

CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

REGULAR COUNCIL MEETING #1630

JUNE 5, 2023 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer Marcus Girod
- Roll Call
- Welcome
- Approve City Council meeting #1629 minutes dated May 15, 2023.

ANNOUNCEMENTS: LOR Invitation and Coal Endowment Program Grant.

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- Wildlife
- 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 Ordinance #2006, Second Reading, Amending Title 17, Chapter 04 of the Libby Municipal Code, adding "Yard Sale" to definitions.
2. Approve Ordinance #2007, Second 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.

NEW BUSINESS: The mayor will introduce each new agenda item with a description of the item and an 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.

3. Chamber of Commerce update.
4. Public Hearing Annexation.
5. Approve Ordinance #2005, First Reading, Annexation.
6. Public Hearing for Conditional Use Permit for LAC Arms and Cerakote LLC.
7. Approve Conditional Use Permit and business license for LAC Arms and Cerakote LLC.
8. Appointment of Gail Burger to the City Planning Board.
9. Approve Ordinance #2008, First Reading, Parking.
10. Lead Service Line inventory update.
11. Approve all claims received to date.
12. Approve all business license applications received to date.
 - a) Design Fabricators and Integrators, LLC, 6600 Artisan Way, Louisville, KY., LLC., Installation of conveyor equipment.
 - b) Orsborn Fire Reduction & Landscape, 71 Billadeau Rd., Individual, Wood, landscaping, fire reduction, and snow plowing.

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.

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: 6/1/23

UNAPPROVED 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 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

ORDINANCE NO. 2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA
AMENDING TITLE 17, CHAPTER 04 OF THE LIBBY MUNICIPAL CODE, ADDING
“YARD SALE” TO DEFINITIONS**

WHEREAS, the City of Libby is lacking a definition for “yard sale”; and

WHEREAS, there have been several instances in our community wherein homeowners have established permanent yard sales in their front lawns; and

WHEREAS, such permanent yard sales can negatively affect property values and are deleterious to neighborhood character; and

WHEREAS, the City desires to have a definition of yard sale on which all residents can rely.

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana Title 17, Chapter 04 of the Libby Municipal Code is amended as follows:

Chapter 17.04 DEFINITIONS

Yard sale means an infrequent event [less than three (3) times per calendar year and lasting no more than three (3) days] conducted on property in residential districts where used household goods and personal items are offered for sale to the general public by the owner or tenant of the property or by a group of owners or tenants. A yard sale is not conducted as part of a continuing business venture. Holding three (3) or more yard sales during a calendar year at the same address shall be considered a retail use and therefore prohibited. The term “yard sale” shall include all sales entitled “yard sale,” “lawn sale,” “attic sale,” “rummage sale,” “garage sale” or “flea market sale.”

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 15th day of May 2023.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,
MONTANA** on this 5th day of June 2023.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

ORDINANCE NO. 2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA 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

WHEREAS, the City of Libby has conflicting ordinances governing interference of the Visibility Triangle (alternatively known as Vision Triangle or Sight Triangle); and

WHEREAS, said conflicting language has caused confusion for enforcement; and

WHEREAS, such confusion has created irregular implementation of the code; and

WHEREAS, the City desires to rectify the confusion and facilitate a uniform measurement to identify the Visibility Triangle so as to maintain safe intersections;

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana Title 12, Chapter 40; and Title 17, Chapter 32 of the Libby Municipal Code is amended as follows:

Chapter 12.40 TREES AND SHRUBBERY

12.40.010 Minimum height of branches over sidewalks and streets.

The lowest branch of any tree shall not be less than eight (8') feet above the ground where the same extends over sidewalks. Any tree where limbs or branches extend over the streets, driveways, or any place where traffic passes under such tree or branch shall be fourteen feet (14') above the surface of the street.

12.40.020 Trimming of hedges and shrubbery.

- A. Any owner, agent, tenant, or occupant of any real property shall trim all hedges and shrubbery adjacent to the sidewalks, streets, or alleys, so that the same will not interfere with pedestrian or public travel.
- B. Hedges or shrubbery shall not extend over any part of a public sidewalk, street, or alley in the city. All such hedges and shrubbery shall be trimmed back to the property line regardless of whether the property line abuts a sidewalk, street, or alley. It is the intent of this section that no hedge or shrubbery shall be allowed to grow upon or extend over any of the alleys, streets, or sidewalks in the city limits.

12.40.030 Legal boundary designated.

For the purpose of this chapter, the property line shall be deemed the actual legal boundary of the lot or lots concerned and extending upward at a ninety-degree angle into space.

12.40.040 Interference with planting prohibited.

It is unlawful for any person, not the owner thereof, or without lawful authority to do so, to willfully injure, deface, disfigure, or destroy any fruit, shade, or ornamental tree or shrub, or to injure, destroy, cut or pick any flower or plant growing, standing, or being either on private ground or any street, parking, public park, or place within the city.

12.40.050 Authority over trees outside property lines.

The City retains rights-of-way and public spaces inside the city limits.

12.40.060 Visibility Triangle

- A. A visibility triangle is described as the area being formed by measuring eighty feet (80') along each of the centerlines of the street rights-of-way at an intersection and then connecting the two points with a straight line.
- B. Improvements in the Visibility Triangle
 - 1. The owners of property shall be allowed a wire mesh fence within the visibility triangle of not more than six feet (6') in height, or open rail fence not more than four feet (4') in height, providing that the rails do not constitute more than one-third of the fence area.
 - 2..Tree boles with limbs trimmed between thirty inches (30") and eight feet (8') in height from the existing centerline road elevation, existing, growing, placed, or installed shall be permitted.
- C. It is unlawful for either the owner or the person in possession of any premise to permit traffic hazards to exist. Any owner of any property failing to trim any trees, shrubs, or bushes in conformity with this chapter shall be notified by the city to do so and such notice shall require trimming in conformity with this chapter within fifteen days (15) after the date of such notice. Upon the expiration of such period, the city may cause the trimming to be done and the cost thereof may be collected from the owner of said property in the manner as other costs are assessed against the property owner.

12.40.070 Penalty for violations.

Any person violating any provision of this chapter shall, upon conviction thereof, be punished as set forth in Section 1.28.010.

Chapter 17.32 MISCELLANEOUS PROVISIONS

17.32.030 Fence or wall.

- A.Fences or walls may not exceed six (6) feet in height in any residential district.
- B.For Corner lots, see Visibility Triangle (12.40.060).

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

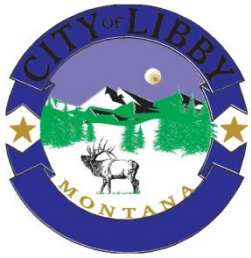
FIRST READING and approved by City Council on the 15th day of May 2023.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA on this 5th day of June 2023.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer



CITY OF LIBBY
952 E. SPRUCE | POST OFFICE BOX 1428
PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

NOTICE OF PUBLIC HEARING

JUNE 5, 2023, DURING THE 7:00PM MEETING

COUNCIL CHAMBERS – CITY HALL

NEW BUSINESS: Each new agenda item will be introduced by the Mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. **Public comment is limited to 3 minutes concerning the agenda item being discussed only.**

The Libby City Council, during the regularly scheduled meeting, will receive comments concerning property owner requested annexation and zoning of property located on West 2nd Street Extension between E. Horseshoe Lane and the BNSF Railroad.

Notes:

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.
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- 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: 05/17/23

ORDINANCE NO. 2005

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA
APPROVING THE ANNEXATION OF PROPERTIES LOCATED IN S33, T31 N, R31 W,
C.O.S. 414, ACRES 3.86, TR 1A in SESE and 3D7 in SWSE.**

WHEREAS, Steven Bandemer and Levi Thompson own certain real properties located in S33, T31 N, R31 W, C.O.S. 414, ACRES 3.86, TR 1A in SESE and 3D7 in SWSE; and

WHEREAS, the properties above described are North of 2nd Street Extension, South of the BNSF Rail Roadway, and contiguous with property already annexed into the City of Libby, namely the city shop and sewer treatment facility; and

WHEREAS, Steven Bandemer and Levi Thompson petitioned the City of Libby to annex the above-described properties on April 4th, 2023; and

WHEREAS, the properties above described have been found to meet the requirements of Mont. Code Ann. § 7-2-4734 and 7-2-4735; and

WHEREAS, the city has the intent of providing services to properties above described as set forth in the Plans and Report of Extension of Services approved by the city council on 15 May 2023; and

WHEREAS, this Ordinance supersedes any previous Ordinance; and

WHEREAS, Mont. Code Ann. § 7-2-4705 permits annexation into a city of land requested to be annexed by the owner through Petition.

NOW, THEREFORE, be it ordained by the Libby City Council that the above-described properties be annexed into the City of Libby effective thirty (30) days after its adoption being zoned as BUSINESS-RESIDENCE.

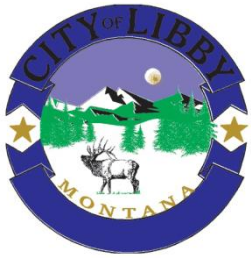
FIRST READING and approved by City Council on the 5th day of June 2023.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,
MONTANA** on this 19th day of June 2023.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer



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NOTICE OF PUBLIC HEARING

JUNE 5, 2023, DURING THE 7:00PM MEETING

COUNCIL CHAMBERS – CITY HALL

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The Libby City Council, during the regularly scheduled meeting, will consider a Conditional Use Permit for LAC Arms and Cerakote LLC, a home-based Federal Firearms License (FFL) and Cerakote business located at 717 Main St.

Notes:

The manner of Addressing Council:

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- 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.

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Posted: 5/18/22

ORDINANCE NO. 2008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA
ADDING A NEW CHAPTER TO TITLE 17, ENTITLED “PARKING STANDARDS”**

WHEREAS, the City of Libby is lacking uniform parking standards; and

WHEREAS, there have been several instances in our growing community wherein insufficient off-street parking has been constructed with new development; and

WHEREAS, such minimum parking requirements will ensure future residents have adequate parking space to prevent conflict with neighbors and maintain safe access in streets and alleyways.

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana the following Title 17, Chapter 34 is hereby adopted:

Chapter 17.34 PARKING STANDARDS – OFF STREET

New Residential Uses shall provide 2 parking spaces per dwelling unit. All other uses shall conform to the provisions and requirements set forth in 17.25.070 Parking, unless otherwise specified in different districts.

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 15th day of May 2023.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,
MONTANA** on this 5th day of June 2023.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer



Libby Lead Service Line (LSL) Inventory Homeowner Handout

Dear Water Consumer,

The U.S. Environmental Protection Agency (EPA) and Montana Department of Environmental Quality (MT DEQ) are requiring your water provider to inventory all of the service lines connected to their water mains. A service line is the underground pipe that carries water from the water main, likely in the street, into your home or building. Your water provider needs to determine the material that the service line is made of. Service lines are often copper, plastic, or galvanized iron or steel, but older homes and buildings may have a lead service line. Pipes containing lead are a potential health risk in drinking water:

Health Effects of Lead

Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

Your water provider may contact you to answer some questions. Your answers can help them determine what your service line is made of. They may ask about the age of your home and its plumbing. They may request access to see your main water meter and/or shutoff valve in your home/residence or possibly dig small holes on your property to inspect the service line. Your water provider may replace lead service lines in the future.

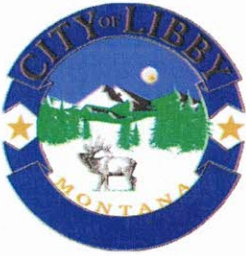
We encourage you to take the time to respond to their questions and allow access to your property. Your water provider should be able to help guide you in answering their questions. Our goal is to help your water provider to develop a full inventory of their service lines going to homes and buildings. This will help determine if you or your family have a lead exposure risk from your service line or plumbing. This is especially important to young children, infants and fetuses who are most vulnerable to lead health effects.

Please remember that any Public Water Service operator or personnel who is charged with the responsibility of service line inventory needs to be treated with respect and common courtesy. They are members of our community who provide a beneficial service, running water. This effort is not only to protect your health, but also your asset.

Thank you for your cooperation and together, let's get the lead out.

For more information on Service Line Inventory call the City of Libby at (406) 293-2731 ext. 4106 or visit the DEQ website at <https://deq.mt.gov/water/programs/dw-leadandcopper>.

Greg Gianforte, Governor | Chris Dorrington, Director | P.O. Box 200901 | Helena, MT 59620-0901 | (406) 444-2544 | www.deq.mt.gov



CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

To: Libby Water Customer

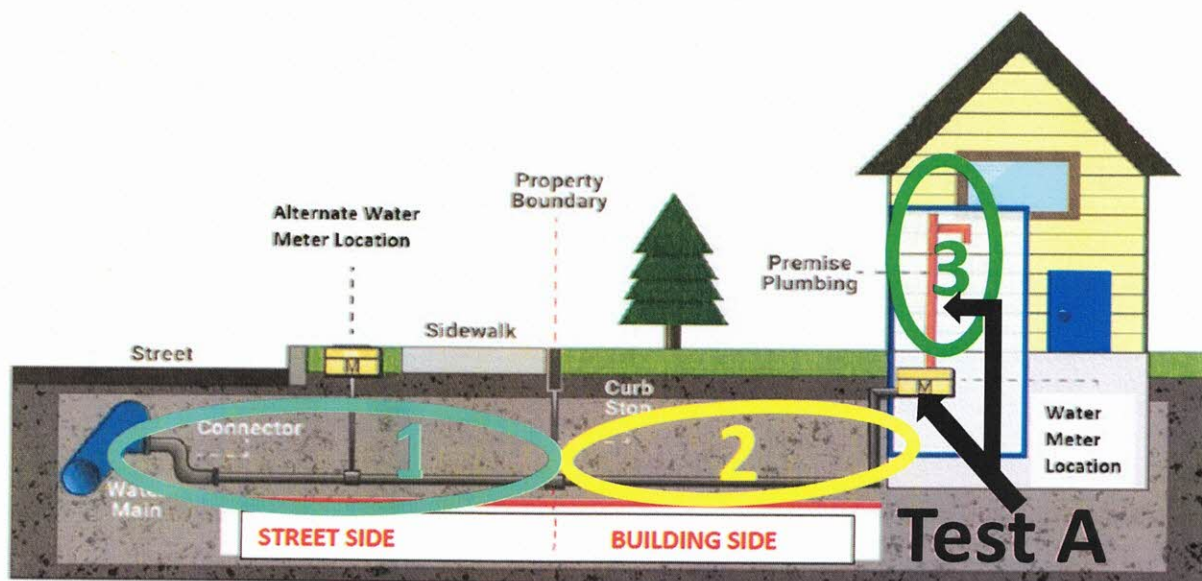
31 May 2023

From: Samuel Sikes, City Administrator

Subject: LEAD SERVICE LINE SURVEY

This letter is to inform you that Libby, as required by the Department of Environmental Quality (DEQ), is completing an inventory of all water service lines that receive water from the City of Libby. This inventory is required to identify any and all sources of lead from within our water system as there is no safe level of lead in drinking water.

Lead has never been used in our water mains or treatment facilities, so this inventory is looking for lead from the water main through to the taps in your homes and buildings. This inventory is concerned with three different sections of the service lines.



Part 1. Street Side - From the water main to the meter pit or curb stop.

Part 2. Building Side - From the meter pit or curb stop to the building.

Part 3. Premise - From the building to the faucet or end use of the water.

The city will be identifying Part 1 of this inventory while parts 2 and 3 require your assistance. It is important that you understand that this inventory must be completed for the DEQ. Failure to respond to this letter will mean that city service workers, by water rule, must be allowed to enter your property and home to inspect your plumbing for lead in the future.


The testing can easily be completed by performing Test A, which is a visual, scratch, and/or magnet test on your plumbing, and then completing and returning Questionnaire B to the city in the self-addressed and stamped envelope provided, or by dropping it off at city hall.

Your cooperation is greatly appreciated in completing this survey. Please call (406) 293-2731 ext. 4106 or stop by city hall for any questions concerning the testing or the purpose of this inventory.



Samuel Sikes
City Administrator

Test A

	Lead	Galvanized Iron	Copper	Brass
Outer Appearance	Dull gray, bendable; Often curves between wall/floor and valve	Dark gray or black; Straight rigid pipe	Brown; Can have green corrosion spots	Brown; Can have green corrosion spots
Threads at connections	None	Yes	None	Yes
Scratch Test (coin or key)	Shiny Silver	Hard to scratch, remains gray	Copper, like a penny	Gold color
Magnet Test	Does not Stick	Magnet WILL stick	Does not Stick	Does not Stick

For more information: [Lead & Copper Rule](#) | [Montana DEQ \(mt.gov\)](#)

Questionnaire B

Please perform Test A on your plumbing where it enters the home and, on your interior plumbing, then answer the following questions and return this form to the city.

What is the physical address for your water service?

What year was your building built?

What is the incoming water pipe made of? Please use Test A where the water pipe enters the building. This will be in the basement or crawl space under your home or building.

☐ Galvanized/Steel ☐ Plastic ☐ Copper ☐ Brass ☐ Other, Please specify

When was it installed?

☐ Pre-1950 ☐ 1950 to 1959 ☐ 1960 to 1969 ☐ 1970 to 1979 ☐ 1980 to 1987
☐ 1988 to 2000 ☐ 2000 to current

Do you have water treatment in your building?

☐ Yes ☐ No

What is the interior plumbing made of in your building? Please use Test A on a portion of your plumbing. This can be under your sink or where your toilet water lines come through the floor.

☐ Galvanized/Steel ☐ Plastic ☐ Copper ☐ Brass ☐ Other, Please specify

When was it installed?

☐ Pre-1960 ☐ 1961 to 1987 ☐ 1988 to 2014 ☐ 2014 to current

Please use this section for comments on your water lines and plumbing such as listing if you have knowledge if a lead connector was removed from your water service in the past.

Use the back for any additional comments.