



## CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: [www.cityoflibby.com](http://www.cityoflibby.com)

# REGULAR COUNCIL MEETING #1638

OCTOBER 2, 2023 @ 7:00 PM  
COUNCIL CHAMBERS – CITY HALL

### **CALL TO ORDER:**

- Pledge of Allegiance
- Prayer Marcus Girod
- Roll Call
- Welcome
- Approve City Council meeting #1637 minutes dated September 18, 2023

### **ANNOUNCEMENTS:**

### **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.

**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.

1. Approve Libby Area Business Association's Halloween Road Closure on Mineral Ave from Dome Theater to the Brewery, 3:30 - 6pm for Trick or Treat and use of City barricades.
2. Approve Ordinance #2010, Amendment of the Design and Construction Standards.
3. Approve Resolution #2022, Declaring Certain City of Libby Property as Surplus, and Authorizing its Disposal at Auction.
4. Approve proposed mural for Mineral Avenue Pocket Park.
5. Request for school signage for Montana/Spruce for Kootenai Valley Christian School.
6. Approve all claims received to date.
7. Approve all business license applications received to date.
  - a. H&R Block, 609 E 9<sup>th</sup> St, LLC, Tax prep services.
  - b. Jason Schikora Photography, 417 Mineral Ave Suite 6, Individual, Photography and editing services, print products, and photo gifts.
  - c. Red, White & Brews, 411 Mineral Ave, LLC., Offer/serve Montana brewed craft beer on tap, regional and import wines, can/bottle craft beer, soda, cider, and non-alcoholic beverages.

**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:** 9/28/23

## **UNAPPROVED MINUTES**

The City Council held Council Meeting #1637 on Monday, September 18, 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, Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all those present.

Chief Ercanbrack introduced and swore in new Libby Police Officer Donald Luthey.

### **Approve City Council minutes for meeting #1633 dated September 5, 2023:**

Councilor Zimmerman **MADE A MOTION** to approve City Council minutes for meeting #1633 dated September 5, 2023, Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

### **Announcements:**

Mayor Williams and Councilor Smith announced the Forest Fair was this coming weekend, Friday from 2pm – 5pm.

### **Committee Reports:**

**Administrator:** Mayor Williams stated Mr. Sikes has been putting in many hours at the Wastewater Treatment Plant along with the two new employees and everything is running well, no big mishaps, spills, or fines.

**Building:** Mayor Williams announced a copy of the lease for Pure North was given to Councilor Beach. Updates are needed. Councilor Beach stated he would arrange a meeting with the Committee to review the lease.

**Water/Sewer:** Councilor Zimmerman announced a Committee meeting would be coming up to review definitions and wording needing updated for calcifications for any projects coming up.

**Zoning:** Councilor Smith announced the next Zoning Commission meeting would be Monday, September 25<sup>th</sup>.

**Cemetery/Parks:** Councilor McNew announced arrangements have been made with Flathead Electric, Police Department, and Ron Miller for Tuesday the 26<sup>th</sup> to remove the power pole in the Pocket Park and move forward with the project.

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

John Bebee, 704 E 9<sup>th</sup> St., commented he supports the old mill area being developed, living adjacent to the area, has concerns when strong winds blow a lot of dust coming from the area. Noble was using a water truck to keep the dust down and recommended other developers be aware of the dust being caused.

DC Orr, 1117 Nevada Ave., disagreed with Mayor Teske's past decision to not seek new council for IP Settlement and disagreed with Mayor Williams decision to approve the light on the flagpole in the Cemetery after previously being given to the Cemetery Committee.

**Old Business:** None.

**New Business:**

**Approve Resolution #2021, Lease Amendment Extending Existing Lease with Department of Revenue:**

Mayor Williams read Resolution #2021.

Councilor Zimmerman **MADE A MOTION** to approve Resolution #2021, Lease Amendment Extending Existing Lease with Department of Revenue, Councilor Smith **SECONDED**.

Councilor McNew inquired if power, water, and sewer were broken down or included in the lease amount of \$2781. Clerk/Treasurer Monigold stated the lease amount of \$2781 is figured out by square feet and includes all utilities and maintenance. Mayor Williams stated it is calculated at the States rate paid per square foot with expectations of a turnkey operation.

DC Orr, 1117 Nevada Ave., inquired if there is any accounting for what the City pays for utilities, maintenance, and cleaning and are we making money from it. Mayor Williams commented, this building is not broken down into sections to track what utility uses are, leases are from square footage. Councilor McNew stated it is approximately \$12 per square foot which above any commercial lease in the area.

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

**MOTION PASSED.**

**Introduce new Residential Zoning updates:**

Mayor Williams explained this is the introduction for Residential Zoning updates on Residential Districts A, B, and C which was renamed A2.

Councilor Smith explained the Zoning Commission began modernizing the language for the Residential Districts two years ago. Three structural changes were made, 1.) The language was confusing, so it was modernized and structured based on typical industry language and how it flows through a zoning district. 2.) Addressing issues in the community and to make clear what the expectations are for each district. 3.) To try and prevent some unwanted changes in certain districts.

The last Commission meeting did not have a quorum, but support was unanimous from those present, and Councilor Smith was confident the other member will vote in support at the next Commission meeting so a formal recommendation can be presented to the Council and a presentation for a Public Hearing.

A recommendation was made to rename Residential C to Residential A2 because it was not different enough in its performance standards for its use to have its own distinct label.

**Council Comments:** Councilor McNew commented and had recommendations for the different zoning districts. Residential A District, 1.) accessory uses states only one commercial vehicle may be stored on any lot, recommending there should be a definition to clarify what a commercial vehicle is. 2.) Garages and carports must be set back a minimum of 10 feet from frontmost face of house, assuming it refers to a detached one, stating many times architecturally it is found to the left of the front door as you come in, inquiring if that is current to architectural design. 3.) signs bearing the name of an occupation of an occupant shall not exceed one square foot per household recommending allowing the sign size to be increased because one square foot is rather small and the name McNew may fit in the space but a name like Zimmerman may not fit in that space. 4.) 17.12. 070 Accessory buildings industrial storage freight train containers are not permitted recommending looking into changing that because after following a lot of social media and architectural magazines the new high thing is turning storage containers into homes, and a local company is working on that to make accessory dwelling units. 5.) D. under Outdoor Features, Storage, and Temporary Storage, reading the statement, inquired where that should be parked because many residents have one, himself included, and do not feel it is fair for the resident with campers to not be able to store them on their property.

Residential B Distinct, 1.) Same thing as before with Accessory Uses for garages and carports having a minimum of ten feet set back. 2.) Lot Area, reading the lot area requirements, inquiring where those measurement came from. Councilor Smith stated those already exist in our zoning ordinance. Councilor McNew recommended looking at that to see if it works for the current lot sizes. Council discussed the lot sizes. 3.) Setbacks B. and C. under Front yards, inquiring about parking structures and used examples of structures that may not be within requirements and would like to know where people are going to park, if the structure was to be built up it may go beyond the minimum square footage requirements and concerns of parking if the structure was built higher.

Councilor Smith explained in Residential B district there is a section that talks about apartment buildings and the ability to be 70 feet tall. Council discussed concerns about multi-family dwellings with increasing population and any concerns for Fire Department with the allowable height.

**Public Comments:**

John Bebee, 704 E 9<sup>th</sup> St., commented zoning should be representative of the people in that area and to keep in mind the cost, verbiage, and restrictiveness is burdening for people trying to meet all the codes.

DC Orr, 1117 Nevada Ave., commented, belonging to a group called Strong Towns, they give advice on how regulations impact the development, taxes, and infrastructure in the town. Mr. Orr had concerns on how so many regulations at once can be burdensome to the town and recommended setting regulations over a period of time to research the impact it may have.

Danielle Breedlove, 1302 Airth Ave., commented after watching Zoning meetings on Zoom, wanted to inform the Council she has noticed on more than one occasion the Committee was speaking down about citizens, making remarks about people living in campers while building their house, and insinuating people are dishonest and untrustworthy. She feels their personal beliefs are interfering with creating laws and regulations that represent us and allow for growth and doesn't believe the personalities on the Committee are the best fit for the citizens they represent.

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

Cave Construction, Christin Moeller, Sarah's Support Services, and Rocky Mountain Music.

Councilor Zimmerman **MADE A MOTION** to approve all business licenses received to date and Councilor McNew **SECONDED**.

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

**MOTION PASSED.**

### **General Comments from the Council:**

Mayor Williams commented restrooms are continuing to be vandalized in Fireman's Park so have been cleaned and closed for the season and have talked to the Chamber about what can be done for Market days about bringing in porta-potties. The camp host leaves on Thursday so sprinkling system will be blown out in the park. Restroom at Riverfront Park is continuing to have abuse and are looking at a way to close that at night and working with people still having events down there, so they have access to it as well as bringing in their own porta-potties when having a large group.

Councilor Beach recommended looking into electronic locks that require a pass code and can be locked and unlocked in a specific time frame which may save on the expense of having an employee make sure they are locked and unlocked. Mayor Williams explained the Streets crew goes past there just before 8am and leaves just after 4pm and have discussed them locking and unlocking and will talk to Justin Williams about the electronic locks and see if that would be helpful for the Streets Department. Also explaining the restroom has a pressure problem and cannot keep up with large groups so anyone having a large group it is required they have someone monitor it, especially when the event is over several days. It has been discussed to have a plumber look at the pressure issue to see if it can be resolved.

Mayor Williams announced the Council was invited by the EPA to go on a tour of the IP cleanup site. Mr. McNew and Ms. Smith were able to join the tour, others were unable due to time restrictions.

Councilor McNew stated it was very enlightening, learning that back in 2000 the remedy was not working so nothing has been done for 23 years to mitigate that and are just now starting a process. Councilor McNew explained the process and it is expected to have a 47-year lifespan. He was unsure if the public knew the remedy had failed but the EPA never held a meeting to let the public know. Councilor Smith said it was rather eye-opening to realize there was a 20-year stall.

Mayor Williams announced she had received an email from Maggie Ogden of EPA, who is now the site coordinator, and is going to try to organize some more tours and hopefully even public tours.

Councilor Smith emphasized being disappointed with members of the community for vandalizing park facilities and stating there has been so much litter being left up and down 5<sup>th</sup> St., once a year she and her girls schedule a day to cleanup garbage along the way but may have to schedule a second because of so much litter and finds it very disheartening so many people that don't care about how it looks. Mayor Williams stated, in that area, the Rotary had installed three concrete benches and one is broken and a second was pushed over but was able to be put back in place.

Councilor Zimmerman commented he had seen a post from the Sheriff's Office that said, "Our roadside is not your dumpster."

**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 7:45 PM.

\_\_\_\_\_

Mayor Peggy Williams

Attest: \_\_\_\_\_

Clerk/Treasurer Leann Monigold



**clerk.treasurer@cityoflibby.com**

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**From:** Gail Burger <northerngail@montanasky.tv>  
**Sent:** Saturday, September 16, 2023 10:52 AM  
**To:** clerk.treasurer@cityoflibby.com  
**Subject:** Halloween road closure

Good morning,

I am hoping Libby Area Business Association can get on the October agenda for a road closure on Mineral for Halloween 10/31 330pm-6pm from the dome to the brewery. We request this closure to keep children safe during the trick or treat store to store put on by the businesses on mineral. We also request the use of the city barricades again this year.

Thank you,

Gail Burger  
LABA President  
406-293-5311

## **ORDINANCE NO. 2010**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 1882 PROVIDING FOR THE ADOPTION OF THE DESIGN AND CONSTRUCTION STANDARDS FOR THE CITY OF LIBBY**

**WHEREAS**, the City of Libby, Montana passed Ordinance No. 1882 providing for the adoption of Design and Construction Standards for the City of Libby; and

**WHEREAS**, it is in the best interests of the City of Libby that such design and construction standards be periodically reviewed to ensure that they are consistent with changes and improvements in technology and methodology; and

**WHEREAS**, the City of Libby has reviewed such design and construction standards and has deemed it in the best interests of the City of Libby to adopt the changes set forth herein, necessary for efficient, effective, safe, and lasting construction within the City of Libby.

**NOW, THEREFORE**, be it hereby ordained that the following rules be amended as follows:

#### **CHAPTER TWO - DESIGN STANDARDS**

##### **3. Water System Design Requirements**

###### **Page II-3**

- Pipe Materials- AWWA C 900 DR 18, Class 235 pipe conforming to AWWA C-900 Standards.
- Water service lines- Each single-family residence will have an individual service. The minimum size will be  $\frac{3}{4}$  inch.
- Service line pipe up to 3 inches shall be polyethylene (PE), 471Q, IPS, Class 200 SIDR-7 conforming to AWWA C-901.
- Service line pipe four (4) inches and larger shall be DR-18 Class 235 PVC pipe, conforming to AWWA C-900 standards.
- Service saddles shall be Romac Model 1Q1N or 202N, stainless steel with CC threads for 1 inch to 3 inch. No single or double strap type saddles are allowed for PVC pipe.
- Corporation valves shall be 1 inch Ford Ball Corp. with CC thread inlet and grip joint outlet for IPS PE pipe, model Ford FB 1001-4-G or equivalent (Mueller).
- Curb Stops shall be Ford Ball Curb, Minneapolis Pattern with grip joints on the inlet and outlet for IPS PE pipe, model Ford B66-444M-G or equivalent (Mueller).

- All fittings for underground piping shall be ductile iron fittings, Class 350 SSB fittings conforming to AWWA C-153 Standards. All fittings shall be mechanical joint with retainer glands. Bolts shall be stainless steel or Cor-Blue.
- Valves shall be Mueller Resilient Seat wedge Valves Gate Valves conforming to AWWA C-509 and C-515 Standards or equivalent.

**Page II-4**

- Water meters shall be Sensus brand for  $\frac{3}{4}$  and 1 inch, Ipearl with TR/PL connector and cast-iron bottoms. Meters 1  $\frac{1}{2}$  to 4 inch shall be Sensus Omni C2 or T2.

- Meter boxes and meter setter for  $\frac{5}{8}$  and  $\frac{3}{4}$  inch shall be Mueller Thermal Coil Meter Box 2Q3-CS-15-72-F-B-A-L-N. Meter box and meter setter for 1 inch shall be Mueller Thermal Coil Meter Box 33Q-CS-18-72-F-B-A-L-N. Meter boxes of 2" services shall be Mueller. Meter boxes and meter setter for services larger than 2 inch shall be submitted for approval by the City of Libby.

**Page II-6**

- Wye's installed in existing mains will be Romac CB saddles manufactured for the specific pipe diameter. Saddles will be adhered with stainless steel straps. Saddles will have butyl rubber gaskets at the tap.

**FIRST READING** and approved by City Council on the 2<sup>nd</sup> day of October 2023.

**PASSED AND ADOPTED** by the City Council of the City of Libby, Montana, and approved by the Mayor, this 16<sup>th</sup> day of October 2023.

Attest:

By: \_\_\_\_\_  
Peggy Williams, Mayor

\_\_\_\_\_  
Leann Monigold, Clerk/Treasurer

## RESOLUTION NO. 2022

### **A RESOLUTION OF THE CITY COUNCIL DECLARING CERTAIN CITY OF LIBBY PROPERTY AS SURPLUS AND AUTHORIZING ITS DISPOSAL AT AUCTION.**

**WHEREAS**, the following City owned property has served its useful life for the City of Libby's purposes and needs and is no longer being used or operated by the City; and

**WHEREAS**, the City does not anticipate using or operating said property at any time in the future; and

**WHEREAS**, several items will be sold; and

**WHEREAS**, Montana Code Annotated (MCA), Sec. 7-8-4201, provides that the City Council may sell, dispose of, donate, or lease any property belonging to the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Libby, Montana, that the following City property is approved for sale, transfer, or disposal:

<b><u>ITEM</u></b>	<b><u>DEPARTMENT</u></b>
1969 Comet Military Trailer	Streets
1981 Ford F-150 Flatbed	Water
1984 Volvo Autocar	Streets
1990 Ford F250	Streets
1991 Chevy GMT-400 4X4	Cemetery/Parks
1991 Ford F-350 Flatbed	Streets/Cemetery/Parks
2010 Ford Crown Victoria	Police
Hustler 4600 Lawn Mower	Cemetery/Parks
1990 Honda CR500 dirt bike	

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA**, on this 2nd day of October 2023.

By: \_\_\_\_\_

Peggy Williams, Mayor

Attest: \_\_\_\_\_

Leann Monigold, Clerk/Treasurer







## City of Libby

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**From:** mayor@cityoflibby.com  
**Sent:** Thursday, September 28, 2023 10:30 AM  
**To:** clerk.treasurer@cityoflibby.com  
**Subject:** FW: School Zone Signage Request

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**From:** Tara Niemi <kvcs.niemi@gmail.com>  
**Sent:** Thursday, September 28, 2023 8:49 AM  
**To:** undisclosed-recipients:  
**Subject:** School Zone Signage Request

Hello,

Kootenai Valley Christian School is located in Libby at 1024 Montana Avenue. We are a private school for students in preschool through twelfth grade. We currently have an enrollment of over 100 students.

There are concerns regarding traffic safety around our school for pedestrians and drivers as traffic has increased during school drop-off and pick-up times. Families, neighbors, and other community members have requested that stop signs and a reduced school zone speed limit be put in. There is a 20mph zone, but it is on a side street with only one sign. I can make myself available for meetings to answer more questions, or submit pictures of the signage already in place if needed.

Thank you for considering this project.

--

Tara Niemi  
Administrator  
Kootenai Valley Christian School  
406-293-2303  
406-291-2636