

## **APPROVED MINUTES**

The City Council held Council Meeting #1631 on Monday, June 19, 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, prayer was by Jeff O'Connell, and 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.

### **Announcements:**

Mayor Williams announced the ribbon cutting for the new playground equipment at Fireman's Park will be Tuesday, June 20<sup>th</sup> at 12:30.

### **Committee Reports:**

**Fire:** Councilor Zimmerman reported there were 7 calls for the month of May. 3 calls in City, 2 calls in Rural Fire District, and 2 calls outside City or RFD. 1 grass/wildland, 2 mutual aid, 1 fire alarm, 1 fuel spill/HAZMAT, and 2 miscellaneous for a total of 39 calls in 2023.

The Fire Department will be conducting the annual fire hydrant flushing, inspections along with 5-year flow testing of hydrants the week of July 10<sup>th</sup>. Any deficiencies or maintenance issues will be passed on to Justin Williams.

**Zoning:** Councilor Smith announced next meeting will be Monday, June 26<sup>th</sup> to continue discussions of Accessory Dwelling Units.

**Finance:** Clerk/Treasurer Monigold announced the FY22 audit is coming to a close and an exit meeting is scheduled with the auditor via Zoom for Thursday, June 22<sup>nd</sup>. The auditor has asked at least one Council member to attend. Councilor Smith said she would be available.

Spoke with First Montana Bank and was informed the interest rate increased on the City's main account from .61% to 3.5% APR. The interest was a substantial increase monthly and is split between funds. Those funds are General, IP, Lighting Maintenance, Sprinkling, Gas Tax, Community Development, Water, and Sewer. The percentage of the interest going to each fund will depend on the money held in that fund.

**Wildlife Committee:** Councilor Taylor announced a Turkey Management Plan is being drafted. The plan will be looked over for any corrections then will be sent to FWP to see what they think.

**Public Comment on Non-Agenda Items:**

DC Orr, 1117 Nevada Ave had concerns about only 3 committee reports being presented and not receiving all the information before it is posted on the agenda. Mr. Orr inquired why Administrator Sikes had not responded to the questions he had sent to him in an email.

Bruce Weatherby, 1006 W. 9<sup>th</sup>, suggested having a place on Mineral Avenue to hang an overhead banner to promote local events. Councilor Zimmerman said there used to be a place near Timberline but one of the attachment points was removed when the new statue was put into place. Mr. Weatherby asked if it would be possible to bring it back.

Michael Gilbert, 276 Mahoney, inquired if Council had received a handout on a house bill regarding drag queen shows and had concerns about events he had heard happening at the previous year's Pride Festival.

Eric Schertel, read a portion of House Bill 359 section 3 and (b) regarding concerns about the event being held in Libby on July 8<sup>th</sup> and asked Council to research that bill.

Danielle Herbert, 1302 Airth,(via Zoom) said she had asked at a previous meeting if Council knew there were going to be 12 drag performers at the event and inquired if they had checked into the legal aspect of that. Ms. Herbert had concerns about what could be viewed in Riverfront Park during the event.

Mayor Williams stated compliance of the law is up to the organizers.

Kenny Rayome, 1314 Dakota Ave., wanted to remind Council it is everyone's Constitutional right to express their message weathered agreed upon and it is up to law enforcement to enforce the laws if there is lude and lascivious behavior.

**Old Business:**

**Approve and Adopt Ordinance #2008, Second Reading, Parking:**

Mayor Williams read Ordinance #2008.

Councilor Zimmerman **MADE A MOTION** to approve and adopt Ordinance #2008 and Councilor Beach **SECONDED**.

DC Orr, 1117 Nevada Ave, read the second WHEREAS and challenged the statement unless Council had specific instances.

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

## **MOTION PASSED.**

### **Approve business license for LAC Arms and Cerakote LLC:**

Councilor Zimmerman recused himself.

Administrator Sikes read an email received from Fire Chief Steve Lauer on June 7<sup>th</sup> that answered questions from the previous approval process. Clarifying, no licenses are approved based on zoning, describing what is inspected to occupy that space for the proposed use and informs the applicant what will need to be added or updated for fire protection features to proceed. Informing the applicant there will be a fire inspection after the business is set up and opened to make sure fire code issues are complied with. Chief Lauer gave specifics on what was required by Mr. Zimmerman to conduct his business.

Councilor Smith inquired if the Health Department is on the list for business license approval. Mr. Sikes said Chief Lauer stated he will refer to the Health Department if he sees something they would need to address.

Councilors Beach, Berke, McNew, Smith, and Taylor voted **FOR** the approval of LAC Arms and Cerakote LLC business license.

### **Business License Approved.**

Mayor Williams announced the Annexation resolution is currently being worked on with Mr. Thompson and plan to have something for action on the agenda.

### **New Business:**

#### **Dean Campbell, Libby Nomad GCS facilities - Introduction:**

Dean Campbell, Nomad Operations Manager, 225 Industry Way, introduced Nomad and gave an update on what they plan to do with the space they are occupying. Mr. Campbell gave a description of the products that would be produced and invited anyone who would like to see their operation to swing by and he would show you around.

#### **Jerry Bennett - Port update:**

Jerry Bennett gave a brief history of the Port Authority which owns 400 acres. 160 acres are zoned for commercial or industrial and the rest is considered recreational, naming off some of the recreations available on the land. The land has been for lease or sale for over 20 years and now has interest parties, Family Health & Wellness, Noble Investments is looking into enlarging and will pick up 102-103 acres, and Welex will be partnering with the Port to clean up the forest area and turn the debris and brush into pellets and allow individuals to do the same.

Mr. Bennet explained a license agreement and what the developers have been doing while a decision is being made to lease or sell the property. The Port does not want to turn over any environmental issues on the property so have applied for Brownsfield grant and are having an environmental assessment of that property at three different stages. If issues are found the Brownsfield funding will go to the cleanup.

Councilor Beach inquired about potential smell and if Noble plans to move a concrete and asphalt plant onto the property. Mr. Bennett confirmed the concrete plant has already been installed and was unsure about the asphalt plant.

**Approve Riverfront Blues Festival noise variance request for August 12<sup>th</sup> and 13<sup>th</sup>:**

Mayor Williams explained a Blues Festival representative was not present so it will be addressed at a later date.

**Approve LOR grant for Libby Police Department:**

Tabitha Viergutz announced the LOR Foundation has committed to contribute \$16,840 to the City of Libby to purchase two PRX Performance Couple Elite Package Workout Equipment and a Concept 2 Rower Machine for the Libby Police Department. Chief Ercanbrack contacted the LOR Foundation in mid-May with the request to aid health and stress relief. Grant funds have been approved by LOR pending Council approval and described the terms of the grant.

Chief Ercanbrack explained the need for the workout equipment.

Councilor Smith **MADE A MOTION** to approve LOR grant for Libby Police Department and Councilor Beach **SECONDED**.

John Bebee, 704 9<sup>th</sup> St., inquired why the City did not have the money in the budget for this equipment, why there is such a discrepancy in pay for law enforcement between County and City, and would like to see hire pay budgeted for public safety.

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

**MOTION PASSED.**

**Approve Collective Bargaining Agreement:**

Mayor Williams explained she did not have a full copy in front of her due to a printing error. The financial increase for the employees is a 3% increase each year for the next 2 years, a 1% step increase for years of service, and a 2% COLA. Other changes were insurance increased \$.75, employee language for certification in Wastewater/ Water Treatment, and language for a foreman position. No attorneys were involved in discussions and both sides agreed on how to move forward.

Councilor Zimmerman **MADE A MOTION** to approve Collective Bargaining Agreement and Councilor Berke **SECONDED**.

Brian Hoskins, 148 Manor Dr., inquired how a motion could be made if the contract was not in front of them. Councilor McNew reassured a full copy was included in the original Council packet.

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 Berke **SECONDED**.

Mayor Williams reminded everyone they are welcome to come in Mondays during the day and review the claims, which are the bills the City pays.

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

**MOTION PASSED.**

**Approve all business license applications received to date:**

A Lazy Buzz LLC, Brian's Plumbing and Heating, C&D Handyman Services LLC, and McAbee Tech.

Councilor Zimmerman **MADE a MOTION** to approve all business licenses received to date and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**General Comments from the Council:**

Councilor McNew suggested putting Bruce Weatherby's Mineral Avenue sign idea into committee.

Councilor McNew commented on the statement made earlier about committee reports, clarifying if a committee does not have an agenda item to hold a meeting there will be nothing to be reported to Council. Once an item has been placed into committee and a meeting has been held then the committee chair will be able to report to Council. Everyone is being as transparent as possible but there have only been a few committees that have met lately so there will be fewer reports. Councilor Smith included, or nothing has been brought for recommendation requiring action.

Councilor Beach accepted Bruce Weatherby's sign idea to be put into the Streets Committee.

**Adjournment:**

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

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:43 PM.

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Mayor Peggy Williams

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Clerk-Treasurer Leann Monigold