

CITY OF LIBBY

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REGULAR COUNCIL MEETING #1652

MAY 6, 2024 @ 7:00 PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Tom Cole
- Roll Call
- Welcome
- Approve minutes of City Council meeting #1650 April 1st, and Public Hearing meeting April 8th.

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 HEARING

Public Hearing to receive public Comment regarding the updated cost estimates to the 2020 Wastewater Preliminary Engineering Report and associated grant and loan funding options.

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 Resolution #2032 to increase utility rates and charges for the users of the municipal utility system.
2. Approve Resolution # 2031 authorization for Mayor to sign MCEP grant for 1st & MT Lift Station Capital Improvement Project.
3. Approve \$16,237 LOR Foundation grant for ADA accessible entrance to City Hall.
4. Approve Resolution #2028, adopting updated editions of the building codes as amended per ARM 24.301.202(1) referenced by Chapter 14.04, building codes, of the Libby Municipal code.
5. Approve Ordinance #2011, adding a new chapter to Title 10 – Vehicles and Traffic – Entitled Recreational Vehicles and removing Chapter 28 (Trailer and Trailer Parks) from Title 14 (building and construction), 1st reading.
6. Appoint Wade Svendsby to Police Commission for 3-year term ending May 1, 2027.
7. Approve all claims received to date.
8. Approve all business license applications received to date.
 - a) Anderson Excavating, LLC., 274 Upper Flower Cr. Rd, LLC., Excavation Service.
 - b) Barkery Mt LLC., 61 Vaughn Ln. LLC, Homemade all natural pet treats, for sale at events and online.
 - c) R and Z Concrete, 506 Park St. #23, LLC. Sidewalks, pathways, footings, and foundations.
 - d) ET AL. Strength, 120 E Oak St, LLC., Fitness Training.

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.

Discussion to amend Libby Development Fund Policy and application process.

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: 5/2/24

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Libby, Montana (the “City”), hereby certify that the attached resolution is a true copy of a Resolution entitled: “A RESOLUTION OF INTENTION OF THE CITY OF LIBBY, MONTANA TO INCREASE RATES AND CHARGES FOR THE USERS OF THE MUNICIPAL UTILITY SYSTEMS” (the “Resolution”), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council at a regular meeting on April 15th, 2024, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____
_____; voted against the same: _____
_____; abstained from voting thereon: _____
_____; or were absent: _____.

WITNESS my hand officially this 6th day of May 2024.

Leann Monigold, Clerk/Treasurer

RESOLUTION NO. 2032

A RESOLUTION OF THE CITY OF LIBBY, MONTANA TO INCREASE RATES AND CHARGES FOR THE USERS OF THE MUNICIPAL UTILITY SYSTEMS

WHEREAS, under Section 69-7-101, Montana Code Annotated, a municipality has the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by municipal systems. Rates, charges, and classifications must be reasonable and just; and

WHEREAS, under Section 7-7-4421, Montana Code Annotated, the city issued Revenue Bonds for the construction, reconstruction, improvement, and betterment of the utility systems; and

WHEREAS, it is necessary for the City to collect sufficient utility service revenues to repay Bonds, pay the costs associated with the operation and maintenance of the Utility Systems, and to establish appropriate reserves; and

WHEREAS, pursuant to Section 69-7-111, Montana Code Annotated, if the governing body of a municipality considers it advisable to regulate, establish, or change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it at a time and place specified; and

WHEREAS, pursuant to Section 69-7-111, Montana Code Annotated, a notice of public hearing was mailed to all persons served by the utility notifying them that it was the intention of the City to change and increase the rates and charges for utility services, notice of public hearing was published three times as required, and a notice was mailed to the Montana consumer council; and

WHEREAS, a public hearing was held on April 8th, 2024, commencing at 7:00 p.m. at Libby City Hall, 952 E. Spruce Street, in Libby, Montana, for the purpose of hearing comments from the public on the utility rates changes and increases; and

WHEREAS, all persons appearing were given an opportunity to speak at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Libby, Montana as following intention:

Section 1. Existing Monthly Rate Charge.

City and County Rates. The City currently charges residential and commercial users of the utility system residing within the City limits and residing outside the City limits but connected to the City's Utility Systems a monthly charge for water and sewer utility services as shown below. For purposes of this resolution, "County" means property in Lincoln County located outside the City limits.

2023 Water Rates				
Diameter	City Residential	County Residential	City Commercial	County Commercial
.75"	\$ 45.25	\$ 56.60	\$ 56.37	\$ 70.37
1.00"	\$ 46.55	\$ 56.23	\$ 74.97	\$ 93.59
1.25"			\$ 94.14	\$ 117.52
1.50"			\$ 117.25	\$ 146.37
2.00"			\$ 150.51	\$ 187.89
3.00"			\$ 225.48	\$ 205.19
4.00"			\$ 300.46	\$ 273.72
6.00"			\$ 328.92	\$ 410.58

2023 Water Flat Rates		
	City	County
1.00" Fire Supression	\$46.02	\$46.02
2.00" Fire Supression	\$72.56	\$72.56
3.00" Fire Supression	\$87.65	\$87.65
4.00" Fire Supression	\$94.41	\$94.41
6.00" Fire Supression	\$109.37	\$109.37

Sewer Rate
City or County - \$33.48

In addition, the City charges each user of the Water System a usage charge equal to \$2.96 per 1,000 gallons of water and pro rata amount for gallons of water used in other than 1,000-gallon increments and charges each user of the Sewer System a usage charge equal to \$2.85 per 1,000 gallons of water and pro rata amount for gallons of water used in other than 1,000-gallon increments. A flat rate is charged for Fire Suppression Systems with no additional flat rates allowed.

Section 2. New Monthly Rate Charge. The updated utility rates will be as follows.

City and County Rates. The City will continue charging residential and commercial users of the Utility System residing within the City limits and residing outside the City limits but connected to the City's Water System a monthly charge for water as shown below. For purposes of this resolution, "County" means property in Lincoln County located outside the City limits.

2024 Water Rates				
Diameter	City Residential	County Residential	City Commercial	County Commercial
.75"	\$ 55.81	\$ 69.81	\$ 69.54	\$ 71.91
1.00"	\$ 57.42	\$ 70.42	\$ 92.48	\$ 115.43
1.25"			\$ 116.11	\$ 142.15
1.50"			\$ 144.62	\$ 181.77
2.00"			\$ 186.87	\$ 231.74
3.00"			\$ 278.10	\$ 322.58
4.00"			\$ 370.58	\$ 415.23
6.00"			\$ 461.55	\$ 506.39

2024 Water Flat Rates		
	City	County
1.00" Fire Supression	\$57.42	\$70.42
2.00" Fire Supression	\$71.78	\$88.03
3.00" Fire Supression	\$89.72	\$110.03
4.00" Fire Supression	\$112.15	\$137.54
6.00" Fire Supression	\$140.19	\$171.92

2024 Sewer Rates				
Diameter	Residential		Commercial	
.75"	\$ 43.92		\$ 52.71	
1.00"	\$ 52.71		\$ 63.25	
1.25"			\$ 75.98	
1.50"			\$ 91.36	
2.00"			\$ 131.76	
3.00"			\$ 273.19	
4.00"			\$ 307.45	
6.00"			\$ 395.29	

In addition, the City will charge each user of the Water System a usage charge equal to \$2.96 per 1,000 gallons of water and pro rata amount for gallons of water used in other than 1,000-gallon increments and charge each user of the Sewer System a usage charge equal to \$2.85 per 1,000 gallons of water and pro rata amount for gallons of water used in other than 1,000-gallon increments. A flat rate is charged for Fire Suppression Systems with no usage with no additional flat rates allowed.

The City will charge identified users according to Equivalent Users Classification for Apartments, Duplexes, Mobile Home Courts, Hospitals, Hotels, Motels, Rooming Houses, Residential Institutions, Large Offices, Schools, and other commercial and residential uses that are determined to have an increased impact to the utility system. The determination of equivalent users classification will be made on an ongoing basis as property use changes are brought to light.

Section 3. Determination of Annual Budget for Utility Systems. Each year the Council of the City shall determine the amount of money needed to pay the costs of the Utility Systems including but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the Water and Sewer Systems; (b) administration of the Water and Sewer Systems; (c) the payment of principal and interest on any bonded or other indebtedness of the Water and Sewer Systems; and (d) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time or as covenanted in the ordinance or resolution authorizing any outstanding bonds of the Water and Sewer Systems. Based on the annual needs of the Water and Sewer Systems, the Council will establish and adjust rates and charges for the use and availability of the Utility Systems.

Section 4. Further Rate Increases. The utility base rates shall increase 4% annually, effective as of the July 1 billing in each year from 2025 through 2027, unless otherwise decreased by the City Council. Subsequent adjustments to the monthly rate charge will be made by resolution of the Council duly adopted after a public hearing with notice thereof given as provided by law.

Section 5. Effective Date of Resolution. This resolution shall be immediately filed with the City Clerk/Treasurer and shall become effective 10 days after filing with the Clerk/Treasurer.

Passed and approved this 6th day of May 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

RESOLUTION NO. 2031

WHEREAS, the city of Libby is applying to the Montana Department of Commerce for financial assistance from the Montana Coal Endowment Program (MCEP) for improvements to their wastewater system;

WHEREAS, the City of Libby has the legal jurisdiction and authority to construct, finance, operate and maintain the water system;

AND

THAT; the City of Libby agrees to comply with all State laws and regulations and requirements described in the MCEP Application Guidelines and those that will be described in the MCEP Project administration Manual;

THAT; the City of Libby commits to provide the amount of matching funds as proposed in the MCEP application; AND

THAT; _____ is authorized so submit this application to the Montana Department of Commerce on behalf of the City of Libby, to act on its behalf and to provide such additional information as may be required.

BE IT RESOLVED, that this Resolution be effective on this date: _____.

Passed and approved on this date of _____

Signed: _____

Name: _____

Title: _____

Date: _____

Attested: _____

**UNIFORM APPLICATION FORM
FOR MONTANA PUBLIC FACILITY PROJECTS**

(Please type or print legibly)

SECTION A - CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

Name (printed): Peggy Williams

Title (printed): Mayor
Chief Elected Official or Authorized Representative

Signature: _____

Date: _____

SECTION B - SUMMARY INFORMATION

1. NAME OF APPLICANT(S): City of Libby

2. TYPE OF ENTITY: City

3. FEDERAL TAX ID NUMBER: 81-6011285

4. TYPE OF PROJECT: Wastewater System Improvements, Lift Station

5. SENATE AND HOUSE DISTRICTS:
Senate District 001 and House District 001

5.a NAMES OF SENATOR(S) AND REPRESENTATIVE(S): Senator Mike Cuffe and Representative Neil Duram

6. POPULATION SERVED BY PROJECT: 2,857

6.a NUMBER OF HOUSEHOLDS SERVED BY PROJECT: 1,480

7. DUNS Number: 011517935



May 2, 2024

To the City of Libby:

This letter is to verify that the LOR Foundation has approved a grant of \$16,237 to the City of Libby for the project "Ensuring Accessibility at Libby City Hall". Funds provided by the LOR Foundation are to purchase and fund installation of equipment that will provide ADA-compliant access to the Libby City Hall building. This funding is only for the designated project and will be available only during the grant period, which will commence with the Libby City Council's acceptance of the grant and end on October 31, 2024. This commitment is contingent upon the city council's acceptance of the award by May 6, 2024. If the award is not accepted by that date, this commitment should be deemed null and void.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary P. Wilmot".

Gary Wilmot
Executive Director
307.349.6610
gary@lorfoundation.org

A handwritten signature in black ink, appearing to read "Tabitha Viergutz".

Tabitha Viergutz
Libby Community Officer
406.520.5218
tabitha@lorfoundation.org

RESOLUTION 2028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA ADOPTING UPDATED EDITIONS OF THE BUILDING CODES AS AMENDED PER ARM 24.301.202(1) REFERENCED BY CHAPTER 14.02, BUILDING CODES, OF THE LIBBY MUNICIPAL CODE.

WHEREAS the city of Libby desires to have regulations to prevent substandard buildings and structures for the protection of its citizens; and

WHEREAS the State of Montana adopts new versions of published building codes from time to time as they are updated by their prospective professional organizations; and

WHEREAS Ordinance 1955 streamlined the process for updating codes as they become available.

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana that the latest codes in effect for the City of Libby are:

2021 International Residential Code as amended by ARM 24.301.154

2021 International Energy Conservation Code as amended by ARM 24.301.161

2021 International Existing Building Code as amended by ARM 24.301.171

2021 International Swimming Pool and Spa Code as amended by ARM 24.301.175

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 6th day of May 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

ORDINANCE NO. 2011 OF THE CITY OF LIBBY, MONTANA

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 10 -VEHICLES and TRAFFIC- ENTITLED “RECREATIONAL VEHICLES” and REMOVING CHAPTER 28 (TRAILERS AND TRAILER PARKS) FROM TITLE 14 (BUILDINGS AND CONSTRUCTION)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA:

SECTION 1

WHEREAS the City of Libby has an ordinance dating back to 1966 regulating “trailers and trailer parks” (see Title 14 Chapter 28 – Trailers and Trailer Parks); and

WHEREAS since the adoption of the aforementioned code, the State of Montana has defined the term “recreational vehicle” and established regulations for the creation, licensing and operation of RV parks, effectively superseding the City’s code; and

WHEREAS in the public interest, the City seeks to modernize its code for clarity and function for all its citizens; and

WHEREAS regulating the development of RV Parks is already governed through the subdivision review process; and

WHEREAS the storage and temporary occupancy of RVs is a matter of public health and safety;

NOW THEREFORE BE IT RESOLVED, the following new chapter, 42, to Title 10, is hereby adopted:

**New Chapter
RECREATIONAL VEHICLES**

10.42.010 Recreational Vehicle defined.

“Recreational camping vehicle” means a vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper (per Montana ARM 17.36.101(45)).

10.42.020 Recreational Vehicles (RV) on private property.

It is unlawful for any person to place, keep or maintain any RV on any land within the city without the express permission of the owner of such land and no person shall allow, suffer, or permit any RV to be placed, kept or maintained on any land owned or controlled by him/her.

[NOTE: RV Parks are only permitted in the Highway Commercial District and must be licensed by State Department of Health & Human Services.] It is unlawful for the owner, occupant or other person having charge or control of any lot or tract of land in the city, other than an RV park as herein defined, to permit any person to occupy for living or sleeping quarters any RV parked thereon; provided, that nothing in this section shall be construed to prohibit any owner of a lot or tract of land from parking his own RV for not more than one year thereon and living therein while constructing a house, if proper sanitary facilities are provided as regulated by law. Additional time may be requested in 6-month increments up to 1 additional year. A fee to be set by the city will be incurred with each request and a permit issued.

Nothing in this chapter shall be deemed to prohibit the proper storage of any recreational vehicle on the home premises of its owner for any length of time when not used for permitted temporary occupancy.

10.42.030 RV requirements—Generally.

- A. Recreational vehicles must be licensed and currently registered in the State of Montana, unless exempted by the Montana Motor Vehicle Division. The vehicle registration must be issued in the current property owner's name or that of an immediate family member where the vehicle is being stored.
- B. The license plate must be properly attached to the vehicle and display the current year registration decal.
- C. All recreational vehicles, including those with permanent registration and decals are subject to the Montana Junk Vehicle Law.
- D. Axles, wheels, and tires must be intact and maintained to assure mobility of the RV.

10.42.040 Clearances designated — Setback.

There shall be a clearance of not less than ten feet between RVs or RVs and residential structures. Where RVs are placed on the same lot as a residential building, the yard area of the residential building shall be maintained as provided in the zoning requirements carried in this code. There shall be a setback clearance from the property lines of not less than five (5) feet from the RV.

10.42.050 Temporary Occupancy of an RV.

- A. In all residential zoning districts, the temporary use of a recreational vehicle for landowners' guests shall be permitted for a time not to exceed 14 days without obtaining a zoning conformance permit. Such temporary recreational vehicles shall be parked on the landowners' property and shall not be hooked up to city water and sewer services.
- B. Permitted uses, seasonal recreational accommodations: The number of seasonal recreational vehicles shall not exceed one per lot. The recreational vehicles may not be rented. These structures must meet all specification standards of the zoning district in which the property is located including setback distances, and other applicable performance standards of these regulations. The recreational vehicle may be stored on the property in compliance with the outdoor storage specification defined for each zoning district while not in use. All RVs shall have sewage disposal facilities that meet local and

City of Libby Ordinance No. _____

state sanitation requirements. No RV structures shall be used as permanent (year-round) dwellings.

- C. No recreational vehicle shall be parked or permitted to stand on any public street, highway, road, alley or other such right-of-way for more than 5 days. It shall be parallel to the edge of the right-of-way, safely out of the flow of moving traffic.

SECTION 2

This ordinance is effective thirty days after final passage.

FIRST PASSED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA THIS _____ DAY OF _____, 2024.

ATTEST:

Leann Monigold, City Clerk

FINALLY PASSED AND ADOPTED PASSED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA THIS _____ DAY OF _____, 2024.

ATTEST:

Leann Monigold, City Clerk

APPROVED BY THE MAYOR OF THE CITY OF LIBBY, MONTANA THIS _____ DAY OF _____, 2024

Peggy Williams, Mayor