



CITY OF LIBBY

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REGULAR COUNCIL MEETING #1562

FEBRUARY 1, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Rajan Zed
- Approve City Council Meeting Minutes for #1561 dated 19 January 2021.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- KRDC
- 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.**

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.**

1. Approve Ordinance 1972 – Establish civil fines pertaining to the use, possession, and cultivation of Marijuana.
2. Approve new business licenses received to date.
 - a. Cook Clean and Care Home Services, Individual, 610 Treasure Ave., Home Care and Cooking.
 - b. Fuller Elektrik, Individual, 18 Stateline Dr. Troy, Mobile Electrician.
 - c. Marozzo Plumbing and Heating, 184 Bowkers St. LLC, Plumbing.
3. Approve claims and payroll for January of 2021.
4. Approve all Beer, Wine or Liquor Licenses received to date.
 - a. Cabinet View Golf Club, PO Box 1562

UNFINISHED BUSINESS:

1. City of Libby Wildlife Management Plan
2. IP negotiations.
3. Approve (tabled) location for vault toilet at the Cross-Country Ski Course.

GENERAL COMMENTS FROM COUNCIL:

ADJOURNMENT:

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.
- No personal remarks shall be addressed to the Council as a body and not to any member of the Council or Staff.
- 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 be 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: 01/28/21

City Administrators Report

February 1st, 2021

Storm Damage

Late Sunday night into Monday morning on January 10th & 11th, a large storm blew in from the Pacific bringing gusty winds causing a lot of power outages and tree damage around the County.

Here in Libby, we saw a lot of trees and debris blow around town. There were many power lines, cable TV, and telephone lines down as well. Lincoln County dispatch was inundated with calls of down lines and tree damage. Libby Volunteer Fire Department was dispatched to several areas where trees were blown into powerlines.

The City of Libby road crew assisted with removing trees across the streets in many areas around town. They used the front end loader to push the trees and large limbs to the sides of the street.

Most of the damage seem to be located more on the south side of town in the Education Way and Balsam Street area, although there were trees down scattered throughout town. After the storm, the crews cleaned up the trees and branches around town.

The City parks and other properties were not affected to badly. There were 4 trees down near the tennis courts and City Hall. One large tree snapped off near the train station in BNSF Park, which was about the extent of damage to the City.

Departments

With the winter being pretty mild so far, crews at the street shop have been working to get caught up on much needed maintenance to equipment and shop area. They cleaned out the water shop on Cedar Street for the new Vac truck once it arrives. (Should be soon) The shop is heated, and the truck is too big to put in the bay at the wastewater plant.

They have been spending a lot of time jetting out sewer mains as well. Another project that will be done this summer if time allows is cleaning out the storm water basins and drains.

The large storm water retention ponds need dredging out. They have not been cleaned in years, if ever. There are two of these ponds, one near the new hospital and the other back behind the David Thompson Search and Rescue building. The crew investigated the ponds a few weeks ago and are putting a plan in place to clean them out, once the weather gets better suited for this type of work.

The water treatment plant operators have had their hands full with high amounts of turbidity in the raw water coming into the plant. Since the large amount of rain during the first couple of weeks in January, the turbidity spiked up. The operators were able to clean the water but since the rain has subsided and snow moved into the higher elevations, the raw water turbidity still remains high.

Normally once the rain stops and the area freezes the turbidity comes down but for some odd reason it has remained high, requiring operators to use more chemicals to treat the water.

Operators at the wastewater plant have been studying for their license exams. A member from Montana Rural Water came to the plant and helped the operators prepare for the tests. The tests will be taken in Kalispell later this spring.

Jim Hammons

ORDINANCE 1972

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA ESTABLISHING CIVIL FINES PERTAINING TO THE USE, POSSESSION AND CULTIVATION OF MARIJUANA

WHEREAS the voters of the State of Montana approved Initiative I-190 and which decriminalized certain activities related to the use, possession and cultivation of marijuana, but also provided for the implementation of civil fines for the same,

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana that the following Ordinance be enacted effective March 18, 2021.

Restrictions on activities related to the use, possession and cultivation of Marijuana Title 9.57.00

9.57.10 The following activities related to the use, possession and cultivation of marijuana are hereby prohibited and unless otherwise specifically provided, any person or found in violation thereof is guilty of a municipal infraction and shall have imposed a civil fine or penalty as set forth herein and may be enforced by the City in the manner set forth in this Code:

9.57.20 A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

9.57.30 A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

9.57.40 A person who smokes marijuana in a public place, other than in an area licensed for that activity by the city or other agency with authority to do so, is subject to a civil fine not exceeding \$50.

9.57.50 For a person who is under 21 years of age and is not a registered cardholder, possession, use, ingestion, inhalation, transportation, delivery without consideration, or distribution without consideration of 1 ounce or less of marijuana is punishable by forfeiture of the marijuana and the underage person's choice between:

- A. a civil fine not to exceed \$100; or
- B. up to 4 hours of drug education or counseling in lieu of the fine.

9.57.60 For a person who is under 18 years of age and is not a registered cardholder, possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and the underage person's choice between:

- A. a civil fine not to exceed \$100; or

B. up to 4 hours of drug education or counseling in lieu of the fine.

9.57.70 Unless otherwise permitted under the provisions of Title 50, chapter 46, part 3, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

- A. for a first violation, the person's choice between a civil fine not exceeding \$200 or completing up to 4 hours of community service in lieu of the fine;
- B. for a second violation, the person's choice between a civil fine not exceeding \$300 or completing up to 6 hours of community service in lieu of the fine;
- C. for a third or subsequent violation, the person's choice between a civil fine not exceeding \$500 or completing up to 8 hours of community service in lieu of the fine; and
- D. for a person under 21 years of age, the person's choice between a civil fine not to exceed \$200 or attending up to 8 hours of drug education or counseling in lieu of the fine.