

APPROVED MINUTES

The City Council held Council Meeting #1629 on Monday, May 15, 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, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

Approve Public Hearing meeting minutes dated May 1, 2023 and City Council meeting #1628 minutes dated May 1, 2023:

Councilor Zimmerman **MADE A MOTION** to approve minutes and Councilor Beach **SECONDED**.

Mayor Williams stated Councilors Berke and Taylor were not present at the Public Hearing and asked their names to be removed from the vote.

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

MOTION PASSED.

Announcements: Mayor Williams announced the filing period for the 3 council positions are open, forms are available at the Clerk and Records office at the Court House and there is a \$44.46 filing fee because it is a paid position.

The Playground project has started at Fireman's Park and will be under construction for the next few weeks.

Committee Reports:

Administrator: Administrator Sikes reported for the month of April, 1 commercial building permit was sold. Year to date: 33 residential building permits, 21 for roofs, 1 garage, 1 siding, 1 fence, 5 new buildings, 2 remodels, and 3 commercial building permits, 1 for a truck bay, 1 for a steel building, and 1 for a remodel for a total of \$26,920. This time last year were 44 permits for a total of \$36,000.

Fire: Councilor Zimmerman reported for the month of LVFD responded to 12 calls, 2 in City, and 8 Rural, 2 outside City or Rural. 2 structure, 6 grass/wildland, 2 mutual aid with ambulance, and 2 false alarms for a total of 32 calls in 2023.

Police: Chief Ercanbrack reported the P.D. has been busy with administrative work and preparing for new applicants. The Police Commission has approved 7 applicants and 6 of the applicants will be here June 3rd to do the testing.

Chief Ercanbrack said he has had the opportunity to visit the middle school and high school to meet the kids and let them know we are here to help.

Zoning/Planning: Councilor Smith announced the Zoning Commission is scheduled to meet Monday, May 22nd at 6pm to wrap up recommendation for Residential B district and looking at accessory dwelling unit.

Finance: Mayor Williams announced a budget meeting would be scheduled next week.

Public Comment on Non-Agenda Items: None.

New Business:

Approve Igniters Car Club street closure and noise variance request:

Edward Leroy, Igniters Car Club, requesting a street closure and noise variance for the annual car show August 17th, 18th, and 19th. Street closure and noise variance August 18th from 6pm to 9pm for the car cruise on Mineral Avenue from 8th St. to 1st St. and Lincoln Blvd. from Mineral Ave. to Louisiana Ave. Street closure on August 19th from 6am to 4pm for the car show on Mineral Ave. from 8th St. to 1st St. Mr. Leroy described the changes to the route and requested use of the Police Department area to set up registration in the Pocket Park.

Councilor Zimmerman **MADE A MOTION** to approve Igniters Car Club street closure and noise variance request and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Lincoln County Health Department request for Fireman's Park to be tobacco-free:

Sarah Long, tobacco education specialist at Lincoln County Health Department, with all of the new updates in Fireman's Park, requesting it become tobacco-free, reducing cigarette litter in the park and second hand smoke exposure.

Councilor Zimmerman agreed this would be the right time to approach this. Mayor Williams said this is possible to do with the Montana Clean Air Act and noted there is a sign at the splash pad to keep people from smoking inside the fence.

Councilor Smith is in support and asked Chief Ercanbrack if this would be able to be enforced. Chief Ercanbrack said he would need to do research to see if it was enforceable.

Jennifer Nelson, 1026 Washington, inquired how it would affect the RV park since it is part of Fireman's Park.

Ms. Long said the request was just for the playground side unless City Council would want to extend that.

Mayor Williams asked Council if there was enough interest for her to move forward, Council all agreed.

Approve Plans and Report on Extension of Services:

Mayor Williams explained step 4 in the annexation process was sending a report to the County with our intention to extend those services and had to cover four different areas and read the list of required information. Jim Hammons, County Commissioner, said he does not see any problems. The report must be approved by Council to assure it has been seen and approved.

Councilor Smith **MADE A MOTION** to approve Plans and Report on Extension of Services and Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Mayor Williams stated now it has been approved, we will move to step 5 to hold another Public Hearing which will be held during the Council meeting on June 5th.

Pre-zoning discussion on Thompson/Bandemer annexation request:

Levi Thompson and Steve Bandemer with SBLT were present for the 2nd discussion for annexation. Mr. Thompson stated they have submitted their annexation proposal, zoning application, have sent out bits of the growth policy, finalized their application A – K comments, and finished the proposed water/sewer layouts.

Councilor Zimmerman asked if was the parking area on the new map were where the triangles are. Mr. Thompson explained currently, no plans have been created for parking and Mr. Bandemer assured they do want to provide more parking and it was an oversight during the planning process, explaining what type of parking is common to provide with multi-unit dwellings, and what their plans may be.

Council Zimmerman inquired about the green space that had been discussed. Mr. Thompson explained some ideas they have discussed for green space.

Councilor Smith thanked them for completing the application addressing the issues and explained the importance, to Council, of the zoning that will be applied to the property. Everything that has been outlined and addressed for the provisions in the Growth Policy directly supports zoning the property Residential B. Councilor Smith highlighted the reasons why it aligns with Residential B and explained the severe drawbacks if it were to be zoned as Commercial/Residential, creating problems for future Councils, having seen enough of those in the past. Emphasizing multi-family is very important and super needed and that is why it should be zoned multi-family which is Residential B.

Council, Mr. Thompson and Mr. Bandemer discussed the different zonings for the properties, possibilities of options, how the current buildings are zoned, requirements the City would like to see, and how or when new buildings would be constructed.

Councilor McNew inquired why the building project had started before speaking with the City about annexation. Mr. Thompson explained they did not realize it would grow so fast, and after seeing the County septic layout, they realized it would be far more expensive than anticipated.

Councilor McNew had concerns about parking and asked if they would be looking into 2 spaces per unit. Mr. Bandemer explained how the parking situation could look as more units were constructed. Mr. Thompson said depending on the zoning and the parking need he assured it would be something that everyone could agree on. They would create a parking lot layout to present at the June 5th meeting.

Council Smith wanted to emphasize the closest City zoning to what is being built is Residential A and Residential C and explained, even though it is a business, they are creating a family neighborhood.

Public Comment:

Gail Burger, 302 California Ave., believes Commercial/Residential makes sense because, in the future, being 4-plexes if people leave and the units are no longer occupied those could be turned into business offices.

Jennifer Nelson, 1026 Washington, agrees it is needed and makes sense to zone Residential B. Being on the Planning Board they have worked hard to update out of date ordinances. Business/Residential has not been updated yet and if it is zoned Residential B, in the future if there is a different need, it can be zoned differently. Residential C was created because of a mistake that was made and has complicated things. The more information available on how the land is going to be used will help determine how to zone it and recommends not designating a zoning until there is more information.

Bruce Weatherby, 1006 W. 9th, has concerns about the impact on the City water/sewer and other services.

Levi Thompson, owner of a triangular piece of land by Napa, regarding Jennifer Nelson's comment, owning several pieces of land in town, the zoning and planning is important but gets hindered sometimes by the process. Regarding Mr. Weatherby's comment, the sewer system according to the Growth Plan can process 1.5 million gallons a day and is currently at 450,000 gallons a day, unsure of the water system, and the other services has been checked out by the City Engineer.

Council Smith asked Mr. Sikes if the initial step is to determine if we are close to compacity in the City's infrastructure. Mr. Sikes agreed that is the first step to an annexation request. Understanding 2nd Street is narrow, the County has studies but the City has not considered the transportation impacts and does not have a transportation planner but it is a consideration that has been talked about in the past. Councilor Smith agreed processes get frustrating sometimes but we choose to live in communities because of the benefit and in doing that there are rules that are needed to live by to try to avoid conflict.

Mr. Thompson stated 2nd St. is 30 ft. and the requirements is 26 ft. for a subdivision but that road does feel narrow.

Jennifer Nelson, 1026 Washington, stated that road has a narrow bridge and needs to be considered for impact and pedestrian crossing and it has been discussed before because of flooding.

Councilor Zimmerman asked if the property was to be split in half or all Commercial/Residential to get a map together, for the next meeting, to give everyone a better idea of what the possibilities are.

Ordinance #2006, First Reading, Amending Title 17, Chapter 04 of the Libby Municipal Code, adding "Yard Sale" to definitions:

Mayor Williams read Ordinance #2006 aloud for the first reading.

Councilor Zimmerman **MADE A MOTION** to approve Ordinance #2006, First Reading and Councilor Berke **SECONDED**.

Councilor Smith stated this was assigned to Ordinance Committee several months ago and it was discussed but it does take some time to get everything together.

Danielle Hebert felt limiting yard sales to 3 times a year is prohibiting and requests at least 5 for the people that are not capable of coordinating as well as others.

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

MOTION PASSED.

Ordinance #2007, First Reading, Amending Title 12, Chapter 40; and Title 17, Chapter 32 of the Libby Municipal Code to address trees and shrubbery and fences in the Visibility Triangle:

Mayor Williams read a portion of Ordinance #2007 aloud for the first reading. Councilor Smith stated there were no changes in sections 1 – 4 and explains the changes come in 050. Mayor Williams continued reading from the changes.

INTERNET CONNECTION WAS LOST AT 8PM.

Council Smith stated the changes in 060 were subtle and to clarify the language and reorganize to make more sense.

Councilor Smith explained the original language for 030 ordinance provision is titled FENCE OR WALL DISTANCE FROM INTERSECTION and states fences for walls more than 6ft high may be erected in any residents district. The 25ft Visibility Triangle was how the discrepancy began and the Zoning Commission would like to take a more thorough look at fences. Recommending to Council to refer the original language regarding fences.

INTERNET RECONNECTED 8:06PM.

Councilor Zimmerman **MADE A MOTION** to approve Ordinance #2007, First Reading with changes and provisions and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Approve all claims received to date:

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

Mayor Williams announced the public is always welcome to come in during the day on Mondays before the Council meeting and look at the claims and ask questions and explained the claims are the bills that need to be paid.

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

MOTION PASSED.

Approve all business license applications received to date:

HanNana Inc, TOMMYS LLC, and Wild Out West Appraisals LLC.

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

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

MOTION PASSED.

Unfinished Business: Mayor Williams announced traditionally the IP has been under unfinished business and the EPA will be here next week to meet with the sub-committee.

General Comments from the Council:

Mayor Williams announced June 5th will be a Board of Adjustments meeting at 6:30pm regarding a fence variance request. There will be 2 Public Hearings, on Annexation and a Conditional Use Permit in a Business/Residential area.

Mayor Williams spoke with Mike Fraser about an RFP regarding the spoils pile and is looking at putting that proposal together to see if we want to go forward and spoke with the City Attorney about putting a contract together regarding CARD and the little pavilion down at the park.

Councilor Smith announced there has been a lot of discussion about parking and concerns, when the Highway/Commercial district was adopted, there was a matrix included of parking standards based on different uses. Being already prepared the Ordinance Committee could look at it and make a recommendation to Council prior to the next meeting.

Adjournment:

Councilor Zimmerman **MADE A MOTION** to **Adjourn** and Councilor Berke **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 8:14 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold