



## CITY OF LIBBY

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# REGULAR COUNCIL MEETING #1653

MAY 20, 2024 @ 7:00 PM

COUNCIL CHAMBERS – CITY HALL

### **CALL TO ORDER:**

- Pledge of Allegiance
- Prayer by Matthew Coblentz
- Roll Call
- Welcome
- Approve minutes of City Council meeting #1650 April 1<sup>st</sup>, Public Hearing April 8<sup>th</sup>, City Council meeting #1651 April 15<sup>th</sup>, #1652 May 6<sup>th</sup>, Public Hearing 6:00pm May 6<sup>th</sup>, and Public Hearing 6:30pm May 6<sup>th</sup>.

### **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 LABA street closure on Mineral Ave. from 6<sup>th</sup> St. down to 2<sup>nd</sup> St. for Summer Solstice event, June 22<sup>nd</sup> 10 am – 3:30pm.
2. Montana Department of Transportation update on current road projects in the City/County.
3. Approve bid for sewer main replacement project.
4. Approve TD&H bid for Spruce Street reconstruction services.
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, second reading.
6. Approve all claims received to date.
7. Approve all business license applications received to date.
  - a) Driveway Detailing, 226 W Poplar St., Individual, Mobil car detailing.

**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:** 5/16/24

## UNAPPROVED MINUTES

The City Council held Council Meeting #1650 on Monday, April 1, 2024, 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 Bill Sonntag, and roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Ian Smith, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all those present.

**Announcements:** Mayor Willaims announced Monday, April 8<sup>th</sup> there will be a Public Hearing on water/sewer rate increases at 7pm. April 26<sup>th</sup> is the Arbor Day declaration presented at Peace Officer Park. The City received an \$850 DNRC grant towards the tree purchase and those will be planted along the Boulevard. April 28<sup>th</sup>, the Bachmann family will be here for a dedication of a plaque near the Police Department to commemorate the 100<sup>th</sup> anniversary of his death in the line of duty. Mike Fraser has requested a Public Hearing for the April 15<sup>th</sup> meeting to receive public comments regarding the Montana lift station.

### **Committee Reports:**

**Administrator:** Administrator Sikes requested two items be put into committee. First is a petition for rezoning for the Flower Creek development by Asa Wood. Second, a letter was received for the Council members from Byron Sanderson at KSI requesting to abandon a portion of Kootenai Street and Colorado Ave. Councilor Kristin Smith accepted into Committee.

Sewer Department, one of the aerator blower motors was down and has been rebuilt. With all three up and running they will begin cycling them and keep them on a maintenance cycle to ensure the system is running properly. The company that produces the ballast and UV light, that disinfect the effluent before entering the Kootenai River, has changed their setup and instead of changing the whole system they are working with electrician to have the multiple UV lights stay on which will be kill more bacteria and keep the cost down instead of having to update the system every two years.

Water Department, Justin has been covering the progress of the leak repairs identified with the leak survey. When those large repairs are finished, Corey the leak detector, will come back to do another survey to identify more leaks. He uses equipment that can detect the leaks by sound. There were more leaks, but they could not be pinpointed until the larger leaks were repaired. The cost will be \$13,500 but has not been done for many years.

Finding and repairing the leaks will help conserve on water loss especially with the drought that will be even worse this year, the City wants to do everything in its power not to go into water restrictions.

Still fielding questions concerning the proposed water and sewer rate increases and creating an FAQ sheet to get posted on the website for all of the questions and answers and would like to get those out with the supporting documents for the Public Hearing agenda to try to answer a lot of the questions before the presentation at the meeting.

Jody has decided to go and seek a journey with another position in the city and we want to say thank you for the great job she did, she was with the city for 8 years. Resumes have been coming in from all over to fill the position, starting wage is \$15.56 per hour and goes up to \$17.76 after one year.

Will be working on the SLIPA Grant to repair/replace Spruce Street and work with a land use attorney to change the access roads for the Lincoln County Port Authority, Spruce Street will become the collector road.

**Approve minutes of City Council meeting #1647, held February 20, 2024:**

Councilor Zimmerman **MADE A MOTION** to approve minutes of City Council meeting #1647, Councilor K. Smith **SECONDED**.

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

**MOTION PASSED.**

**Street Supervisor:** Justin Williams reported the crew has been busy with sweeping, jetting mains, cleaning sediment out, and many cemetery digs.

At the ballfields, replaced 20 boards on the bleachers, got water turned on for the bathrooms, leveled up sand around dugouts and exterior of the fields, tighten up the cement blocks, by request, to keep traffic from driving through the fields from one end to the other to allow foot traffic only.

Met with developing group on Commerce Way to discuss city expectations on utilities placement and associated fees.

Vandalism to the vertical steel upright that prevents vehicular traffic on the walking path off 5<sup>th</sup> Street entrance. It was cut down and pulled out of the way, so a big boulder was placed there, so foot traffic and bicycles can still get through and will restrict side by sides and small vehicles from making their way to the bridge.

Met with Tony Petrusha at old haul bridge to discuss means of repair, trying to prevent vandalism, and funding sources to rehab and extend life of the bridge.

Damage was reported at the island on corner of Minnesota and Hwy 2. The light that was hit and destroyed has been replaced.

Performed fire flow test on Cabinet Heights main extension, rate of flow has increased from 380-400 gallons per minute to 770 gallons per minute with 2 pumps running, when the third pump kicks on the rate is 1010 gallons per minute.

Water leak repairs identified with the water leak survey are going well. Noble was hired to repair ten leaks that were in areas of asphalt and were repaired in 4 days. Some curb replacement is coming up in relation to these repairs.

John Hibbs attended 3 days of training in Great Falls and took his water distribution test, waiting to get results.

Assisted Jannell with Department of Labor hanging banners on Mineral and Nevada.

Spoke with Scott Foss and Ron Miller to get lights installed at Legion Ballfield.

A small paver and compactor has been delivered and now will be able to make more of an impact on areas that have been neglected over the years.

Council K. Smith inquired about the affordable housing project on Commerce Way. Mr. Sikes explained they had planned on having some funky roads twisting through there and not going according to plan with the straight roads allowing the City could plow and add more infrastructure. Mike helped correct that and they have recently come back with new plans from a new architect.

**Fire:** Councilor Zimmerman reported for the month of February, 4 calls received, 1 in City, 2 Rural Fire District, and 1 outside of City or RFD. 1 structure, 1 mutual aid with LVA, 1 false alarm, and 1 electric. For March, 9 calls were received, 2 vehicle, 1 grass/wildland, 1 mutual aid with LVA, 1 powerline, and 2 electrical, totaling 18 calls in 2024.

**Police:** Mayor Williams announced Chief Ercanbrack was out of town taking his equivalency course.

**Building:** Councilor Taylor announced a meeting will be held 4/10 at 6:30 to review the lease agreement with the fitness center.

**Water/Sewer:** Councilor Zimmerman announced next week would be the Public Hearing for rate increases.

**Planning/Zoning:** Councilor K. Smith announced at the last meeting the Planning Board wrapped up the review of the Subdivision Regulations changes and will be presented at a Public Hearing on 17<sup>th</sup> of April and the same with the Land Use map amendment to the Growth Policy.

Zoning Commission has begun working on Business Residential district changes and will come to Council with recommendations when changes are wrapped up.

**Cemetery/Parks:** Councilor Berke announced anyone is welcome to join Justin and herself on Wednesday, April 3<sup>rd</sup> to meet with the Libby Little Loggers group at the ballfields by the cemetery. Mayor Williams announced they had gone down to Peace Officer Park looking at getting the concrete pad and wings back up.

**Finance:** Clerk/Treasurer Monigold reported an email had been received from the auditor's office requesting the first needs list to begin the fiscal year 2023 audit on Friday, April 5th.

**Wildlife:** Councilor Taylor announced a meeting was held to go over the Turkey Plan with the local biologist and her supervisor, the Turkey Plan has been going back and forth with their legal department. At this time a kill permit is the only viable option, it will start with 25 turkeys and will be asking the PD to do this so it can be done in a safe and efficient manner. The turkeys will need to be donated to the food bank or a local church.

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

Zach McNew had concerns about water/sewer increase putting a burden on the lower income households.

DC Orr requested the complaint and grievance on the police chief be released to the public.

**Old Business:** None

**New Business:**

**Review Ordinance Committee recommendation of Title 14, Chapter 28 regarding trailers and trailer parks, and revising for RVs:**

Councilor K. Smith explains the update is to define what an RV is, temporary use, and storage opportunities on property. The Ordinance Committee recommends the update.

Council discussed rules, regulations, and recommended changes.

Brad Nelson inquired why people should be prevented from building an RV pad on their property and renting it out because the community is in need of affordable housing.

DC Orr requested the Committee address the questions asked before voting and inquired what problems are being fixed.

Jennifer Nelson had suggestions to expand some of the language and asked to present them to Council members before the next reading.

Zach McNew suggested reviewing the 10-foot rule for property similar to his, he has a pad built next to his house for his camper and boat.

Council discussed changes to the language of the recommended Ordinance.

Councilor K. Smith suggested it would be helpful if Council bring prepared language changes to the first reading for recommended changes.

**Approve all claims received to date:**

Councilor Zimmerman **MADE A MOTION** to approve all claims received to date, Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

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

Bubblegum Buffalo, Kootenai Float Company LLC, and Ridgeback Enterprises Co.

Councilor Beach **MADE A MOTION** to approve all business license applications received to date, Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

**Unfinished Business:**

**Update to Libby Development Fund Policy and application process:**

Council discussed how they would like to see the funds used. Mr. Chisholm was asked if the funds could be used for a grant writer, he said he would have to look at the original documents to see if there were any exclusions. Council agreed they would like to postpone discussions until Mr. Chisholm had a chance to review the original documents.

**General Comments from the Council:**

Councilor Beach inquired about the request from KSI. Mayor Williams explained that request had been presented to Council in the past and the abandonment to that road was denied due to landlock.

Councilor Zimmerman inquired if the missing stop sign on Poplar and Hwy 2 was the responsibility of the State of the City. Mr. Williams responded it was the States responsibility.

**Adjournment:**

Councilor Zimmerman **MADE A MOTION** to adjourn, Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 8:03 PM.

\_\_\_\_\_  
Mayor Peggy Williams

Attest: \_\_\_\_\_  
Clerk/Treasurer Leann Monigold

## **UNAPPROVED MINUTES**

Libby City Council held a public hearing Monday, April 8<sup>th</sup>, 2024, at 6:00pm in Ponderosa Room at City Hall for a PowerPoint presentation and to solicit public comment on proposed utility rate increases.

### **CALL TO ORDER:**

Mayor Williams called the meeting to order at 6:00 pm.

The Pledge of Allegiance was completed and Roll Call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Ian Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, and Clerk/Treasurer Leann Monigold. Kristin Smith was not in attendance.

Mayor Williams welcomed all present and explained on March 4<sup>th</sup> the Council approved Resolution 2027, A Resolution for intention to the City of Libby, Montana to increase rates and charges for the users of the municipal utility services. During last few weeks City staff and Council member have answered question about what the increase means to ratepayers. This Public Hearing is to hear public comments concerning those proposed utility rate increases, and no decisions will be made at this meeting.

Mr. Sykes presented a PowerPoint presentation showing the process used for the rate analysis and explaining the importance and need for the increase. The presentation covered what base rates are used for, operating budget spent in the previous fiscal year, loan payments, user types, water usage per type, list of how users are charged by type, water and sewer reserve requirements, short lived asset requirements, cash report showing reserves, budgeted short lived asset payments, short lived asset lists, current rates, proposed rates, and how the proposed rates are calculated for all types of Equivalent Dwelling Units (EDUs).

Mr. Sikes gave examples, explained how more loans would affect utility users, and explained why the revenue is needed.

### **PUBLIC COMMENT:**

DC Orr commented he does not trust the Council because of past history and questions how money we spent in the past.

Diana Hicks expressed concerns about the rate increase because it would affect their rent in a 4-plex.

Pamela Mulligan expressed concern about the water rate increase and financial burden on fixed income residents.

Troy Doughit had concerns about the impact an increase would have on the two hotels he manages.

Colleen Snyder had concerns the rate increase is not just for all residents and businesses.



Deborah Leib expresses concern over proposed fee increases and potential financial burden and inquired about possible grants.

Jordan Johnson expressed concern about proposed water rate increase and believes it will cause him to raise rent that may make affordable housing less feasible.

John Bebee comments Federal and State funding needs to be involved to help Libby with the environmental issues.

Matt Hill disagrees with the rate hike and believes Council should seek funding elsewhere.

Gary Herd suggests reaching out to Senator Jon Tester for a federal grant to help with the financial burdens.

Sky Lathum expressed frustration with the lack of wages increase with the costs of everything else going up.

Pat Richardson express his concerns about his apartment rent going up \$100 and asks if the city will be willing to subsidize of the increase.

Cadance Newman expressed concern about rent increasing causing people to move out of the area.

Gail Burger expressed concern about water rate increases affecting those that will have to choose between water or basic living needs.

Chelsea Sanderson expressed concerns about rumors she had heard and asked Council if they could address them at some point.

Mike Myers expressed frustration with the Council raising rates.

Patience Weitzel expressed concerns about the proposed rate impact on low-income community.

Rich Burns expressed concern about the rate increases affecting multi-unit properties.

Vicki Randall expressed concern about shared water meters and individual water usage.

Charlotte Carlson had questions about what was presented. Mayor Williams suggested she speak with Mr. Sikes after the meeting.

Adam Stephenson asked for more clarification on the equivalent user classification and expressed frustration with tax increases to address emergencies without a long-term plan and questioned how long problems with the pipes and plants have been known about.

Maria Stevenson inquired who was responsible for the rate analysis and if grant funding has been checked into.

Jeff Graham expressed frustration with the city's handling of water issues, including massive leaks and unexpended high repair costs.

Penny Kyes expressed frustration paying the cost for unused water and sewer services.

Dan Broadway expressed concern about the rate increase for a 4-plex that has 1 person in each unit.

Jeremy Hagness questions the accuracy of the water usage, suggesting a one-bedroom apartment may not use the same amount of water as a three-bedroom, two-bath house. Encouraging conversation and fairness in water pricing.

Ben Fosgate expressed concerns with the rate increase and the impact on low-income community.

Stephen Morgan express concerns about water rate increase and its impact on low-income households.

Ms. Culpepper expressed frustration towards the rate increase and struggling with the cost of living.

Bill Corbett expressed concern about the cost of repairs and suggested shopping around to reduce rates.

Phil Hankins agreed with getting loans and paying the increase it would cost over a 20-year period to pay them off.

Resident expressed concerns about water affordability and sewer system.

Tina Green expressed frustration with water pipe replacement costs, no increase in water pressure, and impact on yard appearance.

Danniell Hubert suggested collecting rainwater and use of the upper aquifer to reduce citizens water bills.

Moir Blazy suggests seeking help from the federal government.

Shawn Norry highlighted potential consequences of rent control, including increased fees, and other higher cost, expressing frustration with the city's handling of infrastructure projects.

**COUNCIL COMMENT:** None

**ADJOURNMENT:**

Mayor Williams adjourned the meeting at 8:51 pm.

\_\_\_\_\_  
Mayor, Peggy Williams

Attest: \_\_\_\_\_  
Clerk-Treasurer, Leann Monigold

## **UNAPPROVED MINUTES**

The City Council held meeting #1651 on Monday, April 15th, 2024, 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 offered by Tom Cole, and Roll Call commenced. Present were Mayor Williams, Council President Brian Zimmerman, Councilors Gary Beach, Melissa Berke, Kristin Smith, Ian Smith, Hugh Taylor, City Administrator Samuel Sikes, and Clerk/Treasurer Leann Monigold

Mayor Williams welcomed all present and asked if the Council had the opportunity to review the minutes from the previous meetings that were on the agenda. Mayor Williams excluded minutes #1650 from the Public Hearing on 8 April 2024 that were not completed.

Councilor Zimmerman **MADE A MOTION** to approve City Council Meeting Minutes #1648 from March 4<sup>th</sup>, 2024, #1649 from March 18<sup>th</sup>, 2024. Councilor Beach **SECONDED**.

Council President Brian Zimmerman, Councilors Gary Beach, Melissa Berke, Kristin Smith, Ian Smith, and Hugh Taylor all voted **FOR**.

### **MOTION PASSED**

Announcements:

Mayor Williams made a proclamation proclaiming the week of April 21<sup>st</sup> to April 27<sup>th</sup> as National Crime Victims' Rights Week. The Mayor also announced that there would be a dedication on April 28th at 1:00 pm of a plaque to honor deceased Police Chief Bockman at the Police Department. April 26<sup>th</sup> is Arbor Day, and a proclamation will be read in the Peace Officer Park and trees will be planted along Lincoln Boulevard. At 6:00 pm on April 17<sup>th</sup> there will be a Public Hearing on the Growth Policy future Land Use Map, and there will be a Public Hearing at 6:30 on April 17<sup>th</sup> for updates on the Subdivision Regulations.

### **Committee Reports:**

**Building:** Councilor Taylor reported meeting last week with Pure North on the lease in City Hall.

**Zoning Commission:** Councilor Kristin Smith reported having a Public Hearing on Wednesday followed by a commission meeting. Mayor Williams added that the City Council would be having the future land use map and subdivision updates on the agenda for the city council on May 6<sup>th</sup>.

**Cemetery Parks:** Councilor Berke reported the next meeting for the parks committee would be Thursday at Noon.

**Wildlife:** Councilor Taylor reported the city receiving 25 Turkey Permits and that 69 Deer were harvested in the city for the CWD program.

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

Mr. Orr communicated displeasure with a quote on a city hall board and stated that the city water and sewer departments are not businesses.

### **Public Hearing:**

Mayor Williams opened the Public Hearing at 7:19 pm to receive public comment regarding the updated cost estimates to the 2020 Wastewater Preliminary Engineering Report and associated grant and loan funding options.

City Engineer Mike Fraser briefed what the P.E.R. was and the need for Grants before explaining that the City had received 1.1 million dollars in infrastructure Grants in 2020 alone. The bid was just awarded for the Sewer Instrument and Controllers portion of the PLCs Grant and soon the bid would be taken for the sewer main replacement portion of the PLCs Grant. Mr. Fraser went on to explain that the 1<sup>st</sup> and Montana Lift Station has been a safety and maintenance problem for years and needed total replacement. The replacement would create ground level pumps and a generator that could handle modern day solids even if the power was out. The updated cost is estimated at 1.1 million dollars with \$125,000 coming from RRGL, \$464,000 from MCEP, and \$550,000 from CDBG.

Streets Supervisor Justin Williams gave a brief on the troubled condition of the lift station and the time it takes to constantly maintain it.

Councilor Beach asked how many people were served by the lift station and Administrator Sikes reported roughly 800.

Mayor Williams opened up the meeting to the public for comment.

DC Orr stated that this project was 15 years overdue and requested to see the bid tabulation.

John Bebee stated that the plan for fixing the aging infrastructure should be more comprehensive and that the city needs to ask for more money from the State to fund everything.

Having no more public comments the Mayor adjourned the Public Hearing at 7:33 pm and resumed the regular Council meeting.

### **New Business:**

#### **Approve authorization of Renewable Resource Grant Loan (RRGL) Application.**

Mayor Williams requested authorization to sign the contract with RRGL once it was completed. City Engineer Fraser stated that the authorization and application was due on May 15<sup>th</sup> and explained that the public comments would be part of the application.

Councilor Beach **MADE A MOTION** to authorize the Mayor to sign the RRGL application and Councilor Zimmerman **SECONDED**.

Council President Brian Zimmerman, Councilors Gary Beach, Melissa Berke, Kristin Smith, Ian Smith, and Hugh Taylor all voted **FOR**.

## **MOTION PASSED**

**Approve Resolution #2028 to increase utility rates and charges for the users of the municipal utility system.**

Mayor Williams opened with reading the legal portion of the Resolution and corresponding MCAs.

Council Kristin Smith **MADE A MOTION** to place the Resolution into old business and to schedule a working meeting so the Council could openly discuss all the options for any increases and why increases are necessary. Councilor Berke **SECONDED** the motion.

Councilor Beach requested that the council pick a day, and Councilor Kristin Smith offered April 29<sup>th</sup>. Councilor Taylor thought the idea of a working meeting was great.

Mayor Williams opened the topic for public comment.

Jennifer Nelson acknowledged that increasing rates was a difficult thing and felt that it should be equitable, everyone should pay their fair share. Jennifer thought that the pervious sewer increase should be honored for another year until it expires.

Troy Douthit, Hotel Manager, thanked the council for the delay, adding that he could not donate to charity this year because of the anticipated increases while requesting transparency.

Zach McNew requested that the public be given more than 3 minutes to speak at the working meeting.

DC Orr thought it was wonderful to have a working session adding that the FAQ sheet be addressed, and that the council not ignore funding from the IP fund and Plant Investment Fees.

John Bebee, holding a "VOTE NO" sign, commented that the council should get more community participation and public outcry for more grant funding.

Maria Stevens commented that she may help write the grants, adding that Kalispell just got 11 million dollars in grants for the Build Back Better program.

Having no further public comment, the Mayor brought the discussion back to the Council.

Council President Brian Zimmerman, Councilors Gary Beach, Melissa Berke, Kristin Smith, Ian Smith, and Hugh Taylor all voted **FOR** and the time was set for 6:00 pm on April 29th.

## **MOTION PASSED.**

**Approve letter of support for FEMA floodplain update.**

Mayor Williams read the letter of support to Mr. Doug Brugger, Montana DNRC State Floodplain Engineer.

Jesse Haag, Lincoln Floodplain Administrator, explained how the floodplain update will affect insurance, adding that this is a multi-year process that will cost over \$6,000,000 without the city paying a dime. This study will ensure continued public safety that will allow property owners to research their property online once completed.

Mayor Williams asked Mr. Haag the timeframe. Mr. Haag said it would be a 5 to 7 year project that would start in August or September of this year explaining that he was not aware of the miles of the study, but added that the first year would be acquiring data and the final maps should be ready in the 5 to 7 years. The Mayor opened the floor for public comment.

DC Orr asked who Jesse Haag was then added that Lisa Odewalt worked the floodplain issue after 2006.

Marie Stevens commented that she worked at the title company and that Lincoln County needed an electronic model ASAP.

Council Kristin Smith **MADE A MOTION** to approve the support letter and Councilor Zimmerman **SECONDED**.

Mayor Williams reopened the issue for public comment, and with no further comment, returned the discussion to the council for a vote.

Council President Brian Zimmerman, Councilors Gary Beach, Melissa Berke, Kristin Smith, Ian Smith, and Hugh Taylor all voted **FOR**.

**MOTION PASSED.**

**Review Ordinance Committee recommendation of Title 14, Chapter 28 update.**

Mayor Williams opened the discussion and set the first reading for the Ordinance for May 6th and asked Councilor Kristin Smith to cover the changes that the planning board recommended. Councilor Smith requested City Attorney Chisholm to comment under what title the highly modified ordinance should be placed. Councilor Smith went on to give a summary of all the changes, the RV requirements, how the State now defines RVs, and why several aspects to RVs and storage should be tied together. Councilor Berke stated that page #1 explained it all.

Attorney Chisholm stated that placing the ordinance in Title 10 would be fine, but added that Title 14 would be fine also. Councilor Taylor stated that the rule requiring 10' from another building is bad and Mayor Williams opened the topic up for public comment.

DC Orr commented that Councilor Taylor was being ignored and agreed that the 10' rule is bad.

John Bebee expressed displeasure with rules against him living in his property on his property adding that there are ADA rights involved as he is a disabled vet.

Zach McNew commented that the 10' rule would put his neighbor's camper in the street.

Jennifer Nelson asked if the Council had spoke with the Fire Chief to address safe distances.

Art Dudley commented that he lived in the county and in many other places with different rules and everything is getting crazy. Mr. Dudley added that citations are not good and asked the Council to do their homework.

With no further public comment, the Mayor returned the discussion to the Council. Mayor Williams stated that clarification would be requested from the Fire Chief and Councilor Smith made clarifications on the comments from the public.

Following the discussion, Mayor Williams closed the review.

**Review 2023-2024 3<sup>rd</sup> quarter budget.**

Mayor Williams opened the topic and clarified some main points before Clerk/Treasurer Monigold went through the expenditure and revenue budget for the 3<sup>rd</sup> quarter of fiscal year 2024 ending in March. With no comments from the Council, the Mayor opened the topic for public comment.

DC Orr commented that the police were at 55% adding that they are understaffed and have never went over budget. Mr. Orr recommended cutting an officer to pay higher wages and keep a good force.

Having no more public comment, Mayor Williams closed the topic.

**Approve all claims received to date.**

Councilor Zimmerman **MADE A MOTION** to approve, and Councilor Berke **SECONDED**.

Councilors Zimmerman, Beach, Ian Smith, and Kristin Smith and Taylor voted **FOR**.

**MOTION PASSED.**

**Approve all business licenses received to date.**

Mayor Williams read through the applications for Kingdom BBQ, Maddad Creamery/Kootenai County Ice Cream, and Old Soul Boutique LLC.

Councilor Zimmerman **MADE A MOTION** to approve the licenses and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Unfinished Business:**

**Discussion to amend Libby development Fund Policy and application process.** Mayor Williams stated that the consensus among the Council was that more time was required and no public comment was offered.

**General Comments from Council:**

Councilor Taylor agreed with DC Orr about the quote on the sign adding that the person who wrote it should be reprimanded.

Councilor Berke stated that the Council hears the public on the rate increases.

Councilor Ian Smith stated that he was listening to the people and they don't want a rate increase. Councilor Smith added that, if the vote was today, he would vote no before adding that he was not a politician and that if the people want to pack water 10 years from now, go for it.

**Adjournment:**

Councilor Berke **MADE A MOTION** to adjourn, and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

Meeting adjourned at 8:33 pm.

\_\_\_\_\_  
Peggy Williams, Mayor

Attest; \_\_\_\_\_  
Samuel Sikes, City Administrator



## UNAPPROVED MINUTES

The City Council held a Public Hearing on Monday, May 6, 2024, in the Council Chambers at City Hall.

### Call to Order:

The meeting was called to order at 6:00 pm by Mayor Peggy Williams.

The Pledge of Allegiance was completed, and Roll Call commenced. Present were Mayor Williams, Council President Brian Zimmerman, Councilors Gary Beach, Melissa Berke (via Zoom), Kristin Smith, City Administrator Samuel Sikes, and Deputy Clerk-Treasurer Charlotte Luedecke. Councilors Hugh Taylor and Ian Smith were absent.

Mayor Williams welcomed all present.

Mayor Williams announced that the public hearing was to approve a Future Land Use Map that was required for the updated Growth Policy.

Councilor Kristin Smith discussed the planning boards meetings and modifications to the map with the largest change being removing anything North of the Kootenai River due to infrastructure limitations. Councilor Smith continued to describe how the Highway Commercial district follows the highway corridor and spoke to the other areas including residential on 5<sup>th</sup> Street.

Mayor Williams read Resolution #2030 and asked for a motion.

Council President Zimmerman **MADE A MOTION** to adopt Resolution #2030 for the future land use map, Councilor Beach **SECONDED**. Councilor Smith made a correction.

Mayor Williams asked for a vote following no public comment being offered. Councilors Zimmerman, Beach, Berke, and Kristin Smith voted **FOR**. Councilors Taylor and Ian Smith were absent.

**MOTION PASSED.**

### Adjournment:

Councilor Zimmerman **MADE A MOTION** to adjourn, and Councilor Beach **SECONDED**. Councilors Zimmerman, Beach, Berke, and Kristin Smith voted **FOR**. Councilors Taylor and Ian Smith were absent.

**MOTION PASSED.**

Meeting adjourned at 6:10 pm.

\_\_\_\_\_

Peggy Williams, Mayor

Attest; \_\_\_\_\_

Samuel Sikes, City Administrator

## **UNAPPROVED MINUTES**

The City Council held meeting #1652 on Monday, May 6, 2024, 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, and Roll Call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke (via Zoom), Kristin Smith, Ian Smith, Hugh Taylor (via zoom), Council President Brian Zimmerman, City Administrator Samuel Sikes, and Deputy Clerk-Treasurer Charlotte Luedecke.

Mayor Williams welcomed all present.

### **Announcements:**

Mayor Williams announced that Commissioner Teske did a great job at the ceremony for Police Chief Bochman and his family in placing a plaque at Peace Officer Park. Chief Bochman's family gave a picture of the deceased Chief in thanks to the city. It was the 100-year anniversary of the Chief's death while on duty.

### **Committee Reports:**

**City Administrator's Report:** Mr. Sikes reported on the pumps at the 1<sup>st</sup> and Montana lift station being fixed and an additional pump being ordered. New ballasts, shields, and lights were purchased for the UV station. The water plant is running smoother with the leaks being repaired around the city and the plant is preparing for the spring runoff. Emergency Response Plans, storm water plan and lead service line survey are coming due soon. Glenda Cady has been hired and begins work on Wednesday.

**Streets Supervisor Report:** Mr. Williams reported that the city crew has been patching potholes, cutting hazard trees, helped in 8 burials, completing the Legion ballfield LED lights, planting the Arbor day trees, starting the camp host on May 20<sup>th</sup>, and completed safety and work training on the new to the city paver and mini roller. The trainer notified Justin that the city just paid for the equipment during these days by what it would have cost to have a contractor complete the paving.

**Police:** Mayor Williams reported that Police Chief Ercanbrak was on a call so he would give his brief at the next meeting

**Water/Sewer:** Mayor Williams informed the Council that TCI had the lowest bid for the sewer main replacements to go with the PLC grants. Mike Fraser is verifying the information.

**Zoning Commission:** Councilor Kristin Smith reported that the Zoning Commission had approved zoning changes for the Asa Wood property for Noble and would be putting it to the Council soon.

**Cemetery/Parks:** Councilor Melissa Berke reported that there was a Cemetery/Parks meeting on May 7<sup>th</sup> at 6:00 pm.

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

Mr. Orr commented on the IP settlement concerning the lack of action on the topic.

### **New Business:**

#### **Approve Resolution #2032 to increase utility rates and charges for the users of the municipal utility system.**

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council adding that there has been much discussion on this topic and that the Council had been given all the information on phasing in the new fees and charges.

Council President Zimmerman **MADE A MOTION** to approve the Resolution with proposed changes, amendments, and exhibits that were provided. Councilor Kristin Smith **SECONDED** the motion with the understanding that the motion included that the EDU portion of the increase would be phased in over the next two years. Councilor Zimmerman confirmed that was the motion.

Mayor requested bringing back the language from the 2020 sewer increase on charging averages for the sewer usage for the summer months so that people are not paying for water that does not go down the drain. Councilor Kristin Smith and Mayor Williams clarified that the phasing in would consist of only adding 50% of the increased EDUs this year and the remaining 50% would be added for next year.

Councilor Ian Smith **MADE A MOTION** that was denied as there was already a motion on the floor and Mayor Williams opened the meeting for public comment.

John Bebee commented on the belief that all funding options had not been considered and that the city should have an exact plan for all the upcoming projects.

DC Orr commented that he was unhappy moving forward with a vote and then spoke about IP, Plant Investment Fees, conflict of interest, and having more experienced Councilors to make motions faster.

Having no more public comment, the Mayor moved the conversation back to the Council adding that the language from the 2020 sewer increase on charging for averages should be added to the Resolution so that people are not paying for water that does not go down the drain. Councilor Kristin Smith asked Councilor Zimmerman if he would add the change to his motion, to which Council President Zimmerman added to his motion.

Councilor Berke spoke about getting tons of information and that the Council had to keep the water and sewer flowing or it would be failure adding that the city can phase in the 50%/50% and revisit the topic at any time.

Councilor Taylor expressed the desire to hold off on the vote to get more answers and would like the previous sewer increase to stand until it expires as passed in 2020. Mayor Williams brought up that MCA only allows 30 days after the April 8<sup>th</sup> Public Hearing to issue a decision and Councilor Taylor stated that the decision should not be on a timeline.

Councilor Kristin Smith expressed understanding frustration on both sides adding that the city keeps providing more information and that the CIP was built for a reason. Councilor Smith spoke about losing staff without having the resources to keep them.

Council President Zimmerman stated that Councilor Kristin Smith took the words out of his mouth and let everyone present know that the city has been open for questions adding that the CIP is the planning tool that people keep looking for. Council President Zimmerman expressed that all the inflammatory and derogative language gets tiring.

Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, and Kristin Smith voted **FOR**. Councilors Taylor and Ian Smith voted **AGAINST**.

**MOTION PASSED.**

**Approve Resolution #2031 authorization to Mayor to sign MCEP Grant for 1<sup>st</sup> and Montana lift station capital improvement project.**

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council.

Councilor Zimmerman **MADE A MOTION** to approve the Resolution #2031 and Councilor Beach **SECONDED**.

Having no public comment, Mayor Williams brought the discussion back to the Council.

Councilor Kristin Smith stated that this is an excellent example of the city applying for grants and funding.

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

**MOTION PASSED.**

**Approve \$16,237 LOR Foundation grant for ADA accessible entrance to City Hall.**

Tabitha Viergutz spoke about the LOR grant repairing the ADA accessible doors to the Ponderosa Room and replacing the front doors at city hall to make it easier to access. The grant period will end on October 1<sup>st</sup> of 2024. Mayor Williams stated that the Ponderosa Room used to have ADA doors, which are now broken, that affected people that came for the public hearing on the rate increases. Councilor Kristin Smith commented on the enhancements that this will bring to the city.

Councilor Zimmerman **MADE A MOTION** to approve accepting the LOR Grant of \$16,237 and Councilor Kristin Smith **SECONDED**.

John Bebee commented that the city must meet ADA standards and should not take a grant to complete the project. Councilor Zimmerman stated that the city would continue to try and get grants for this and all projects for the city.

With no further public comment, Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, Ian Smith, Kristin Smith and Taylor voted **FOR**.

**MOTION PASSED.**

**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.**

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council.

Councilor Kristin Smith **MADE A MOTION** to approve Resolution #2028 and Councilor Zimmerman **SECONDED**.

Having no public comment, Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, Ian Smith, Kristin Smith and Taylor voted **FOR**.

**MOTION PASSED.**

**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), 1<sup>st</sup> reading.**

Mayor Williams opened with reading the first portion of the Resolution and opened the topic up to the Council.

Councilor Zimmerman **MADE A MOTION** to approve the Ordinance #2011 and Councilor Kristin Smith **SECONDED**.

Councilor Taylor stated that he did not like the 10' rule adding that the rule would put a lot of people in violation and should be removed. Councilor Beach stated that the 10' was from the older rules and would make people either move their RVs or be non-compliance. Councilor Zimmerman stated that he had worked with Fire Chief Steve Lauer and could find no rule requiring an RV to be 10' away from a structure. Councilor Smith asked if Councilor Zimmerman would amend the motion to reflect a change in the motion to change the 10' to 5', which was agreed to.

Mayor Williams opened the topic for public discussion. John Bebee commented that this rule would negatively affect him living in his property, on his property, while he was remodeling his house. He stated that this Ordinance would criminalize him adding that he is a disabled vet.

Councilor Beach rhetorically asked if there was a permit to live in an RV during construction. The Councilors and Mayor let Mr. Bebee know that the building inspector could give him a year to live in a RV and extend the time for up to another year for construction, meaning 2 years total.

Having no further public comment, Mayor Williams asked for a vote including all the amendments. Councilors Zimmerman, Beach, Berke, Kristin Smith, and Taylor voted **FOR**. Councilor Ian Smith voted **AGAINST**.

**MOTION PASSED.**

**Appoint Wade Svendsbye to the Police Commission for a 3-year term ending May 1, 2027.**

Mayor Williams explained to the Council that she was nominating Mr. Svendsbye for the commission to replace Mr. Brad Nelson. Mayor Williams had opened the position for fair and open competition and felt that Mr. Svendsbye would be a better fit for the position.

Councilor Zimmerman **MADE A MOTION** to approve the nomination of Wade Svendsbye to the Police Commission and Councilor Beach **SECONDED**.

Councilor Ian Smith stated that Mr. Nelson was good and felt that this process was a cloak and dagger move that he did not have a say in because it was done on Friday night. Councilor Kristin Smith stated that she would defer to the Mayors selection.

Mr. Nelson welcomed Mr. Svendsbye to the commission and expressed disappointment with Mayor Williams and Administrator Sikes, adding that he did not resign. Mr. Nelson was upset that the Mayor had not contacted him prior to let him know that he would not be appointed to continue serving on the commission. Mayor Williams apologized to Mr. Nelson for the lack of communication.

Ms. Dinkins stated that she was troubled by this decision, asking if Mr. Svendsbye had made the deadline for submitting his application, adding that she wondered when she would be pushed out.

John Bebee stated that he resigned from the commission as it was always in opposition to the administration and not part of a team, adding that there has to be a separation of powers and that the code is clear that the commission has the right to examine applicants.

Caroline Buckner asked if Mr. Svendsbye was related to Mr. Sikes. Administrator Sikes stated that Wade was his cousin, to which Mrs. Buckner stated that Mr. Svendsbye was appointed because "he could be controlled."

Having no more public comment the Mayor brought the discussion back to the Council. Councilor Taylor stated that he was unaware of the circumstances and Councilor Berke was no longer on Zoom.

Mayor Williams asked for a vote. Councilors Zimmerman, Beach, Berke, and Kristin Smith voted **FOR**. Councilor Ian Smith and Taylor voted **AGAINST**. Councilor Berke was not present.

**MOTION PASSED.**

**Approve all claims received to date.**

Councilor Zimmerman **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

Public comment was offered, and the public declined. Councilors Zimmerman, Beach, Ian Smith, and Kristin Smith voted **FOR**. Councilor Taylor abstained due to not seeing the claims and Councilor Berke was absent for the vote.

**MOTION PASSED.**

**Approve all business licenses received to date.**

Mayor Williams read through the applications for Anderson Excavating, Bakery MT LLC, R and Z Concrete, and ET AL. Strength. Councilor Zimmerman **MADE A MOTION** to approve the licenses and Councilor Kristin Smith **SECONDED**.

Public comment was offered, and the public declined. Councilors Zimmerman, Beach, Ian Smith, Kristin Smith, and Taylor voted **FOR**. Councilor Berke was absent.

**MOTION PASSED.**

**Unfinished Business:**

**Discussion to amend Libby development Fund Policy and application process.** Mayor Williams stated that there was no movement due to differing priorities in the last two weeks. Councilor Kristin Smith agreed that three hours of meetings is long enough.

**General Comments from Council:**

None.

**Adjournment:**

Councilor Zimmerman **MADE A MOTION** to adjourn, and Councilor Beach **SECONDED**.

Councilors Zimmerman, Beach, Ian Smith, Kristin Smith, and Taylor voted **FOR**. Councilor Berke was absent.

**MOTION PASSED.**

Meeting adjourned at 8:05 pm.

\_\_\_\_\_  
Peggy Williams, Mayor

Attest; \_\_\_\_\_  
Samuel Sikes, City Administrator

## City of Libby

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**Subject:** crazy days cancel

From: Gail Burger <northerngail@montanasky.tv>

Sent: Monday, April 22, 2024 3:32 PM

To: clerk.treasurer@cityoflibby.com

Subject: crazy days cancel

We ask for a road closure for the event to take crazy days place in June 22, 10-3:30pm road closure. Exactly the same just date is different.

Requesting road closure for June 22, event Summer Solstice in the street and Halloween 10/31/24 same as last year 4-6. 6th St. thru 2nd St.

Thank you

GB



## City of Libby

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**From:** Redeen, Joan <jredeen@mt.gov>  
**Sent:** Wednesday, March 27, 2024 10:14 AM  
**To:** clerk.treasurer@cityoflibby.com  
**Cc:** Redeen, Joan  
**Subject:** Libby City Council meeting

Good morning,

We'd like to see if we can schedule time for staff from the Montana Department of Transportation (MDT) to be on a City Council meeting agenda. Staff would be informing the Council of MDT related projects that are occurring or upcoming for your city/county.

MDT's goal, with attending the City Council meeting, is to keep the local government informed and create an open channel for communication, while also providing an open forum for the public to be kept up to date. Bob, or another representative of MDT, would provide a brief update on projects and be available to answer any questions. Our estimate is that this presentation will take approximately 15-20 minutes of the Council's time.

We would like to be put on an upcoming agenda. Would you be able to provide a few options for dates/times that might work best for the Council?

Thank you for your assistance in making this visit with the City Council happen.

**Thank you,**



**Joan Redeen**

*Executive Assistant - Communications* | District 1 Missoula  
Montana Department of Transportation  
2100 W Broadway  
Missoula MT59808

406-396-1978 | [jredeen@mt.gov](mailto:jredeen@mt.gov)

**Follow Us:** [mdt.mt.gov](https://www.mdt.mt.gov)



[How are we doing?](#)



**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)**

Matt Blank, Program Specialist

May 10, 2024

Montana Department of Commerce

Community Development Division

CDBG Program

P.O. Box 200523

301 S. Park Ave.

Helena, MT 59620-0523

Re: Libby CDBG #MT-CDBG-21PF-18

The City of Libby opened bids for the construction on the Sewer Main Replacement on May 2, 20124 .On behalf of the City I am requesting clearance on the Thompson Contracting, Inc. of Libby, Montana. Please check both the current U.S. General Services Administration "System of Awards Management" and the State of Montana List of Debarred Vendors to verify eligibility of the following contractor(s) and subcontractor(s):

- Thompson Contracting, Inc;
- Levi Thompson, President;
- Po Box 459, Libby, MT. 59923; and
- UEI: EX6HJMAZJYL5

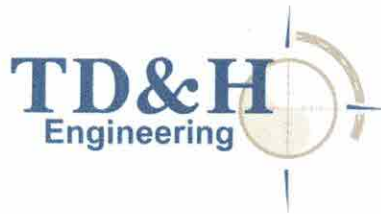
Sincerely,

Michael W. Fraser PE

Michael W. Fraser, PE

Labor Standards Officer

450 Corporate Drive  
Suite 101  
Kalispell, MT 59901



406.751.5246  
tdhengineering.com

May 9, 2024

**City of Libby**

Attn: Mr. Samuel Sikes – City Administrator  
952 East Spruce Street  
Libby, MT 59932  
Sent Via Email: [city.admin@cityoflibby.com](mailto:city.admin@cityoflibby.com)

**RE: LIBBY 2024 WASTEWATER SYSTEM IMPROVEMENTS  
AWARD RECOMMENDATION**  
TD&H ENGINEERING JOB NO. K20-012

Dear Samuel,

As required when a municipality is seeking competitive bids for a construction contract more than \$80,000, an invitation to bid the Libby 2024 Wastewater System Improvements project was advertised in compliance with state guidelines. TD&H Engineering has evaluated the two bids received on Thursday, May 2, 2024, and determined that the bid submitted by Noble Excavating, Inc. does not meet the bidding requirements. As specified in Measurement and Payment (Section 01011), any bids that contain a lump sum price for mobilization greater than ten percent of the total bid schedule can be rejected at the option of the Owner. TD&H has determined the bid submitted by Thompson Contracting, Inc. to be a responsible and complete bid.

Our evaluation of the experience, reputation, and financial condition of Thompson Contracting, Inc. indicates that they can complete the work required. Therefore, we recommend the City of Libby reject the bid submitted by Noble Excavating, Inc. and award the contract for construction of the Libby 2024 Wastewater System Improvements project to Thompson Contracting, Inc. in the amount of \$345,729.

Sincerely,

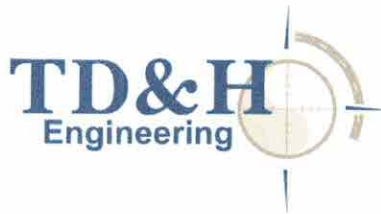
A handwritten signature in blue ink, reading "Douglas Peppmeier". The signature is fluid and cursive, with the first name being the most prominent.

**Douglas Peppmeier, PE**  
Principal / Regional Manager  
**TD&H ENGINEERING**

I:\KAL\2022\K22-073 Libby Sewer\09\_CONSTRUCTION\BIDDING\BID OPENING\Libby SEWER AWARD  
RECOMMENDATION LETTER.DOC



450 Corporate Drive  
Suite 101  
Kalispell, MT 59901



406.751.5246  
tdhengineering.com

May 9<sup>th</sup>, 2024

**City of Libby**

Attn: Mike Fraser, PE – Fraser Management & Consulting  
952 East Spruce Street  
Libby, MT 59923  
Via e-mail: [mfraser@montanasky.net](mailto:mfraser@montanasky.net)

**RE: SPRUCE STREET RECONSTRUCTION PROJECT  
SCOPE OF SERVICES & FEE ESTIMATE  
LIBBY, MT**

Dear Mike,

Per your request, TD&H Engineering (TD&H) is pleased to submit the following scope of services and fee estimate for final design, construction plans, and bid documents for the reconstruction of Spruce Street east of US Hwy. 2. The following scope of services and fee estimate has been prepared based on our understanding of the project and per the State-Local Infrastructure Partnership Act Application (SLIPA) which was submitted by the City of Libby. All design and specifications will be in accordance with City of Libby Engineering & Construction Standards and Montana Public Works Standard Specifications (MPWSS). All costs listed below include project management, QA/QC, travel time, mileage, equipment costs and reimbursable expenses.

**SCOPE OF SERVICES**

**1. Meetings/Design Coordination**

Prior to starting the construction documents, TD&H will meet with the City of Libby and the City Engineer to review the scope of work, limits of reconstruction, and final design coordination items. Additional meetings may be attended but have not been included in the scope of services at this time.

**2. Grading & Drainage Design**

TD&H will provide engineering services for roadway grading and drainage design which will also include an erosion and sediment control plan as required by MDEQ. The grading and drainage design will utilize existing street topography and natural drainage patterns while utilizing existing storm drain infrastructure for collection and conveyance of stormwater runoff. A detailed grading plan with roadway finish ground profiles, spot elevations, and finish grade contours will be generated which will provide for efficient storm drainage conveyance throughout the limits of reconstruction. The drainage design will be in accordance with current City of Libby Engineering and TD&H design standards.

### 3. Construction Documents and Specifications

Specifications provided will be based generally on the Montana Public Works Standard Specifications (MPWSS) with modifications for special construction. TD&H will provide construction plans and specifications suitable to obtain bids from contractors. The reconstruction plans will include the following: street demolition, erosion control, street plan & profile, intersection details, and associated detail sheets. The plan sheets are anticipated to be drawn at a scale of 1"=40' on 11 x 17 size plan sheets (1"=20' full size). The following is a list of plan sheets that are anticipated:

• Cover Sheet	1 Sheet
• General Notes & Information	1 Sheet
• Existing Conditions / Erosion Control / Demolition Plan	2 Sheets
• Street Improvements (Plan & Profile)	2 Sheets
• Intersection / ADA Details	2 Sheets
• Details	<u>2 Sheets</u>

**Total = 10 Sheets**

QA/QC - An internal review by TD&H Engineering will be completed for the entire set of construction plans, specifications and bid documents. A Senior Engineer, other than the designated TD&H Project Manager, will be assigned to conduct the review.

Final Review/Approval – The final plans, specifications, required applications and documents will be submitted to the City of Libby and required Agencies for final review and approval. Once all comments have been received, final revisions will be made to the submittal documents accordingly for final approval.

### 4. Bidding Assistance

After acceptance of the Final Design and Bidding Documents by the City of Libby and the funding agency (if necessary), TD&H will provide the necessary documents and copies in preparation of a competitive bid from general contractors. Bid documents will be standard MPWSS bidding and construction documents, with project specific sections for special provisions, bid forms, etc. TD&H will:

- Assist the City in advertising and obtaining bids or proposals for the Work.
- Maintain a record of prospective bidders to whom Bidding Documents have been issued.
- Attending a Pre-Bid conference and receive and process Contractor deposits or charges for the Bidding Documents.
- Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.
- Provide information or assistance needed by the City during any negotiations with prospective Contractors.
- Consult with the City as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by prospective contractors for those portions of the





Work as to which such acceptability is required by the Bidding Documents.

- Determine the acceptability of substitute materials and equipment proposed when substitution is necessary because the specified item is incompatible with the Project or fails to comply with applicable codes.
- Conduct the Bid opening, prepare Bid tabulation sheets, and assist the City in evaluating Bids or proposals and in assembling and awarding contracts for the Work.

The Bidding Phase will be considered complete when the Engineer delivers a written Recommendation of Award to the City of Libby. All work beyond the Award Recommendation will be considered a part of the Construction Phase of the project.

## 5. Construction Inspection & Administration

Construction inspection, testing and administration services have not been included at this time. If the City would like TD&H Engineering to provide these services, once final construction documents have been completed and approved, a detailed scope of services and fee estimate can be submitted to the City of Libby for review and approval based on the level of inspection services desired and/or required.

### SERVICES NOT INCLUDED OR PROVIDED BY OTHERS:

1. All agency fees for filing, submittals, reviews, permits or applications will be paid by the City.
2. Grant administration services to be provided by others.
3. Geotechnical engineering services have not been included.
4. All surveying services are to be provided by others.
5. Site lighting / electrical design services have not been included.
6. Landscape and irrigation design services have not been included.

Our lump sum fee based on the scope of services requested is **\$14,600**. We appreciate the opportunity to provide you with a proposal and look forward to your response. If you have any questions or need any additional information regarding this proposal, please feel free to contact me directly.

Sincerely,



**Douglas Peppmeier, PE**  
Principal / Regional Manager  
**TD&H ENGINEERING**

M:\Proposal\2024\Kalispell\City of Libby - Spruce Street Reconstruction\City OF LIBBY SPRUCE STREET RECONSTRUCTION - PROPOSAL LETTER.DOC



tdhengineering.com

**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 five 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



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  
6<sup>th</sup> DAY OF May, 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