Road, Executive Director for The Center for Asbestos Related Diseases Clinic. Ms. McNew attended to discuss a possible proposal that would benefit CARD and the City. The proposal would enter into an agreement between CARD and the city to formally take care of the Community Asbestos Memorial at Riverfront Park, it is currently on City property but each year CARD receives multiple requests to rent it out, since they don't own it they can't. If CARD entered into an agreement with the City it would allow them to rent it out and would give them the opportunity to provide some much need maintenance. Their hope is that to take care of it and create a monument for those people affected by asbestos in the community. Hopefully this proposal is amendable to the city and requested an agreement in writing that would give CARD the ability to manage, maintain, and schedule reservations.

Mayor Williams said the process would be to put it on the agenda and put it to committee or just have legal work done on a proposal.

Alexis Marozzo, 184 Bowker Street. Owner and operate Granite Peak Garden Nursery and have been providing flowers baskets for the City for the last 2 years. I know that budgets are hard and can seem impossible sometimes especially with the costs of everything going up, I have received calls by the end of each year for budgeting purposes to see if my prices were going to change, so this year I went ahead and purchased all the soil and flowers I needed to get ready for the baskets, I even purchased a 4x4 LED grow light to ensure the baskets would be ready on time. This Morning I got a text from Justin Williams asking to drop off the empty baskets I was on my way to purchase the last pieces that we need to get baskets together along with buying 50 bags of soil only to get a 2nd call stating the there was a mix up this year and a Company out of Washington will be doing the baskets. I understand budgets & hardships, I did however, expect a phone call instead of finding out today that my time and money and energy have been spent going in the wrong direction.

DC Orr, 1117 Nevada Ave., shared his growing concern for submitting questions as Attorney Dean Chisholm advices to Administrator Sikes and he is not getting any answers, and for the conflict of interest between Councilman Smith and Beach.

John BeBee, 704 E 9th St., said something that keeps coming up is crime, Sergeant Bucnker mentioned that theft is up in our community, suggested a local neighborhood watch. There was one in the past, maybe our new Police Chief could have a look at this.

Jennifer Nelson, 1026 Washington, thanked the numerous groups that helped with with Arbor Day. First and foremost the city crew did a great job in helping and cleaning up. She thanked Councilor Berke and the Girl Scouts & Boy Scouts, the Society of American Foresters and the Libby Volunteer Fire Department who brought the truck down.

New Business:

Approve Independent Contractor Agreement for the Lincoln County Park District Manager through January 31, 2025, with Tony Petusha.

Tony Petrusha 559 Florence explained that it is the same contract just different dates.

Council Discussion followed.

Councilor Smith **MADE A MOTION** to approve Independent Contractor agreement for the Lincoln County Park District Manager subject to one additional contractor duty-specific language to be provided essentially stating that the contractor will pursue grants, Councilor Zimmerman **SECONDED**.

DC Orr 1117 Nevada Ave. The last report that Mr. Petrusha gave was the most thorough financial report that he has seen. That Mr. Petrusha pursued and found out about the money the county forgot to pay tells him that we are in really good hands. He urged council to renew his contract.

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

MOTION PASSED

Mayor Williams Motion carries subject to language change.

Reappoint Police Commissioners to align with the May 1st MCA, John Bebee 1 Year (2024), Steve Boyer 2 Year (2025), Karen Dinkins 3 Year (2026)

Councilor Smith **MADE A MOTION** to reappoint Police Commissioners to align with the MCA, John Bebee for 1 Year expiring 2024. Steve Boyer for 2 Years expiring 2025, Karen Dinkins for 3 Years expiring 2026, Councilor Zimmerman **SECONDED**.

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

MOTION PASSED

Resolution #2013, Intending to consider owner requested, for the annexation of properties.

Mayor William read Resolution #2013, a resolution by the Council intending to consider the annexation of properties located in Section 33, T31N, R31W, COS 414, Ares 3.86, T 1A SESE and T 3D7 SWSE

Councilor Taylor **MADE A MOTION** to approve Resolution #2013, Councilor Zimmerman **SECONDED**.

Councilor Smith stated that down the road the city needs to take a closer look at the specific design and consider different zoning.

Mayor Williams stated it was read at the public hearing and repeated for those not at the previous meeting, the steps for an annexation request. 1.) The annexation request was received. 2.) Advertise and hold a public hearing. 3.) The City council to approve the resolution of intent to consider annexation. 4.) The City sends a report on the extension of services to the county. 5.) The city notices and holds another public hearing. 6.) Ensuring that standards are met. 7.) The City Council passes an ordinance to annex property.

Mayor Williams requested any public comment on the consideration of annexation. None was given.

Councilor Smith said that in her experience a resolution of intent to annex coincides with development. There is an opportunity for a municipality when you have developments that are proposed, there are negotiations that can happen to ensure that whatever is being constructed is going to be constructed in the way that we desire.

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

MOTION PASSED

Ben Scott requested the city provide the parking lot he feels the ski club was promised before the construction of the Flower Creek Dam and wanted to present proposals he has for mitigating the spoils pile.

Councilor Smith said the city should consider requesting proposals.

Councilor Taylor stated that at the 7/19/2021 meeting he believes council discussed this and the city engineer Mr. Fraser said it would be better left alone.

Ben Scott stated in his discussion with Mr. Fraser last week Mr Fraser was very comfortable with removing the pile. Dr Scott stated that going back 10 years ago in a meeting with Jim Hammons, Dr. Greg & Susie Rice, and myself ,we were told that the $\frac{3}{4}$ to 1 acre would be left flat and without the refuse pile and here we are.

Councilor Zimmerman said that in that same meeting schematics were drawn up, if we get into a 20-50 even 100-year flood the best thing is to have it designed correctly and not leave the pile.

It was decided that the council would pursue a Request for Proposals regarding mitigation of the spoils pill.

Approve all claims received to date:

Councilor Zimmerman **Made a Motion.** to approve all claims received to date, Councilor Beach **SECONDED.**

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

MOTION PASSED.

Approve new business licenses received to date:

- Bennett Cleaning, 1134 W. 2nd St Ext TRLR #3, Individual, House Cleaning
- Raincatcher Rain Gutters, 18 Halo Ct. N, Troy, Individual, Seamless aluminum rain gutter installation.

Councilor Zimmerman **MADE A MOTION** to accept all new business licenses received to date, Councilor Berke **SECONDED**.

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

MOTION PASSED.

General Comments from the Council:

Mayor Williams said the Board of Adjustments will meet again, there are two variance requests and one conditional use permit. That meeting will probably be the 1st Monday in June.

Mayor Williams has been approached by the Lincoln County Health Department about requesting Fireman Park become a Tobacco Free. The request will be made sometime in June.

We will work on putting together an Agreement for the Card Clinic.

Councilor Zimmerman asked what happened with the hanging baskets

Mayor Williams said a misunderstanding and communication of the purchase.

Councilor Smith asked if there is any way to reverse this.

Councilor McNew stated to purchase locally from our local vendors and stated he hopes the city can find a way to pay for these baskets.

Councilor Beach noted there seem to be a lot of activity with the Port Authority and asked if there is any way to invite them here and get an update on what's going on and see what their plan is moving into the future. There is a lot of development going on and he feels the city needs to be ready so we can have infrastructure and an idea of what the grand plan is.

Councilor Smith stated she thinks every one volunteers their time for the City Council and has the interest of the city at heart to make it a beautiful and functional community for all, it takes a lot of fortitude to come in here and be berated every other week by people who are not sitting up here doing good work. She stated it is an honor to work with the council members.

Adjournment:

Councilor Smith **MADE A MOTION** to adjourn the meeting, Councilor Berke **SECONDED**.
Councilors Beach, Berke, McNew, Smith, Taylor, and Zimmerman voted

The meeting was **ADJOURNED** at 7:58 pm.

Mayor, Peggy Williams

Attest; _____
Jody Martin Deputy Clerk