



**City of Libby**  
**Libby Montana**  
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**REGULAR COUNCIL MEETING #1690**  
**MONDAY, DECEMBER 1, 2025 @ 7:00 PM**  
**COUNCIL CHAMBERS – CITY HALL**

**CALL TO ORDER:**

- Pledge of Allegiance
- Prayer by Marcus Girod
- Roll Call
- Welcome/Announcements
- Approve minutes for Regular Council Meeting #1688 dated November 3 and #1689 dated November 17, 2025

**REPORTS:**

- City Administrator Report
- Streets Supervisor
- Chief of Police
- Clerk/Treasurer

**COUNCIL COMMITTEES:**

- Building
- Cemetery/Parks – **Wings**
- Fire
- Lights/Streets/Sidewalks
- Ordinance
- Water/Sewer

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** This is an opportunity for the public to offer comments related to issues that are not currently on the agenda that the council has jurisdiction over. Public comment is limited to 3 minutes.

**NEW BUSINESS:** 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 WWC engineering plans to build a parking lot at Flower Creek Cross-Country ski course (Spoils Pile).
2. Approve updated Employee Policies and Procedure Manual.
3. Approve 25 year lease with Libby Area Chamber of Commerce.
4. Approve including Mineral Avenue Improvement Project in Chamber of Commerce Tourism Grant application.
5. Approve advertising for 1099 Grant Writer/Community Development Coordinator.
6. Approve Ethan Kolp as ex-officio member of Local Government Study Commission.
7. Streets committee recommendation regarding placement of Rotary veteran parking signs in Riverfront and Fireman's Park.
8. Streets committee recommendation regarding placement of VFW requested purple heart parking signs and purple curb paint on 2<sup>nd</sup> street.
9. Approve all alcohol license applications received to date.
  - a. Black Board Bistro, 803 Mineral Ave.
  - b. Lucky Lil's Casino, 200 E. 9<sup>th</sup> St.
  - c. Lucky Logger Casino, 1313 Minnesota Ave.
  - d. Pastime Bar and Lounge, 216 Mineral Ave.
  - e. Rosauers Supermarket, 703 W 9<sup>th</sup> St.
  - f. Switchback Bar & Grill, 1111 W. 9<sup>th</sup> St.
  - g. Town Pump, 1315 Minnesota Ave.
10. Approve all Coin Operated Amusement License applications to date.
  - a. Pastime Bar and Lounge, 216 Mineral Ave.
11. Approve all claims received to date
12. Approve all business license applications received to date
  - a. Al Rolloffs an Hauling LLC, 521 W 2<sup>nd</sup> St., LLC, Construction.
  - b. Great Day Improvements, LLC, Billings, MT, LLC, Sale and installation of windows, patio, gutter gaurds, bathroom remodel, and other home improvements.
  - c. I Can Do It!, 185 Winder Rd., Individual, Home care, cutting and delivering firewood, harvesting fruit for local companies.
  - d. Wake Up Inc. dba: Copper Mountain Coffee #5, 25 Hamann Ave., Corporation, Drive thru coffee shop.

**UNFINISHED BUSINESS:** Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item, there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

**GENERAL COMMENTS FROM COUNCIL:** Public comment will not be taken during this portion of the meeting.

## **ADJOURNMENT:**

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

## **ATTENTION:**

To access this meeting electronically with **Zoom**,  
Dial: 253-215-8782  
Meeting ID: 4042719951  
Password: 151041  
Posted: 11/26/25

**MCA 2-3-212.** Minutes of meetings. Minutes must include without limitation: (a) the date, time, and place of the meeting; (b) a list of the individual members of the public body, agency, or organization who were in attendance; (c) the substance of all matters proposed, discussed, or decided; and (d) at the request of any member, a record of votes by individual members for any votes taken.

## **APPROVED MINUTES**

The Libby City Council held regular meeting #1688 on Monday, November 3, 2025, in the Council Chamber at Libby City Hall.

### **Call to Order:**

The meeting was called to order at 7:00 pm by Mayor Williams.

Present were Mayor Williams, Councilors Melissa Berke, Gail Burger, Ethan Kolp, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

**Announcements:** Mayor Williams announced City Hall will be closed Tuesday, November 11 for Veterans Day. Final leaf pickup will be November 12 and 13. Councilor Berke announced the Kootenai Valley Christian School will hold a program for veterans, details to be confirmed.

### **Approve minutes for Regular Council meetings #1686 held October 6 and #1687 held October 20, 2025:**

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting minutes 1686 and 1687, Councilor Burger **SECONDED**.

### **Public Comment:**

DC Orr expressed concern about wording in the October 6 minutes regarding a meeting with Lincoln County Port Authority, stating the language could be misconstrued. He attempted to expand his comments beyond the minutes. Councilor Burger called Point of Order, Mayor Williams directed Mr. Orr to speak only to the minutes under consideration. After an exchange about staying on topic, Mr. Orr was asked to sit down when his comments went beyond the agenda item.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

## **Committee Reports:**

**Administrator:** Administrator Sikes reported the city received 90% completed draft for the spoils pile from WWC Engineering. A problem had been identified with the biathlon course entrance, which had a switchback design would make it difficult for plowing. The parking lot level could not be lowered due to funding constraints; the entrance has been redesigned. Council members were asked to review the 90% plans packet and provide feedback. Once reviewed, WWC will prepare cost estimates for Council to vote on whether to proceed.

Councilor Smith inquired whether the county plows the road to the project area. Mr. Sikes confirmed the county plows the main road, while the ski club will plow the small parking lot.

Phase II of Spruce Street project is several weeks behind schedule. The first lift of asphalt has been completed, and the second lift is expected in the next few days. Once finished, the city can move on to future parking lot work. Due to contract penalties of \$1,200 per day for late completion, the city anticipates some cost savings. The mayor and the engineer will be working on that to figure out the legalities.

Mr. Sikes gave an update on the Reese Court water leak and said it has slowed down significantly.

Presenting a map of the lower reservoir, Mr. Sikes explained the current situation and the long-term temporary fix that will be made. The city has coordinated with Noble Excavation, and the repair plan involves using underwater JB Weld epoxy (water-safe) to seal cracks, removing riprap, repacking with clay to reinforce the structure, and replacing the riprap. The city is awaiting word on a \$30,000 grant from DNRC for repairs, but the work must be completed regardless due to risk of catastrophic failure.

Mr. Sikes emphasized the importance of a proper capital improvement plan and adequate base rates, noting that preliminary engineering report repairs for the lower reservoir are estimated between \$3.5 and \$5 million. Even with maximum potential grant funding from Rural Grants and Loans (\$125,000), MCEP (\$434,000), and CDBG (\$600,000), the city would still face a shortfall of \$2.3 to \$3.8 million. Using the state's rate matrix, this would require an additional \$5 to \$7 per month per end user in base rates to cover loan payments, principal, interest, short-lived assets, and increased reserves. This demonstrates why adequate funding of the capital improvement plan is critical.

Mr. Sikes announced that Charlotte, a city employee of over 10 years, will be leaving the city for a different position. She has contributed significantly to city operations and will be greatly missed. The position will be advertised in-house by the collective bargaining agreement before opening to the public.

**Streets:** Street Supervisor: Justin Williams reported crews have been busy with street maintenance, patching potholes, sweeping, and leaf pickup. Sewer work included camera inspections and root cutting on mains, sprinkler blowouts and bathroom winterization has been completed. Three alley approaches received lay-down curb replacements, one on Sixth Street and two on Cedar. One water disconnect was performed at Michigan and Sixth due to a lingering water leak.

Crew spent a week at the water plant cleaning out one of three backwash basins and explained the process. A culvert was installed to DNRC standards on the city's access road to the lower reservoir. The DNRC contacted and approved the installation; the city has a user agreement for that road.

One cremains burial was performed last month. Maintenance work included rebuilding the snow blower and rear end of one dump truck. The truck had been neglected and is now in good condition for several more years.

The seasonal employee completed his last day on October 20 and performed excellently. A pre-construction meeting was held for the affordable housing complex on Commerce Way. The city has a plan for water main tie-ins, and two new valves will be added during construction to enable more efficient isolation and support future loop system development.

All city street openings have been sealed for winter. The cone signs and candlesticks ordered through LORS transportation grant arrived last week. The screens at the lower reservoir have required additional attention due to leaves and foliage. The upper reservoir is also being monitored; on October 24, the dam measured 6 feet at the gauge, and six days later it had risen to 8 feet 2 inches, showing good conditions.

Two water main repairs were completed in October. Mr. Williams noted the skate ramp sod at Fireman's Park was completed and thanked Councilor Berke for ensuring completion before winter.

Chief Ercanbrack reported 421 calls for service in October compared to 207 in 2024, attributed to new officers being eager to engage through traffic stops and community contact. Calls included 2 assaults, 7 disturbances, 5 threatening calls, 5 thefts, 2 mental health calls, 22 public assists, 9 juvenile problems, 22 walkthroughs, 46 city ordinance

enforcements, 19 suspicious people/vehicles, 9 crashes, 3 DUIs, 160 traffic stops, and 51 agency assists. An additional 35 calls involved officers backing up other officers.

All officers completed field training in October and firearms training this month. Officer Thomas completed rifle armorer and Glock armorer courses, enabling him to maintain all department firearms and increase their longevity.

The Chief addressed community concerns about businesses selling nitrous oxide. While selling nitrous oxide is legal, it creates problems and mentioned Kratom, another legal substance sold in gas stations, if taken in high doses, can mimic opioids, highly addictive and can cause psychosis.

Finance: Clerk/Treasurer Monigold reported the city held a surplus auction and was able to dispose of most items for a total of \$3,365.

### **Committee Reports:**

**Cemetery/Parks:** Mayor Williams reported on the wings project. A new location had been identified for the wings currently on the ground at Peace Officer Park, but there appears to be a disconnect between what the school is telling the concrete contractor and what the committee had worked out. The issue will be addressed to get the wings installed.

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

DC Orr raised concerns about transparency regarding the parking lot at the reservoir, questioning why the city is paying to remove materials that should have been covered under the original dam construction contract. He also referenced the lower reservoir dredging and dam's overtopping incident, suggesting contractor insurance should have covered damages. Mr. Orr urged Council to investigate the matter and provide transparency to taxpayers.

### **Public Hearing - FY25 Budget Amendment:**

Mayor Williams opened the public hearing at 7:29 pm and noted the hearing was published in the newspaper on October 24 and October 31.

Clerk/Treasurer Monigold explained the budget amendment is needed to close out the year based on auditor recommendations. The amendment involves balancing increased revenue with corresponding expenditure adjustments. The resolution shows the funds identified by the auditor that require adjustment.

Mayor Williams noted part of the revenue increase came from grant funding that exceeded initial projections.

**Public Comment:** None

Mayor Williams closed the public hearing at 7:30 pm.

**New Business:**

**Approve Resolution 2062 amending the fiscal year 2025 budget:**

Councilor Smith **MADE A MOTION** to approve Resolution 2062 amending the fiscal year budget, Councilor Zimmerman **SECONDED**.

**Public Comment:** None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve Wastewater Preliminary Engineering Report Work Order Number 6 with WWC Engineering:**

Mayor Williams explained this work order advances the process for completing the Wastewater Preliminary Engineering Report by next spring.

Administrator Sikes reported the project initially started at \$50,000. After meeting with WWC Engineering and Mayor to expand the scope for future growth planning and detailed analysis of specific improvements, including an additional clarifier, oxidation ditch, and second press—the total cost increased to \$78,000. However, the city received a \$40,000 grant, making the net cost reasonable given the expanded scope and more comprehensive final product.

Councilor Zimmerman **MADE A MOTION** to approve the Wastewater Preliminary Engineering Report Work Order Number 6 with WWC Engineering, Councilor Smith **SECONDED**.

**Public Comment:** None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve submission of Montana Main Street grant for Mineral Avenue Master Plan:**

Mayor Williams explained the grant application would support improvements to create a more attractive downtown, including banners, flowerpots, planters, and construction of two parklets (movable, attractive seating areas). Exact items will be finalized during next



week's public meetings. Gail has been assisting with the Main Street application preparation.

Councilor Zimmerman **MADE A MOTION** to approve the submission of Main Street Montana Main Street Grant for Mineral Avenue Master Plan, Councilor Burger **SECONDED**.

**Public Comment:** None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Employee Policies and Procedures Manual update. (Introduction):**

Mayor Williams introduced the updated city policies and procedures document, noting it has been months in development. The update consolidated two documents that did not necessarily say the same things. The revised document ensures proper alignment, incorporates provisions for the Police Department now that it is no longer covered under the Collective Bargaining Agreement (CBA), and confirms all policies align with CBA requirements. The document is being presented for review and public comment over the next couple of meetings. Note: the document has been sent through Montana League and sent to the City Attorney to review.

Administrator Sikes noted having all supporting documents from the State and Montana legal department. The union has reviewed the document and provided feedback. Major changes include adding a detailed firearm policy, expanding the drug policy with more specificity, and clarifying the discipline process, which was previously too vague. The revised discipline section outlines a clear, steady process. Mr. Sikes stated he has all email documentation from state agencies available for review.

**Approve all claims received to date:**

Mayor Williams reminded the public, anyone interested in reviewing the claims may do so at City Hall on Mondays before Council meetings.

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

**Public Comment:** None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

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

Fish Hawk Fly Shop.

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

Public Comment: None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Unfinished Business:**

**Chamber of Commerce request for long-term building lease-Discussion:**

Mayor Williams reported the Chamber sent documentation on Friday, but it arrived after she had left for the weekend and was not distributed until prior to the meeting. She was uncertain whether Council had adequate time to review it.

Councilor Smith inquired if Mr. Chisholm had any comments.

City Attorney Chisholm explained that the revised lease from the Chamber still contains language giving them ownership of a building on City ground, but it does not address some of the current concerns Council has raised about what happens at the termination of the lease. If the Chamber owns the building, will they be required to remove it? Do they get to control who leases it after the end of their lease? Those are the crux of the discussion. Most of the rest of the terms the City proposed are still in place in the Chamber's suggested revision.

Councilor Smith inquired what was the necessity for the Chamber to own the building.

Devenne Leiss, current president of the Chamber board, explained the Chamber's request to maintain ownership language in the lease. She noted concern exists on both sides, the Chamber wants assurance it will not be evicted and lose its investment, while understanding the city has similar concerns. Ms. Leiss explained the building's history, community members and Chamber had raised funds and took out loans to construct it. During a period when the Chamber struggled financially and could not pay taxes, the city agreed to take ownership to eliminate the tax burden. Ms. Leiss stated the building was originally funded by Chamber and community member dollars.

Councilor Smith clarified her understanding that the current grant does not require ownership. Ms. Leiss confirmed that is correct, but noted other grants under consideration do require ownership.

Councilor Burger stated she is not in favor of designating the Chamber as owner of the building. She believes City Attorney Chisholm's proposed lease was clear and fair. Councilor Burger also noted the revised Chamber proposal removes the requirement to upgrade water and sewer lines if a new building is constructed and includes language allowing the Chamber to sell the building back to the city if they relocate. She does not support those provisions and believes Mr. Chisholm's lease terms are fair.

Councilor Smith emphasized the importance of consistency in lease agreements, noting the City has established relationships with other lease holders such as the ski club, which holds a long-term lease and has constructed multiple buildings but does not own them. Should that entity cease to exist, the City would need to find another tenant. The same principle would apply to the Chamber. Councilor Smith stated she does not see the city being interested in owning buildings long-term but supports long-term lease arrangements. Councilor Burger agreed.

Ms. Leiss asked for confirmation that in other leases, tenants do not own the buildings. Mayor Williams confirmed that is correct, using examples of the ski course and KPFL, where tenants treat buildings as their own, maintain them, and use them, but ultimate ownership remains with the city. Should a conflict develop, the buildings revert to city ownership. Ms. Leiss noted the property where Fireman's Park is located is designated only for tourism-related use.

Councilor Zimmerman acknowledged that none of the Council is opposed to the Chamber or to providing long-term leases that allow community involvement and organizational missions. However, the concern is about setting precedents with property and building ownership that could create problems for future councils. He noted none of the current Council will likely be in office in 25 years, and they are trying to avoid leaving unresolved issues for successors.

Ms. Leiss responded that the current situation resulted from past decisions, the Chamber did own the building under the original lease.

City Attorney Chisholm interjected, stating he has reviewed the original documents and that characterization does not appear to be accurate.

Ms. Leiss acknowledged she has documents but is not a lawyer, so she may be interpreting them differently.

Mayor Williams asked if there were further questions. Hearing none, indicated the conversation would continue at the next meeting.

**Grant Writer/Community Development Coordinator Job Description-Discussion:**

Mayor Williams explained that based on efforts to move toward a 1099 contractor position, the previous position description was reworked to be more city oriented. Asking if Council had reviewed it and whether it appears to be heading in the right direction.

Councilor Burger stated it looks like progress and would like to see it gain traction and be advertised publicly.

Councilor Smith stated her ongoing position that the City needs a dedicated person, not someone contracting with multiple other entities. She has been reviewing employment opportunities through the Western Association of Planners and found that municipalities across western states employ community development directors whose job descriptions exactly match what is needed, pursuing grants and fostering economic and community development relationships—and who are beholden solely to the city. She emphasized the importance of having someone on the ground with local knowledge, understanding relationships between entities, ability to stay current with opportunities, maintain community trust, and respond immediately to agencies like the Department of Commerce. She expressed frustration that it had been nearly five years since Tina Oliphant left the position, with no one performing that essential work.

Councilor Burger agreed but stressed the need to start somewhere. She noted that continuing to go back and forth without moving forward keeps the position only on Council's desk rather than in public view. She stated part-time is better than no time and would like to see the position advertised so the city can at least get started.

Mayor Williams asked if there was specific feedback on the wording of the position description. She clarified that one version labeled "draft" is a reworked version of an earlier description. She directed attention to the version titled "City of Libby Position Description: City Grant Writer and Community Development Coordinator, Part-Time, 1099 Contractor" and highlighted essential functions including producing and executing a community development work plan in coordination with the mayor and identifying projects within growth boundaries.

Mayor Williams suggested giving Council additional time to review the document before the next meeting for potential approval.

**Public Comment:**

DC Orr commented on two items: first, suggesting if the City Attorney has documentation contradicting the Chamber's ownership claim, it should be made public; second, recommending the grant writer position include mandatory regular reporting to Council and the public to ensure transparency.

Mayor Williams explained copies of the original lease and the current lease, were included in council packets for earlier meetings. She stated this is the same documentation the Chamber has and what City Attorney Chisholm has reviewed. Councilor Taylor added similar documentation exists for other properties.

Councilor Smith asked how the Chamber came to believe they owned the building. Mayor Williams explained that in the early years, because the Chamber had raised construction funds, there was a perception among board members that it was their building. However, conflict arose in the early 1990s when a property tax was assessed based on the assumption of ownership. The Chamber did not want to pay the tax and therefore transferred the building to the city. This history is documented in the materials provided.

Councilor Burger confirmed that the grant writer position description states the position reports to the mayor and Council.

General Comments from Council:

Councilor Berke provided dates and times for the Veterans program, Friday, November 7, at 6:30 pm at the Assemblies of God Church on Collins Avenue. The program is open to the public, and veterans are especially welcome.

Mayor Williams reported that a large notebook is available containing the preliminary application for the Park Timberlands subdivision adjacent to the city. The application has been submitted and will go before the Planning Board on November 24. WWC Engineering is working on all documentation and has sent letters to agencies and the community. WWC will prepare a report for the Planning Board's review in a public hearing. After Planning Board review, the matter will proceed to Council for another public hearing, tentatively scheduled for December 15.

#### **ADJOURNMENT:**

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

Councilors Berke, Burger, Smith, Kolp, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:59pm.

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

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

**MCA 2-3-212.** Minutes of meetings. Minutes must include without limitation: (a) the date, time, and place of the meeting; (b) a list of the individual members of the public body, agency, or organization who were in attendance; (c) the substance of all matters proposed, discussed, or decided; and (d) at the request of any member, a record of votes by individual members for any votes taken.

## **UNAPPROVED MINUTES**

The Libby City Council held regular meeting #1689 on Monday, November 17, 2025, in the Council Chamber at Libby City Hall.

### **Call to Order:**

The meeting was called to order at 7:00 pm by Mayor Williams.

Present were Mayor Williams, Councilors Melissa Berke, Gail Burger, Ethan Kolp, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

**Announcements:** None

### **Reports:**

Administrator: Administrator Sikes reported he represented the city at a League of Cities and Towns meeting with BNSF Railway to discuss statewide issues regarding extreme permit fees and lengthy approval times for projects requiring work underneath BNSF property. Mr. Sikes gave the example of Colstrip, a small town that paid \$41,000 for a permit just to replace a water main via pipe bursting underneath BNSF track. A process that took over two and a half years to complete. Also discussed North Dakota law, which limits railroad permit fees to 10% of the original fee or \$3,000. This discussion prompted concern from BNSF representatives. Montana State Legislators are considering legislation to mirror North Dakota's fee limits. The city has an interest in this because Libby has two water lines, two sewer lines, and one storm water line that would require permits. At the current rate of \$40,000 to \$50,000 each, the city could face a couple hundred thousand dollars just in permit fees, not including flagging fees and other associated costs. BNSF's argument is that they have real estate interest, they are giving up interest in their real estate, and they pay taxes and insurance on it, therefore cities should compensate them accordingly. Mr. Sikes performed preliminary calculations and determined the railroad right-of-way in question represents approximately 0.1 acres, which, based on real property values in Libby, would be valued at approximately \$1,900. The city is waiting to see what recommendations the League of Cities and Towns develop for the next meeting.

Building Report: For the month of October, the city sold eight building permits: two for new buildings, one for a deck, one for an addition, and four new roofs, generating \$3,894.85 in revenue. Year-to-date, 14 permits totaling just over \$6,000.

**LORA:** Tony Petrusha, Libby Outdoor Recreation Association, reported the swim pond project is still in progress, working with Department of Public Health and Human Services to meet their requirements and working with the county on a maintenance agreement. The pump track is up and running. New NRDP project; a Parmenter Creek Trail, as of now passes through four or five pieces of private with their agreement and seeking permanent easements on those private properties and running the trail through Forest Service property, down through Ski Dale and over to Pioneer Park along Balsam Street. Snowshoe Trail continues, Norgart Trail easements are in place and will connect Snowshoe Hannah Lane up through to the ski course. Mr. Petrush wanted to address council about a new NRDP project involving the Libby Haul Bridge renovation. He met recently with Councilman Kolp and Sam to review the project scope, which includes replacing rotted curbs, installing new fencing, and addressing additional structural needs as they arise. Items under consideration include a full bridge assessment, structural integrity, snow-removal needs, ADA-accessible parking, and existing parking limitations on Fifth Street, noting a possible opportunity for additional parking at a vacant property on the north end of the bridge. The plan also includes developing signage to identify the structure as a historic feature of Libby. Sam spoke with the city engineer, who is familiar with the project and has prepared a preliminary report to support initial cost estimates and outline anticipated engineering requirements. Once the project details are finalized, it will be submitted for NRDP funding in the 2026–2027 cycle, with additional grants to be pursued as appropriate. Identified project partners include the City of Libby, Lincoln County, the Port Authority, Montana DEQ, the Army Corps of Engineers, Burlington Northern, and the community of Libby.

### **Committee Reports:**

**Cemetery/Parks:** Mayor Williams reported the Parks committee is still working to get the wings in the ground.

**Streets Committee:** Councilor Burger announced a Streets Committee meeting is scheduled for Wednesday at noon.

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

Rosemarie Irish expressed concern about a Facebook post regarding questions she had asked about a TAC committee. Ms. Irish read the questions and responses she was given. Ms. Irish felt this is not how council members should respond to citizens with questions and referenced the Montana Code of Ethics and Conduct.



DC Orr stated the TAC is firmly grounded in Montana Code Annotated 2-2-144 and that Montana law allows and encourages it. Mr. Orr stated one council member comments under fake names on Facebook and urged Council to address behavior that is embarrassing the whole body.

**New Business:**

**Approve street closure request on Mineral Avenue and Second Street for Christmas parade on December 20<sup>th</sup> 4:45 - 6:30pm:**

Kaylee Cohenour requested a road closure of Mineral Avenue and Second Street from 4:45 to 6:30 p.m. The parade will start at 5:30 p.m., and hot cocoa stations will be set up at 5:00 p.m.

Councilor Zimmerman **MADE A MOTION** to approve the street closure on Mineral Avenue from Lincoln Boulevard to Second Street and on Second Street for the Christmas parade on December 20 from 4:45 to 6:30 p.m., Councilor Burger **SECONDED**.

**Public Comment:** None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve LOR Foundation grant of \$9,150 to the City of Libby for the purchase of 3D imaging equipment-decision:**

Tabitha Viergutz, representing the LOR Foundation, explained a request was received from Chief Ercanbrack for a LIDAR system, which is 3D imaging equipment used to enhance public safety within the City of Libby. The request totals \$9,150, and the funding is designated for the project during the grant period, which will end on November 2, 2026, pending the completion of all expenditures.

Councilor Smith inquired about the specific intent to use this equipment. Chief Ercanbrack explained that the LIDAR units are primarily designated for the measurement of crime scenes and are used to measure crash scenes specifically, as well as any large-scale scenes. The equipment can also be utilized for speed enforcement, giving the department an extra tool to help protect the citizens of Libby. Chief Ercanbrack clarified that while it is described as 3D imaging, it is not used to scan people's homes but for the measurement of scenes.

Councilor Zimmerman **MADE A MOTION** to approve the LOR grant of \$9,150 to the City of Libby, Councilor Burger **SECONDED**.

**Public Comment:** None

Councilors Berke, Burger, Kolp, Taylor, and Zimmerman voted **FOR**. Councilor Smith voted **AGAINST**.

**MOTION PASSED.**

**Approve LOR Foundation grant of \$27,401 to the City of Libby for the purchase of flashing speed signs-decision:**

Tabitha Viergutz explained the request and solution was brought forward by Libby Streets Department Supervisor Justin Williams to purchase flashing speed signs and the various equipment that accompanies them, including solar panels and USBs that are required. This grant also has a funding period that will end November 2, 2026, pending the completion of expenditures.

Councilor Zimmerman **MADE A MOTION** to approve the LOR Foundation grant of \$27,401 to the City of Libby, Councilor Smith **SECONDED**.

Councilor Taylor inquired how many signs the grant would provide. Mr. Williams stated the grant would provide three signs.

Councilor Zimmerman inquired whether locations have been picked out. Ms. Viergutz explained the equipment was described as mobile, so would be able to be used in various locations depending on traffic issues.

Public Comment: DC Orr requested in the future to see an itemized cost of the projects.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Review of gravel pit/parking lot 90% plans and discussion on moving forward-discussion:**

Scott Dunkelberger, WWC Engineering contract engineer, was hired to design the Flower Creek waste gravel reclamation project, explained the project is located up on the Flower Creek Road near the Nordic ski area. There were a couple of design parameters WWC was aiming for; the major one was to protect the City of Libby's source water supply at Flower Creek. WWC looked at the upstream watershed and then performed downstream analysis to verify that there would be very limited to no impacts to the surface waters with sediment runoff. The upstream analysis started at the ridgeline, and WWC determined that

the existing gravel pile is located along a ridge, meaning the watershed upstream sheds easterly and westerly away from the gravel pile. This means large storm events are not going to drain through the site and create additional sediment loading downstream. The downstream analysis included a detention pond. That pond was sited to capture the 100-year storm water event, so all runoff from the parking area is going to drain to a channel and then into that pond before it outlets downstream into the grassy area. WWC proposed a berm around the pond as well as a secondary measure to make sure runoff does not go down those exposed slopes.

The other part of the design WWC looked at was staying within the NRDP budget. The two factors considered were the pad size and the volume of earthwork. The volume of earthwork has a cost per cubic yard. WWC raised or lowered the pad and expanded or decreased the pad footprint to balance those factors and stay within the proposed construction budget. With the 15% contingency, the project is approximately at the construction budget within NRDP funds. The contract will also have a requirement for a SWPPP (Stormwater Pollution Prevention Plan), a permit the contractor obtains through DEQ to set up BMPs such as silt fences, straw wattles, and other temporary sediment measures during construction. This is a two-phase project through NRDP. Phase One is the design and preparation of bid documents. If Council approves those bid documents, Phase Two would be the construction.

Joe Taylor, President of the Kootenai Cross Country Ski Club, described the club's long-standing role as a volunteer-run nonprofit that promotes winter recreation, youth development, and community wellness through 13 miles of groomed trails and a variety of educational programs for children. He highlighted the club's stewardship work, inclusive community events, and commitment to providing accessible, affordable winter sports opportunities for all ages. Mr. Taylor emphasized the importance of the proposed parking improvements at the Flower Creek facility, noting that safe and adequate parking is essential for youth programs, future race events, and broader community access, he thanked the City for advancing the NRDP-supported project.

**Public Comment:** DC Orr stated he had questions about the project and referenced concerns about the gravel pile removal contract from when the dam was built.

Councilor Zimmerman called **POINT OF ORDER**, stating the comment has nothing to do with the project in front of Council.

Mayor Williams asked Mr. Orr to speak to this project, not history that the current Council has no control over and could speak about how the parking lot is constructed or not constructed but otherwise should sit down.

Jared Lampton, Vice President of the Kootenai Cross Country Ski Club, thanked the city for taking on the project and emphasized the significant need for proper parking at the Flower Creek trail area for both the ski club and other recreation users. He noted ongoing parking challenges during events and described the existing gravel pile as an eyesore, urging the Council to convert the area into something functional.

Tony Petrusha also expressed support for reshaping the gravel pile into a usable parking area, stating that impacts would be minimal and that, since people are already parking there, the city should formalize the space, manage runoff, and proceed with the project.

Justin Williams questioned if this project goes through and there is a parking lot built there, who is going to maintain the parking lot—all aspects, including plowing. Mr. Williams stated he knows it is on city property; he just does not want to see the city inheriting additional maintenance responsibilities.

Councilor Kolp stated he has driven up there several times this past week to see what it looks like while it is raining and when it is dry. It is being used as a parking lot right now with uncontrolled runoff. There is a deer carcass on top of that hill. It has been used as a shooting range. Councilor Kolp said he picked up probably half a bag of soda and beer cans, and that was not even near all of it up there. By creating a proper parking area with controlled drainage, Council can discourage some of the inappropriate behavior that goes on up there.

Councilor Smith concurred with Councilor Kolp because the area looks like an eyesore, and people are attracted to places to do various activities when a site looks like a dump or a giant pile of gravel. With some appropriate signage, it would improve the area. Agreeing with everything the cross-country ski group has said. Reminding everyone that NRDP is a source of funds not from the taxpayers; it is funds the governor's team has negotiated with International Paper in this case, so it is already paid for, and the money has already been granted to the city to complete this work. Encouraging Council to consider the project.

Councilor Zimmerman stated one thing he likes seeing about the project is the 100-year flood protection, which has always been a major concern for him. Having the proper drainage so the watershed is taken care of and protected is important.

Mayor Williams stated the item was on the agenda for discussion only.

**Approve all claims received to date:**

Mayor Williams reminded the public that if anyone is interested in viewing the claims they are available during the day of the meeting.

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

Public Comment: None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Unfinished Business:**

**Employee Policies and Procedure Manual update-Discussion:**

Mayor Williams explained the updated policies and procedures manual was introduced at the last meeting for discussion. It is a document that needed some updates. The manual took two documents and made them into one. It is an employee document outlining the city's policies and procedures and how the city tries to proceed in the workplace. The last update to the personnel policies and procedures was in 2020. The city updated the manual regarding firearms and relationships, updated the computer use and retention policy, and made sure that it aligns with the CBA (Collective Bargaining Agreement). The old documents do not always align, so staff tried to make sure that this manual aligns with all existing agreements. Since the police are no longer in the CBA, the city also put language in the manual regarding some issues specific to the police department. Mr. Chisholm provided some updates in one section, which Council will be looking at.

Councilor Taylor explained he spoke with Administrator Sikes earlier about page 13, the firearms policy, and asked Mr. Chisholm to look at that because things have changed since Councilor Taylor obtained his concealed weapon permit.

Mayor Williams stated the city will make sure the firearms policy reflects current standards. She noted the city has run the manual through legal review and through MMIA to make sure they approve some of the updates, especially in areas of discipline and hiring. The union has also looked at it, so the city tried to capture all those potential concerns.

Councilor Smith stated he would like to see what the clause Councilor Taylor referred to says in relation to the standard for general public entry.

**Public Comment:** None

Mayor Williams reminded the public that copies are available if they would like to look at the manual here at City Hall, or if they really want a copy to take home, they should let staff know. Electronic copies are also available and can be linked to anyone who requests them, as it is quite a large document, Council will be looking at it again at the next meeting.

**Chamber of Commerce request for long-term building lease-Discussion:**

Miranda Craven stated the Chamber received the most recent version of the lease from Mr. Chisholm, and they are happy with it. They would like to move forward if Council approves it. Ms. Craven stated the Chamber was originally under the impression that they owned the building. After finding all the documents, everyone is now on the same page. Ms. Craven said the Chamber respects Council's wish to be consistent with all the leases, so they are happy with the final version of the lease.

Councilor Smith explained it is important that the city and the Chamber continue to have good relations and work cooperatively toward the greater good, noting everyone has the best intentions. Ms. Craven agreed it is important to the Chamber as well.

**Public Comment:** none

**Grant Writer/Community Development Coordinator Job Description-Discussion:**

Mayor Williams suggested putting the item on the agenda for the next meeting to have a vote on the current position description as it has been presented for the last couple of meetings and see if Council wants to move forward that way.

Public Comment: None

**General Comments from Council:**

Councilor Taylor stated given the recent election, he would be resigning his position on the Local Government Study Commission as the ex officio member. He noted Councilor Kolp will fulfill that role, but that appointment needs to be on the next agenda for a vote to officially appoint Councilor Kolp to that position.

Mayor Williams inquired whether anyone else was interested in filling that role. Councilor Kolp confirmed he is willing to do it. Mayor Williams stated she would put that on the agenda.

Mayor Williams explained the city has a couple of Planning Board vacancies coming up at the end of December. One of them is the position appointed by the city commissioners. That person would like to be replaced and would like to move on from the Planning Board. The other vacancy is Councilor Burger's position as a city representative, which will be expiring next year. Mayor Williams stated she is going to advertise those positions. She will be contacting the county commission regarding their position to see if they have someone in mind or if the city needs to find someone to fill that position.

Councilor Taylor stated he had mentioned to Mayor Williams about going ahead and posting the council vacancy regarding his seat. Mayor Williams inquired whether that is Councilor Taylor's wish. Councilor Taylor stated that it is his wish. He noted he does not know how the rest of Council feels, but the council policy and procedure indicate Council can refill that seat effective the first of the year. That is up to Council to decide how they want to handle it. Councilor Kolp agreed it would be nice to do that, so all the faces are present on the first of the year. Mayor Williams stated she would get that vacancy posted.

**ADJOURNMENT:**

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

Councilors Berke, Burger, Smith, Kolp, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:50 pm.

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

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

Date: 12NOV25

To: City of Libby, Montana

Attn: Kate Dinsmore, Project Manager

From: Veterans of Foreign Wars Post 1548

Address: 114 W. 2nd Street, Libby, MT 59923

Contact: Brian Sharp, Commander

Phone: 406-291-2495

Email: sharpbrianj@gmail.com

## **Subject: Proposal to Lease VFW Post 1548 Parking Lot for Public Use**

The Veterans of Foreign Wars (VFW) Post 1548 respectfully submits this proposal to explore a partnership with the City of Libby for the lease of the VFW parking lot located adjacent to our post at 114 W. 2nd Street.

Our intent is to support downtown accessibility by making additional parking available to the public while generating a small amount of recurring revenue to help fund lo-cal veteran support programs and facility maintenance.

### **Background and Purpose**

The VFW Post 1548 has long served the Libby community as both a veterans' organization and a community gathering place. Our centrally located parking lot is maintained, conveniently located near several surrounding businesses, and easily accessible from Mineral Avenue and California Avenue.

With increasing activity downtown-especially during community events, markets, and gatherings-parking availability has become increasingly limited. We believe this partnership could help alleviate that shortage while strengthening collaboration between the City of Libby and local veterans.

### **Proposal Overview**

- Property: VFW Post 1548 parking lot (approx. 40 spaces)
- Use: Public parking managed or overseen by the City of Libby
- Lease Term: One-year pilot lease, renewable annually by mutual agreement
- Proposed Rate: Negotiable monthly lease amount or per-space rate to be determined in coordination with the City
- Maintenance: Snow removal and surface upkeep to be determined by mutual agreement



- Liability: The City would assume premises liability coverage during public use hours; the VFW to remain insured for private events or closures.
- Termination Clause: Either party may terminate the lease with 90 days' written notice.

### **Benefits to the City of Libby**

- Provides additional public parking downtown, especially during peak hours and community events.
- Enhances accessibility for local businesses, vendors, and visitors.
- Supports the VFW's charitable and community mission through modest rental income that goes directly toward veterans' programs, facility maintenance, and improvements.
- Demonstrates a strong civic partnership between the City and a local nonprofit veterans' organization.

### **Next Steps**

We respectfully request a meeting with City staff or the WGM Group Project Manager to discuss:

- Feasibility and potential terms of a lease agreement
- Maintenance and liability arrangements
- Coordination and use arrangements

We are flexible in structure and eager to work collaboratively to develop a mutually beneficial plan.

Thank you for considering this proposal. The Veterans of Foreign Wars Post 1548 remains committed to serving the people of Libby and its veterans, and we welcome the opportunity to contribute further to the vitality of our downtown.

Respectfully,

Brian Sharp

Commander, VFW Post 1548

Veterans of Foreign Wars of the United States

Libby, Montana

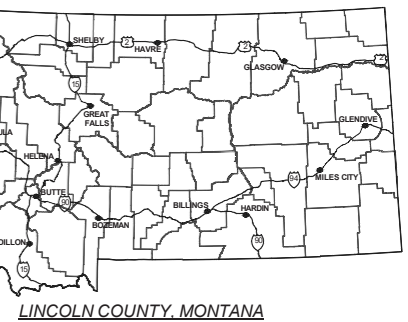
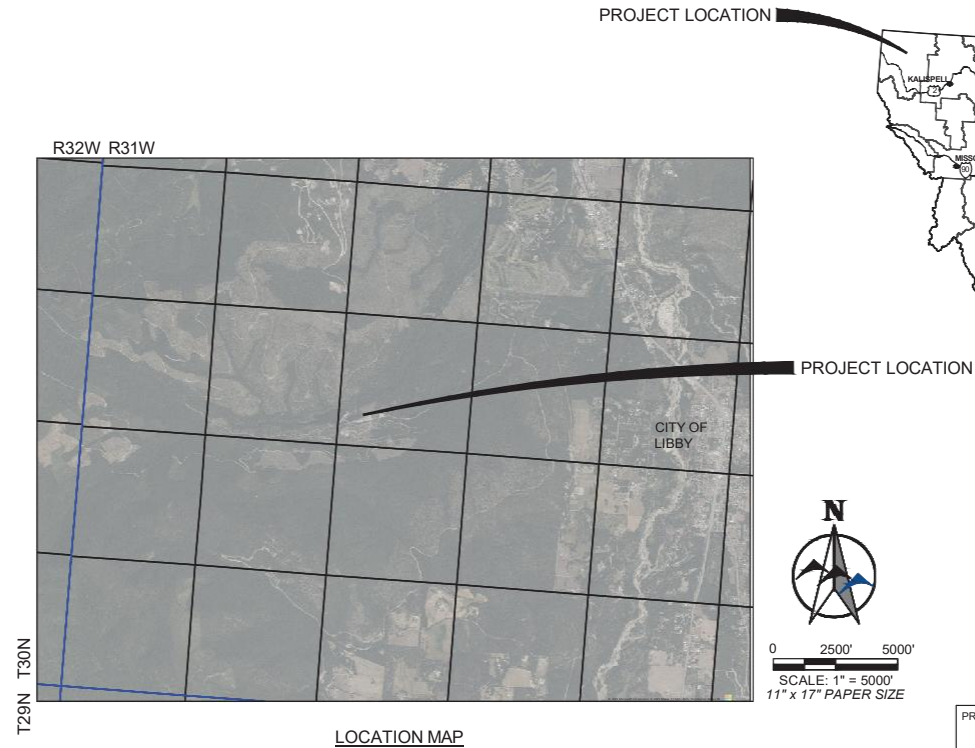
406-291-2495, sharpbrianj@gmail.com

k:\Hennrichy of Libby\2025\203 Flower creek waste gravel reclamation\05CA018\new\2025-COVR.dwg COVER 10/19/2025 3:25:53 PM

## CONSTRUCTION DRAWINGS


# CITY OF LIBBY FLOWER CREEK WASTE GRAVEL RECLAMATION

Sheet List Table	
Sheet Number	Sheet Title
1	COVER
2	GENERAL NOTES
3	CONTROL ABSTRACT
4	SITE PLAN
5	GRADING PLAN
6	PARKING LOT CROSS SECTIONS
7	STORMWATER PROFILE
8	DRAINAGE AREAS



Know what's below.  
Call before you dig.

90% PLANS

PREPARED FOR:			
CITY OF LIBBY 952 E SPRUCE ST, STE 100 LIBBY, MT 59923			
PREPARED BY:			
 <b>WWC</b> ENGINEERING 1275 MAPLE STREET, SUITE F HELENA, MT 59601 (406) 443-3962 www.wwcengineering.com			
PROJECT NO. 2025-203		DESIGNED BY: <u>BJD</u>	
NO.		DRAWN BY: <u>TS</u>	
REVISION		CHECKED BY: <u>BJD</u>	
BY		DATE: <u>NOV 2025</u>	
DATE		DRAWING NO.	
		<b>1</b>	

GENERAL CONSTRUCTION NOTES

1. UNLESS SPECIFICALLY SHOWN ON THE DRAWINGS, ALL WORK SHALL CONFORM TO MPWSS, LATEST EDITION AND THESE PLANS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS REQUIRED AND CONSTRUCTION TESTING FOR CONSTRUCTION ACTIVITIES.
3. THE CONTRACTOR SHALL RESTORE ALL ROADWAY TO EQUAL OR BETTER CONDITION THAN EXISTED PRIOR TO CONSTRUCTION, AS DETERMINED BY THE OWNER AND THE ENGINEER.
4. THE LOCATION, DEPTH AND SIZE OF EXISTING UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY THE EXISTENCE, LOCATION, DEPTH, SIZE, LINE AND GRADE OF EXISTING UTILITY CONNECTIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE EXISTING FACILITIES DUE TO FAILURE TO LOCATE OR PROVIDE PROPER PROTECTION WHEN LOCATION IS KNOWN.
5. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST AND EROSION DURING CONSTRUCTION AT CONTRACTOR'S EXPENSE. EROSION SHALL BE CONTROLLED IN ACCORDANCE WITH MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY REGULATIONS.
6. ALL PROFILES REPRESENT EXISTING GROUND (DASHED LINE) AND FINISHED GRADE (SOLID LINE) ALONG THE ALIGNMENTS INDICATED ON THE PLANS. ELEVATIONS ARE FINISHED GROUND ELEVATIONS.
7. ALL DISTURBED AREAS SHALL BE SEEDED BY THE CONTRACTOR USING A SEED MIX APPROVED BY THE OWNER OR THE LOCAL USDA OFFICE.
8. THE CONTRACTOR SHALL NOTIFY ONE CALL @ 1-800-424-5555 FOR ONSITE UTILITY LOCATION. ALL EXISTING UTILITIES SHALL BE MARKED BEFORE DIGGING.
9. THE CONTRACTOR SHALL MAINTAIN SERVICE OF ALL EXISTING UTILITIES. IF SAID SERVICE IS DAMAGED, THE CONTRACTOR SHALL IMMEDIATELY REPAIR THE DAMAGE AT THE CONTRACTOR'S EXPENSE.
10. THE CONTRACTOR SHALL NOTIFY THE ENGINEER A MINIMUM OF 48 HOURS PRIOR TO BEGINNING ANY WORK.
11. IF THE CONTRACTOR DETERMINES THE NEED TO DISTURB MORE THAN 1.0 ACRE DURING THE CONSTRUCTION OF THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AN MPDES PERMIT AND COMPLYING WITH ALL TERMS OF THE PERMIT. NO SEPARATE PAYMENT WILL BE MADE FOR THIS WORK.
12. QUANTITIES SHOWN IN THESE PLANS ARE FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING ACTUAL QUANTITIES.

DRAWING NOTATION



INDICATES CROSS SECTION LOCATION. "A" REFERS TO THE CROSS SECTION DESIGNATION. "10" REFERS TO THE SHEET NUMBER WHERE THE SECTION IS CUT OR SHOWN.



INDICATES DETAIL LOCATION. "1" REFERS TO THE DETAIL DESIGNATION. "12" REFERS TO THE SHEET NUMBER WHERE THE DETAIL IS INDICATED OR SHOWN.

ABBREVIATIONS

ACI	AMERICAN CONCRETE INSTITUTE	HWY	HIGHWAY
BAR	REBAR	INV	INVERT ELEVATION
BMP	BEST MANAGEMENT PRACTICES	LF	LINEAR FEET
BOT	BOTTOM	MH	MANHOLE
BVC	BEGIN VERTICAL CURVE	MJ	MECHANICAL JOINT
CFS	CUBIC FEET PER SECOND	O.C.	ON CENTER
CL	CENTERLINE	O.C.E.F.	ON CENTER EACH FACE
CMP	CORRUGATED METAL PIPE	OHP	OVERHEAD POWER
CONC	CONCRETE OR CONCENTRIC	PI	POINT OF INTERSECTION
CP	CONTROL POINT	POT	POINT ON TANGENT
CSP	CORRUGATED STEEL PIPE	PS	PIPE SUPPORT
CTR	CENTER	PT	POINT, POINT OF TANGENCY
CU FT	CUBIC FEET	PVC	POLYVINYL CHLORIDE
CULV	CULVERT	PWR	POWER
DI	DUCTILE IRON OR DRAIN INLET	RCP	REINFORCED CONCRETE PIPE
DIA	DIAMETER	R/W OR ROW	RIGHT OF WAY
EA	EACH	SAN	SANITARY
E.F.	EACH FACE	SST	STAINLESS STEEL
EL. ELEV	ELEVATION	STA	STATION
EOP	EDGE OF PAVEMENT	TBC	TOP BACK OF CURB
EVC	END VERTICAL CURVE	TYP	TYPICAL
FT	FOOT OR FEET	UG	UNDERGROUND
GPM	GALLONS PER MINUTE	WTR	WATER
HP	HORSEPOWER		

BLOCK LEGEND

EXISTING PROPOSED

	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEANOUT
	SANITARY SEWER CAP
	SANITARY SEWER METER VAULT
	SANITARY SEWER LIFT STATION
	SANITARY SEWER FM (TEE)
	SANITARY SEWER FM (11.25")
	SANITARY SEWER FM (22.5")
	SANITARY SEWER FM (45")
	SANITARY SEWER FM (90")
	SANITARY SEWER FM (CROSS)
	SANITARY SEWER FM FLANGE
	SANITARY SEWER FM VALVE
	SANITARY SEWER FM REDUCER
	SANITARY SEWER FM BF PREV.
	STORMWATER AREA INLET
	STORMWATER COMBO INLET
	STORMWATER FLARED END
	STORMWATER MANHOLE
	STORMWATER PUMP STATION
	STORM SEWER HEAD WALL
	WATER FITTING BEND 11.25"
	WATER FITTING BEND 22.5"
	WATER FITTING BEND 45"
	WATER FITTING BEND 90"
	WATER FITTING CAP
	WATER FITTING CROSS
	WATER FITTING FLANGE
	WATER FITTING TEE
	WATER FITTING VALVE

EXISTING PROPOSED

	WATER VENT
	WATER MANHOLE
	WATER REDUCER
	WATER MARKER
	FIRE HYDRANT
	WATER CURB STOP
	WATER METER
	WATER VAULT
	WATER BOOSTER STATION
	WATER WELL
	WATER MONITORING WELL
	WATER TEST STATION
	CABLE TELEVISION MARKER
	CABLE TELEVISION PULL BOX
	CABLE TELEVISION PEDESTAL
	CABLE TELEVISION VAULT
	POWER GUY ANCHOR
	POWER GUY POLE
	POWER MANHOLE
	POWER MARKER
	ELECTRIC POWER METER
	POWER POLE
	POWER TRANSFORMER
	POWER VAULT
	STREET LIGHT
	IRRIGATION PULL BOX
	IRRIGATION SPRINKLER HEAD
	IRRIGATION VALVE
	IRRIGATION VAULT

EXISTING PROPOSED

	FIBER OPTIC MANHOLE
	FIBER OPTIC MARKER
	FIBER OPTIC PULL BOX
	FIBER OPTIC PEDESTAL
	FIBER OPTIC VAULT
	NATURAL GAS MARKER
	NATURAL GAS METER
	NATURAL GAS VALVE
	TELEPHONE MANHOLE
	TELEPHONE MARKER
	TELEPHONE PULL BOX
	TELEPHONE PEDESTAL
	TELEPHONE VAULT
	TREE (DECIDUOUS)
	TREE (CONIFER)
	ADA RAMP
	SIGN
	BOLLARD
	MILEPOST
	CATTLE GUARD
	BORE LOCATION
	PROP CORNER ALUMINUM CAP
	PROP CORNER BRASS CAP
	PROP CORNER CHISELED X
	HIGHWAY ROW MONUMENT
	PROP CORNER IRON PIPE
	PROP CORNER LEAD & TACK
	PROP CORNER REBAR
	PROP CORNER STONE
	CONTROL POINT
	PROP CORNER PLASTIC CAP

LINE STYLE LEGEND

EXISTING

	OHT
	OHP
	NG
	IR
	FO
	FM
	O
	X
	[ ]
	F
	OHTV
	RW
	SS
	ST
	UGP
	UGT
	UGTV
	W

PROPOSED

	OHT
	OHP
	NG
	IR
	FO
	FM
	O
	X
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	F
	OHTV
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	SS
	ST
	UGP
	UGT
	UGTV
	W

MAJOR CONTOUR
MINOR CONTOUR
OVERHEAD TELEPHONE
OVERHEAD POWER
NATURAL GAS
IRRIGATION LINE
FIBER OPTIC
FORCEMAIN
FENCE [CHAIN]
FENCE [BARBED]
FENCE [PRIVACY]
FIRE LINE
OVERHEAD TV
RAW WATER
SEWER
STORM
UNDERGROUND POWER
UNDERGROUND TELEPHONE
UNDERGROUND TV
WATER

90% PLANS

PREPARED BY  
  
1275 MAPLE STREET, SUITE F  
HELENA, MT 59601  
(406) 443-3982  
www.wwcengineering.com

CITY OF LIBBY  
FLOWER CREEK WASTE GRAVEL RECLAMATION  
GENERAL NOTES  
LINCOLN COUNTY, MONTANA

DESIGNED BY: BUD  
DRAWN BY: TS  
CHECKED BY: BUD  
DATE: NOV. 2025

SHEET  
2

DATE  
BY  
REVISION  
NO.  
PROJECT NO. 2025-203



Point Table				
Point	Northing	Easting	Elevation	Description
50	1549901.53	492361.81	2760.07	CTRL
51	1549939.39	492362.39	2759.69	CTRL
52	1549866.16	492135.16	2757.32	CTRL
53	1550111.86	492737.00	2759.43	CTRL
54	1549877.27	492814.85	2766.19	CTRL

MONTANA STATE PLANE ZONE 2500  
N.G.S. O.P.U.S. SOLUTION  
REFERENCE FRAME: NAD83(2011)(EPOCH 2010.0000)  
PROJECT ORIGIN LOCATION:  
LATITUDE = N48°20'38.8444144"  
LONGITUDE = W115°34'39.9782190"  
PROJECT HEIGHT = 27056.862 FT  
DISTANCES SHOWN HEREON ARE GROUND DISTANCES  
UNITS OF INTERNATIONAL FEET  
CSF = 1.0004654471  
VERTICAL DATUM = NAVD88 (GEOID 12B)



# 90% PLANS

CITY OF LIBBY  
FLOWER CREEK WASTE GRAVEL RECLAMATION  
**CONTROL ABSTRACT**  
LINCOLN COUNTY, MONTANA

DESIGNED BY: BJD  
DRAWN BY: TS  
CHECKED BY: BJD  
DATE: NOV. 2025

3

[illegible]



BMP'S AND LOCATIONS ARE FOR INFORMATIONAL PURPOSES ONLY, CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND COMPLYING WITH THE DEQ SWPPP.



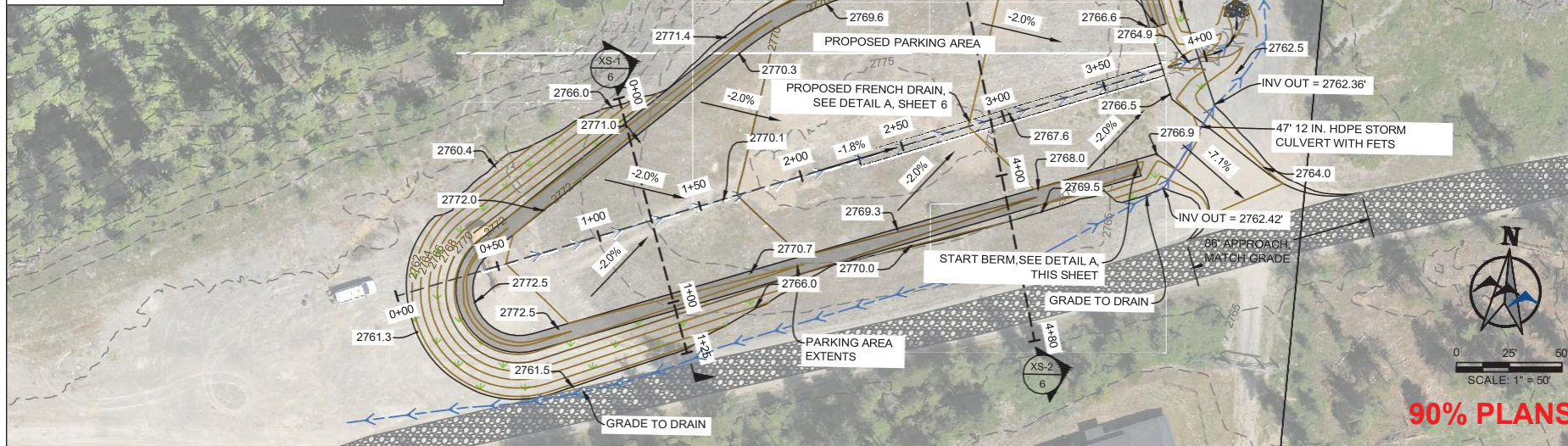
## 90% PLANS

FLOWER C

DESIGNED BY: BJD  
DRAWN BY: TS  
CHECKED BY: BJD  
DATE: NOV. 2025

SHEET  
**4**



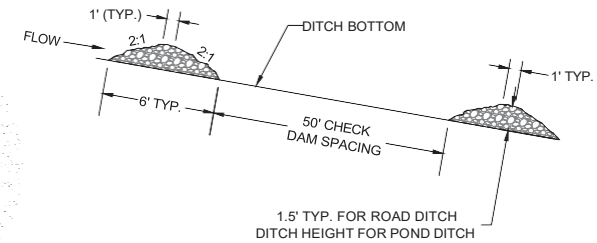
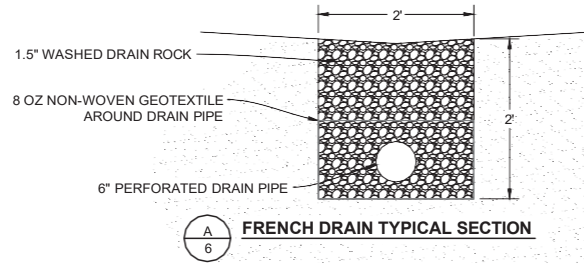
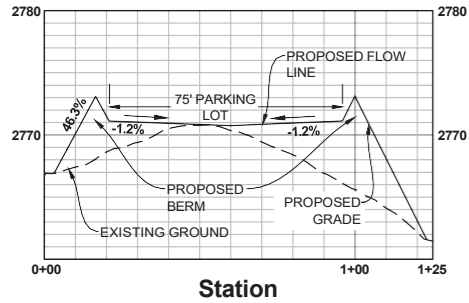


QUANTITIES		
6" PERFORATED DRAIN PIPE	150	LF
GEOTEXTILE	4,115	SQ FT
RIP RAP	229	CY
EXCAVATION	5,057	CY
FILL	4,504	CY

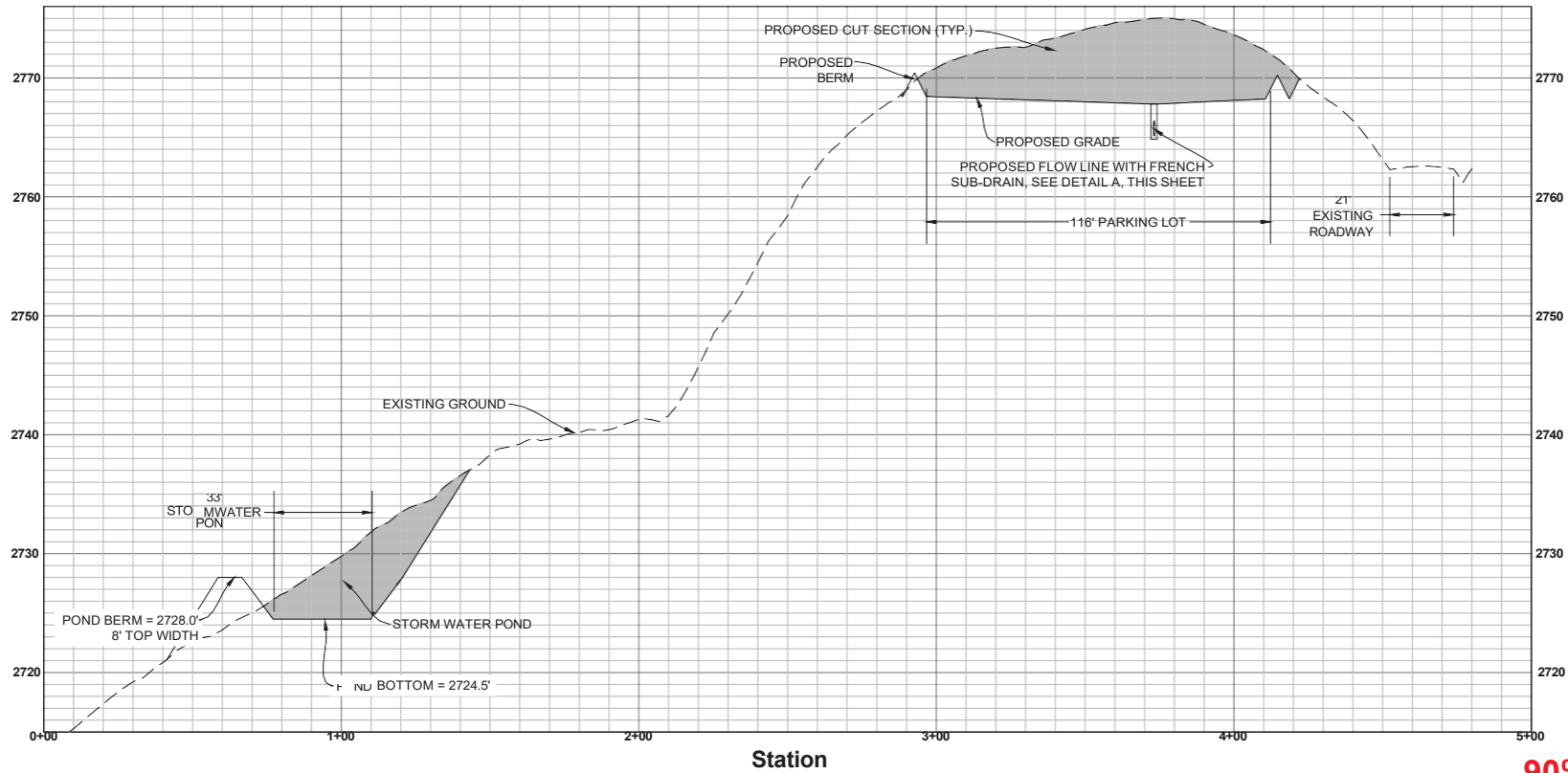
<b>CITY OF LIBBY</b>		<b>PREPARED BY</b>				
<b>FLOWER CREEK WASTE GRAVEL RECLAMATION</b>		 <b>WWC ENGINEERING</b> 1275 MAPLE STREET, SUITE F HELENA, MT 59601 (406) 448-3982 <a href="http://www.wwcengineering.com">www.wwcengineering.com</a>	NO.	REVISION	BY	DATE
<b>GRADING PLAN</b>						
<b>LINCOLN COUNTY, MONTANA</b>						
DESIGNED BY: <u>BUD</u>		PROJECT NO.: 2025-203				
DRAWN BY: <u>TS</u>						
CHECKED BY: <u>BUD</u>						
DATE: <u>NOV. 2025</u>						
SHEET						
<b>5</b>						

k:\reclamation\libby\202503\flower creek waste gravel\reclamation\SCAD\Sheet\2503-XLS.dwg PARKING LOT CROSS SECTIONS 10/31/2025 11:12:36 AM

### Profile View of XS-1



### Profile View of XS-2



0 20' 40'  
SCALE: 1" = 40'

**90% PLANS**

NO.	REVISION	BY	DATE

PROJECT NO. 2025-203

PREPARED BY: **WWC ENGINEERING**  
1275 MAPLE STREET, SUITE F  
HELENA, MT 59601  
(406) 443-3982  
www.wwcengineering.com

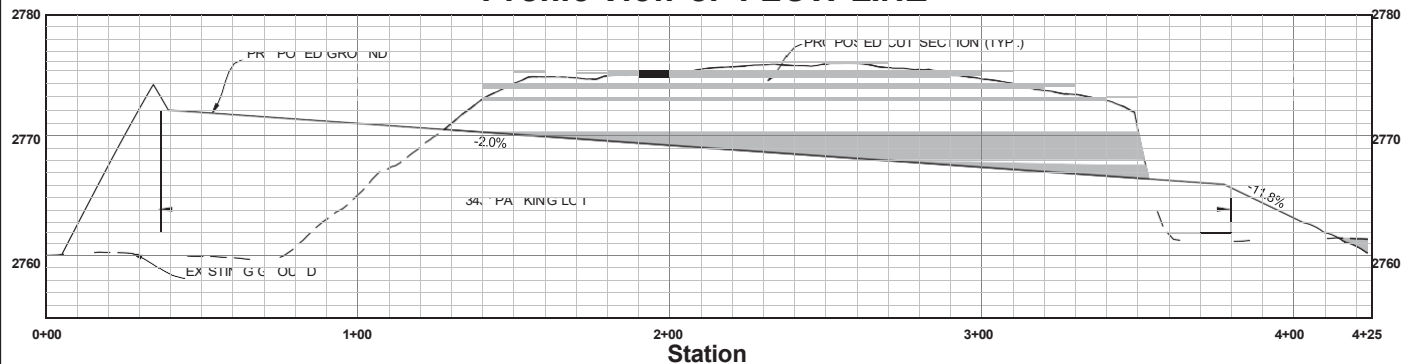
CITY OF LIBBY  
**FLOWER CREEK WASTE GRAVEL RECLAMATION  
PARKING LOT CROSS SECTIONS**  
LINCOLN COUNTY, MONTANA

DESIGNED BY: BJD  
DRAWN BY: TS  
CHECKED BY: BJD  
DATE: NOV. 2025

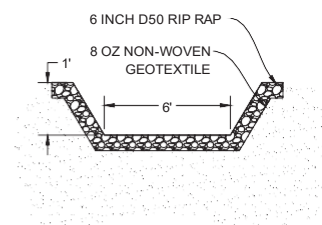
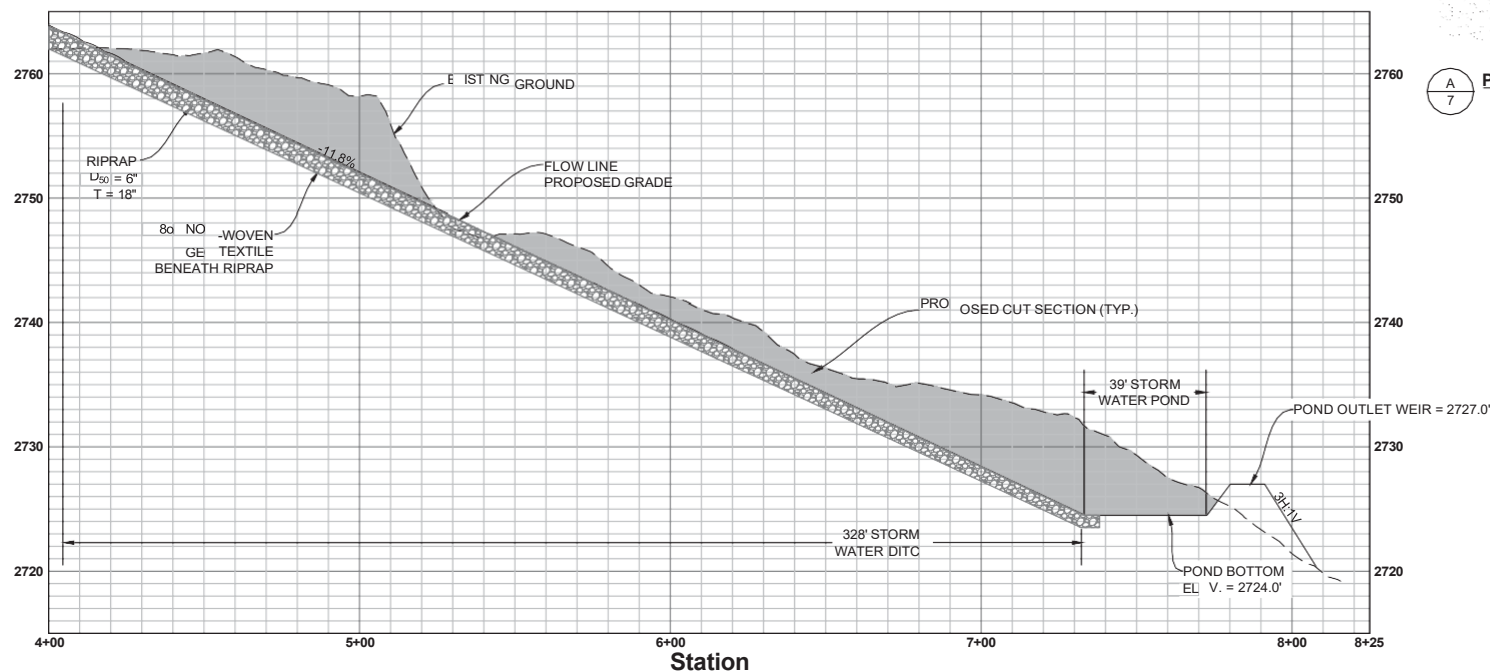
SHEET  
**6**



### Profile View of FLOW LINE



### Profile View of FLOW LINE



**POND OUTLET WEIR  
CROSS SECTION**

0 20' 40'

SCALE: 1" = 40'

## 90% PLANS

NO.	REVISION	BY	DATE

PROJECT NO. 9001E-293

PROJECT NO. 2025-203

PREPARED BY

 **WWC** ENGINEERING

1275 MAPLE STREET, SUITE F  
HELENA, MT 59601  
(406) 443-3962  
[www.wwcengineering.com](http://www.wwcengineering.com)

CITY OF LIBBY  
FLOWER CREEK WASTE GRAVEL RECLAMATION  
**STORMWATER PROFILE**  
LINCOLN COUNTY, MONTANA

DESIGNED BY: BJD  
DRAWN BY: T  
CHECKED BY: BJD  
DATE: NOV. 2025

SHE  
7





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**90% PLANS**

0 125 250  
SCALE: 1" = 250'



DESIGNED BY: BJD  
DRAWN BY: JS  
CHECKED BY: BJD  
DATE: NOV 2025  
SHEET **8**

CITY OF LIBBY  
FLOWER CREEK WASTE GRAVEL RECLAMATION  
**DRAINAGE AREAS**  
LINCOLN COUNTY, MONTANA

PREPARED BY  
**WWC** ENGINEERING  
1275 MAPLE STREET, SUITE F  
HELENA, MT 59601  
(406) 443-3962  
www.wwcengineering.com

NO.	REVISION	BY	DATE
PROJECT NO. 2025-203			

FLOWER CREEK GRAVEL RECLAMATION CONSTRUCTION COST EST.			
Item	Cost per Unit	Unit	Total
Excavation	\$6.00	CY	\$30,342
Compacted Fill	\$12.00	CY	\$54,048
Riprap	\$100.00	CY	\$22,861
Geotextile	\$2.00	SF	\$8,230
Check Dams	\$500.00	EA	\$3,000
BMPs	\$10,000.00	LS	\$10,000
Underdrain	\$100.00	LF	\$15,000
Work Items Subtotal			\$143,481
Mobilization		10%	\$14,348
Taxes, Bonds, Insurance		10%	\$14,348
SUBTOTAL			\$172,177
Project Contingency		15%	\$25,827
TOTAL W/ CONTINGENCY			\$198,000

# ***City of Libby***



## ***Personnel Policies and Procedures Manual***

***January 2012***

***Updated:***

***July 2020, **December 2025*****

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# **POLICIES AND PROCEDURES MANUAL**

## **EMPLOYMENT POLICIES**

### **PURPOSE STATEMENT AND DISCLOSURES**

The city of Libby policies and procedures manual has been prepared as a guide and reference to elected officials, supervisors, and city employees including the city administrator, law enforcement officers, and the chief of police. Employment with the city of Libby may be terminated with or without consent at any time by either the employee or the city. This manual is not an employment contract. Rather, it is designed to provide general information regarding employment practices and benefits with the city. The manual cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic rules and ensure uniform treatment of employees. Policies and procedures contained within the manual will be added, updated, or deleted as determined by the City with appropriate notification to the employees. All city employees are encouraged to submit suggestions or ideas regarding current policies and procedures or additional policies and procedures to the city administrator.

This manual is to be used as a guidebook to implement the personnel related tasks administered by the employees of the city in a consistent, uniform, and nondiscriminatory manner. These policies and procedures do not address departmental procedures, standard operational practices, standing orders or other technical matters. The city has authority to make departmental rules, which do not conflict with the collective bargaining agreement (CBA), to direct the conduct of the work performed by the employees in each respective department.

The provisions of the city policies and procedures manual apply to all employees except in cases where these policies, or implementing procedures, conflict with applicable collective bargaining agreements duly agreed upon by authorized employee organizations. Where there is conflict, the applicable collective bargaining agreement shall apply to those represented employees only. Employees covered by such collective bargaining agreements may not be entitled to benefits nor rights listed in the city policies and procedures manual where not specifically granted by those collective bargaining agreements.

If any section or portion of the city policies and procedures manual is found to be invalid this will not affect the validity or application of the remainder of these policies or procedures. The Policies and procedures manual will be available for review in each department of the city.

### **DISTRIBUTION, CHANGES, INTERPRETATION**

The city clerk/treasurer shall be responsible for custody and distribution of copies of the city of Libby policy and procedures manual. Each employee will be issued a copy of the policy statement and will sign a receipt for said policy statement.

### **EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND AMERICANS WITH DISABILITIES ACT (ADA)**

It is the policy of the city to ensure equal employment opportunity for all employees. The city hires, promotes, and affords equal treatment and services to all citizens, employees and representatives. The city assures equal employment opportunity based on ability and fitness to all people regardless of race, religion, color, creed, national origin, sex, marital status, political ideas, age, or the presence



of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications which cannot be accommodated without undue hardship.

The city recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. The city will provide disabled persons equal opportunity to participate in or enjoy the benefits of the city services, programs, or activities, and to allow disabled employees a bias free work environment. The city, upon request, will provide reasonable accommodation in compliance with the ADA. The city will provide auxiliary aids and services if necessary and if such reasonable accommodation can be provided without undue hardship to the city.

In an effort to maintain confidentiality and to discourage discrimination, medical records received will be maintained in a file separate from the personnel file. If an employee perceives that he or she has been discriminated against, requested remedy should be pursued through the grievance procedure. Retaliation for requesting reasonable accommodations or exercising the right to use the grievance procedure is strictly prohibited.

### **HIRING AND QUALIFICATIONS FOR EMPLOYMENT**

New employees are selected on the basis of their past work experience, skills, knowledge, ability, license or certification where required, education or training, honesty, and character without regard to race, creed, color, religion, national origin, sex, age, political beliefs or affiliation, marital status, or mental or physical disability, except as may be required by law. The city of Libby is an equal employment opportunity employer.

In the hiring process, all other qualifications being equal, preference shall be given to targeted protected groups and veterans. In no event shall the hiring of any employee be considered as creating a contractual relationship between the employee and city of Libby.

### **HATCH ACT**

The city of Libby, which receives loans and grants from the federal government, is required to inform all employees of the provisions of the Hatch Act. This act has been adopted by resolution No. 1795 to be in compliance with the policy with its regulations. The city clerk/treasurer was appointed to serve as Hatch Act information officer for the city of Libby. Any and all information in the Hatch Act can be obtained from the clerk at the city of Libby.

### **EMPLOYMENT CLASSIFICATIONS**

**Full-time Employee:** A full-time employee is one who normally works forty hours per week and is eligible for all employee benefits. See the office for details.

**Part-time Employee:** A part-time employee is one who normally works less than 40 hours per week and is eligible for limited employee benefits on a prorated basis. See the office for details.

**Seasonal Employee:** A permanent employee who is designated as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season. Seasonal employees may be eligible for certain employee benefits. See the office for details.



**Temporary Employee:** A temporary employee is one who is designated as temporary for a definite period of time not to exceed 12 months. The temporary employee may perform temporary duties or permanent duties on a temporary basis. The temporary employee is not eligible for permanent status or eligible to become a permanent employee without a competitive selection process. The temporary employee is terminated at the end of the employment period. The temporary employee may be eligible for limited employee benefits, depending upon the term of employment. See the office for details.

**Short-term Worker:** A short-term worker is hired to work for an hourly wage established by the city for a period not to exceed 90 days within a 12-month period. Short-term workers are not eligible for permanent status and may not be hired without a competitive selection process. The short-term worker is not eligible for any employee benefits including leave or holiday benefits or any insurance benefits.

**Independent Contractors:** Independent contractors are not considered employees of the city of Libby. Rather, independent contractors are those who work on a contract for services basis and must complete work assignments or responsibilities and receive payment (compensation) as identified in the contract. No employee benefits are provided to the independent contractor.

**Nonexempt Employee:** A nonexempt employee is an employee who, according to the Fair Labor Standards Act (FLSA) is entitled to receive at least minimum wage and receive overtime pay after the employee has worked 40 hours in a work week period. Overtime pay is equivalent to one and one-half times the employee's regular hourly pay for each hour over 40 hours worked.

**Exempt Employee:** An exempt employee is an employee who, according to the FLSA, is not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for fire protection or law enforcement activities. Additionally, employees employed in a bona fide executive, administrative, or professional capacity may be exempt from overtime pay requirements. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met. See the office for details.

### **EMPLOYMENT OF RELATIVES (NEPOTISM)**

Nepotism is defined as bestowal of political patronage by reason of relationship rather than merit. Immediate relatives will not be employed in regular full-time or regular part-time positions where there is, could be, or appears to be a conflict of interest:

- One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other.
- One relative would be responsible for auditing the work of the other.
- Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the city's interest and their own.

Immediate relatives are defined as spouse, children, father, mother, siblings, and corresponding "step" and "in-law" relationships. No employees will be appointed in a manner inconsistent with the laws and definitions as outlined in Title 2, Part 2, Chapter 3, MCA.

## **Workplace Relationships**

To mitigate the possibility of perceived favoritism, tension between co-workers, or creating an unprofessional work environment, clear boundaries must be maintained by Libby employees between personal and professional relationships. This policy does not prevent the development of friendships or romantic relationships between co-workers; it establishes how those relationships will be conducted during working hours and within the work environment.

Libby employees who enter into a consensual relationship, referred to as an “office romance,” must disclose it to the city administrator or mayor. The disclosure will be in writing and acknowledge that they understand this policy and that mutual agreements will be reached should conflict arise.

During working hours and anytime in or on city property, employees are expected to conduct themselves in an appropriate manner that does not interfere with productivity or create an uncomfortable environment for co-workers, as deemed by the co-workers. Employees in a romantic relationship shall not commit public displays of affection while in or on city property at any time. Employees shall not show favoritism towards their romantic partner. Due to influence, relationships between employees and supervisors will be highly scrutinized for conflict.

## **SEXUAL HARASSMENT/HARASSMENT**

While all forms of harassment are prohibited, it is specifically emphasized that sexual harassment in any form is expressly prohibited. No sexually harassing conduct by any supervisor, lead operator, or employee of any kind will be tolerated. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. The city strictly enforces state and federal anti-discrimination laws that prohibit sexual harassment where submission to such conduct, either explicitly or implicitly, is a term or condition of employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals or such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. For example:

- Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment.
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; gestures; suggestive objects or pictures or other physical, verbal or visual conduct of a sexual nature.

It is the policy of the city of Libby that any harassment, especially that based on a protected class will not be tolerated. Each individual has a right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, employees are expected to act in a professional, cooperative and respectful manner to all contacts.

Harassment may include offensive jokes, slurs, epithets, name calling, physical threats or assaults, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, or interference with work performance. Harassing behavior may be based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, sexual orientation, political belief, age or disability.

It is the policy of the city of Libby to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability both in or outside the workplace, on or off shift, in person or via electronic communication such as email, social media, etc.

Any employee who perceives a conversation, object, or event as harassment, whether the employee is involved or merely observing, should explain to the offender in a calm, but firm manner, that the action is perceived as inappropriate, and the employee wishes the behavior to stop. Should the behavior continue, the employee should report the activity to their supervisor, mayor, or city administrator.

The city of Libby encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the city of Libby to promptly and thoroughly investigate such reports with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. Discipline will follow guidance found in the discipline policy. A follow-up review will be completed if harassment allegations have been made to ensure the harassment has been discontinued and all parties involved are not subjected to retaliatory behaviors.

### **RETALIATION**

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- a. Filing or responding to a bona fide complaint of discrimination or harassment; or
- b. Appearing as a witness in the investigation of a complaint; or
- c. Serving as an investigator.

Please report any retaliation to your supervisor, or mayor, city administrator, or chief of police.

Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the city of Libby investigation procedure. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination.

### **CONFIDENTIAL INFORMATION / PERSONAL GAIN**

Employees of the city of Libby may deal with confidential information. It is imperative that employees

maintain the city of Libby integrity and not discuss the city of Libby business with people who should not be privy of the information. In some circumstances the city of Libby business should be revealed to other city of Libby employees on a need-to-know basis. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with the mayor, city administrator, or with the city of Libby's legal counsel.

Likewise, employees may not use knowledge gained through their employment at the city of Libby to achieve personal gain for themselves or others else. Employees cannot participate as a city of Libby employee where they may have private pecuniary interest, direct or indirect, or perform in some function requiring discretion on behalf of the city of Libby. Employees cannot disclose or use confidential information concerning property or the city of Libby affairs to advance personal or private interest with respect to any contract or transaction that is or may be subject of official action of the city of Libby.

### **DRUG AND ALCOHOL-FREE WORKPLACE**

As the City is a recipient of Federal funds, and in accordance with 49 CFR Part 29, The Drug Free Work Place Act of 1988, it is the policy of the City of Libby that all employees are prohibited from the use, consumption, distribution, or unauthorized possession of controlled substances (illegal drugs) or alcoholic beverages while on duty; to unlawfully manufacture, distribute, dispense, possess, or use a controlled substance (illegal drugs) at the work site or in any employer-owned vehicle, whether on duty or off duty; or reporting to work under the influence of illegal drugs and/or alcohol. On-duty is defined as during officially scheduled working hours or while being financially compensated for work when not officially scheduled.

Drugs shall be defined as those substances whose dissemination is regulated by law, including but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. This definition shall include over-the-counter drugs and/or drugs that require a prescription or other written approval from a licensed physician or dentist for their use.

The city of Libby has contracted with a third party to administer a random testing process that includes: quarterly testing; a computerized random selection process; all full-time employees including supervisor and managerial shall be tested; and each new employee shall sign a statement confirming the testing.

Once each quarter, the third party will randomly select employees for testing. From the randomly selected employees, **safety sensitive positions with DOT licenses and police officers may also be selected randomly** for a breathalyzer. All employees hired since the previous test **may** be tested on the first quarterly test following the date of hire. Employees failing to appear for or refusal to submit to the urinalyses or breathalyzer once notified will be placed on immediate unpaid administrative leave pending further investigation.

The third-party laboratory completes an initial DOT 4 drug panel 15223 test screening on all samples using one-half (1/2) of the sample to eliminate negative specimens from further consideration. The second half of any sample with detections above the screening level are screened for confirmation

levels. The third-party laboratory shall test for the following drugs at levels that meet or exceed the following Substance Abuse and Mental Health Services Administration:

<u>Drug</u>	<u>Screening Level</u>	<u>Confirmation Level*</u>
Amphetamines	500 ng/mL	250+ ng/mL
Cocaine	150 ng/mL	100+ ng/mL
Marijuana	50 ng/m	15+ ng/mL
Opioids	2000 ng/mL	2000+ ng/mL
Phencyclidine (PCP)	25 ng/mL	25+ ng/mL
Alcohol	0.02**	0.02**

\*SAMHSA specified threshold

\*\* Tested through evidential breath test instrument expressed in terms of grams per 210 liter of breath.

When there is a confirmed presence of alcohol equal to or greater than .02 on the breathalyzer, the employee shall not be allowed to leave the presence of the test administrator and shall be retested immediately after recalibrating the breathalyzer. If confirmed presence on the second and official test is equal to or greater than .02, the employee shall be deemed to have failed the test and is thereby deemed to be unable to safely operate a motor vehicle, operate machinery or perform safety-sensitive work. The employee shall be placed on administrative leave without pay and without the ability to substitute sick, vacation, or compensation time for the shift, will be advised to seek substance abuse training, and will receive a written reprimand.

When there is a confirmed presence of alcohol equal to or greater than .04, the employee shall not be allowed to leave the presence of the test administrator and shall be retested immediately after recalibrating the breathalyzer. If confirmed presence on second and official test is equal to or greater than .04. the employee shall be deemed to have failed the test and is thereby deemed to be unable to complete any job functions. The employee shall be immediately removed from work and safety sensitive issues and be placed on unpaid administrative leave without pay pending further investigation.

When there is a confirmed presence of any legal or illegal drug above the confirmation level, for which in the opinion of the city administrator or chief of police, no reasonable explanation or proof is or can be provided, the employee shall be deemed to have failed the test and shall be placed on administrative leave without pay pending further investigation.

As a condition of employment each employee must abide by the terms of this policy and notify the mayor or city administrator within five (5) days of any criminal drug statute conviction or no contest plea for a violation no later than five days after such conviction.

The city recognizes that alcoholism and/or drug abuse is a treatable illness. The city shall not discriminate against employees based on the actual or perceived nature of an illness. Employees who seek assistance for a substance abuse problem will not have their job security threatened. Employees who have a substance abuse-related illness are offered the same options for referral and treatment

that are afforded to employees having other illnesses. See the clerk/treasurer for details.

Employees undergoing prescribed medical treatment of a controlled substance that may affect the safe performance of their duties are required to report this treatment to their supervisor through their personal physician. When possible, employees will be allowed to retain employment and may receive a temporary reassignment.

Supervisors or lead operators, trained under 49 CFR, part 382.603, who suspect reasonable suspicion of employee on-the-job substance abuse, or arriving to work under the influence, will immediately remove the employee from the work environment and bring their concerns to the attention of the city administrator, chief of police, or mayor. The city administrator or mayor will contact LDP who will evaluate the employee's ability to work and recommend testing to determine intoxication levels or returning the employee to work.

Employees who appear to be unfit for duty may elect to take or may be subject to a medical evaluation by direction of the mayor, city administrator, or chief of police, which may include drug or alcohol screening. Employees found to be working under the influence are subject to disciplinary action, including termination. Employees who refuse to submit to drug or alcohol testing once notified or voluntarily depart work after being removed from the environment by a supervisor or lead operator, will be placed on immediate unpaid administrative leave pending further investigation.

"Reasonable Suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his/her job safely is reduced. Examples may include slurred speech; impaired judgement; alcohol odor on the breath; uncoordinated movement; unusual behavior such as inattentiveness, hyperactivity, hostility or aggressiveness; or possession of alcohol or drugs. Upon reasonable suspicion, supervisors and lead operators may search, with or without employee consent, all areas and property in which the city maintains control or joint control with the employee.

Discipline for any violation will be in accordance with the city of Libby policies that may include administrative leave and/or termination. As an alternative to termination, on a case-by-case basis, the employee may be referred to available drug and/or alcohol abuse assistance or rehabilitation programs.

### **SAFETY POLICY**

The city of Libby is committed to the safety and health of our employees, members, and work sites. The city is responsible for providing the resources necessary for employees to follow the Montana Safety Culture Act and other safety regulation related to job duties. The city strives to set expectations for continual improvement as a safe Montana business.

Employee recommendations to improve safety and health conditions will be given thorough consideration. It is the policy of the city of Libby that employees report unsafe conditions and do not perform work tasks if work is considered by them to be unsafe. Employees must immediately report all accidents, injuries/illnesses, near misses, and unsafe conditions to their supervisor. No such report will result in retaliation, penalty or other disincentive: however, employees will be held accountable

for not reporting such incidents. Management will promote and influence safe behavior by both positive reinforcement of correct and safe work practices, and by disciplinary action for those who willfully or repeatedly work in an unsafe manner. For this program to be successful, the injured employee must report all injuries to their immediate supervisor on the same day of the incident.

### **FIREARMS POLICY**

The city of Libby is committed to a safe working environment and recognizes the right to bear arms in accordance with state and federal laws. This policy establishes the city's expectations of eligible city employees who wish to carry a concealed firearm with a valid permit. This policy covers all employees, except for those statutorily authorized to carry a firearm under the authority of the mayor.

This policy is consistent with HB 102 passed in the 2021 legislative session and permits eligible city employees to carry a concealed firearm with a valid permit. Nothing in this policy should be interpreted to require, encourage, or authorize any employee who lawfully possesses a firearm to use it in any manner for any reason. A person or employee who carries a firearm is solely responsible for any injury or property damage involving the firearm. The city of Libby is not liable for any wrongful or negligent act or omission related to actions of persons or employees who carry a concealed firearm.

1. For purposes of this policy, an "eligible employee" is an employee with a current and valid Montana concealed weapon permit ("CWP") issued pursuant to 45-8-321, MCA, or recognized pursuant to 45-8-329, MCA. It is the employee's responsibility to be aware of, understand, and comply with any state and federal laws on the right to carry a concealed firearm and to know whether the employee may legally carry a concealed firearm.
2. The mayor has the authority to restrict employees who are otherwise eligible to carry a concealed firearm when reasonable cause to believe a restriction is necessary to keep the workplace safe and free from a recognizable hazard.
3. An eligible employee shall keep a firearm concealed and remain in immediate control of the firearm. "Concealed" means a firearm that is not apparent that the person is in possession of a firearm because it is wholly or partially covered by the clothing or apparel of the person carrying or bearing the weapon (45-8-315, MCA). For example, if a person's jacket opens in the act of raising an arm to ask a question and a gun can be seen, it is not a violation. An example of a violation would be a person taking a gun out of concealment to display or brandish it or intentionally lifting a jacket to make it known the person is carrying a firearm.
4. A firearm must be carried in a suitable holster or carrying device. A suitable holster or carrying device is one that covers the trigger guard of the firearm and retains the firearm from accidental droppage. Carrying a firearm in a purse, backpack, briefcase, or in a holster with no retention is prohibited. The chief of police shall inspect all holsters for retention.
5. If an eligible employee is using a city vehicle and comes to a location that prohibits firearms, the employee shall take steps to safely store and secure the firearm inside the locked vehicle. This safe and secure storage requires the firearm to be out of plain view in a locked location, e.g., glove box or trunk.
6. If an eligible employee is using a personal vehicle for work-related travel and is in a paid status, the employee shall comply with the storage requirements set forth in IV (C) while performing the employee's job duties.

Eligible employees are responsible for understanding state and federal laws relating to where a

concealed firearm may be legally carried. Eligible employees must abide by the conceal carry laws, policies, or requirements of the location or building where they work or visit while engaged in their duties of employment. An eligible employee is encouraged to check local building rules before carrying a concealed firearm onto the premises.

Eligible employees who work at or visit locations other than city-owned buildings, such as a leased building, must abide by the conceal carry laws, policies, or requirements that apply to those buildings. For example, a leased building on private property may have a restriction regarding firearms on the premises that an eligible employee must comply with when visiting or working in the building.

Additionally, under Montana law, eligible employees are specifically prohibited from carrying a concealed firearm in the following locations:

1. In a correctional, detention, or treatment facility operated by or contracted with the department of corrections or a secure treatment facility operated by the department of public health and human services; or
2. In a detention facility or secure area of a law enforcement facility owned and operated by a city or county; or
3. At or beyond a security screening checkpoint regulated by the transportation security administration in a publicly owned, commercial airport; or
4. In a building owned and occupied by the United States; or
5. On a military reservation owned and managed by the United States; or
6. On private property where the owner of the property or the person who possesses or is in control of the property, including a tenant or lessee of the property, expressly prohibits firearms; or
7. Within a courtroom or an area of a courthouse in use by court personnel pursuant to an order of a justice of the peace or judge; or
8. In a school building as determined by a school board pursuant to 45-8-361, MCA.

An eligible employee who wishes to carry a concealed firearm while traveling for work outside of Montana shall understand and comply with all federal and state laws in the states the employee will be traveling, including laws related to the transportation of a firearm.

The mayor may prohibit the carry of a concealed firearm in certain circumstances when the nature of the employee's job duty poses an increased risk of accidental discharge. For example, an eligible employee may not carry a concealed firearm when performing job duties such as, but not limited to, climbing a ladder, operating machinery or equipment, or painting. A city employee is prohibited from carrying a concealed firearm without a valid permit under Montana law while performing the employee's job duties. An eligible employee in possession of a concealed firearm may not disclose or display the possession of the firearm with the intent to coerce, intimidate, or interfere with another individual.

Employees who intend to carry concealed at work must print and sign this Firearms Policy and present it to the mayor with a copy of their CWP for their personnel file.



An employee who violates this policy is subject to discipline, up to and including termination. A policy violation includes a manager with knowledge who allows or fails to take appropriate action to correct conduct that violates this policy.

### **CERTIFICATION POLICY**

All city employees operating vehicles requiring CDL certification must have a current Montana CDL license. As local government employees, a medical exemption can be applied for when applying for a CDL as long as the driver submits a self-certification form.

Employees hired into a position that has a state certification attached after 2 July 2023 will have three years and three chances paid for by the city to become certified. After three failed opportunities the employee must pay for any additional testing and training, including time off, travel, and per diem, to become certified and the employee must also take the examination at least annually and receive a higher score than the previous test to remain qualified for the position. Failure to comply will result in termination. The following positions contain certification requirements.

- A. Water Treatment Plant Lead Operator;
- B. Water Treatment Plant Operator (2);
- C. Water Distribution Operator (2);
- D. Wastewater Treatment Plant Lead Operator; and
- E. Wastewater Treatment Plant Operator (2).

## **EMPLOYMENT PROCEDURES**

### **VACANCY POSTING**

When the city administrator determines there is a need to fill a new or vacant position, the request will be submitted to the city clerk/treasurer. All information needed to advertise the position will be provided (position title, duty hours, location, desired starting date, and any special requirements or conditions). The job description of a vacant position will be updated prior to advertising the position.

If it is determined that the need is for a new position or additional personnel, notice of such need shall be submitted in writing to the mayor to review the position and provide a recommendation to the city council for approval. A position description and all budgetary information shall accompany the request to allow classification and to determine grade and salary prior to advertisement or notice of vacancy.

In order to facilitate filling the position, routine distribution of the position announcement may include: Montana Department of Labor and Industry - Job Service Division, advertisement in newspapers/publications, or other means determined necessary and feasible by the city. The vacancy notices should include:

- Classification or working title;
- The grade and pay rate;
- A brief description of the work entailed;
- The qualification requirements;

- The duty hours;
- Job location and supervisor;
- Application procedures (how and where to apply); and
- Length of the recruitment period (closing date).

### **SELECTION PROCESS**

The city may use any selection procedure or combination of procedures, which meets its needs so long as they provide information about the applicant's qualifications, and documentation of the hiring decision. All procedures used shall be job related, developed by persons familiar with the position, and applied consistently to each applicant. They may include any or all of the following:

1. Review of employment application;
2. Review of supplementary experience and further information about a candidate's specific training or experience for a particular job or a supplemental resume;
3. Interview of all finalists considered for selection;
4. Reference checking; and
5. Performance testing when deemed necessary.

### **HIRING**

The city administrator shall administer any or all of the selection procedures. After obtaining all supporting documentation and completion of the selection procedures, the city administrator shall make his/her recommendation to the mayor. The mayor is the actual hiring authority for all employees. Additional employees may be hired only with the prior determination that funds have been provided by the city council. The applicant shall not be scheduled to work or allowed to work until final approval by the mayor is received.

All candidates will be notified of the hiring decision. The selected candidate will be notified by letter, email, or phone, offering the position and providing information such as the report date desired and beginning salary. If the applicant accepts the position and then does not give a previous employer adequate notice, the offer may be rescinded. A copy of the city policy and procedures manual and the person to contact with questions concerning employment with the city of Libby will be offered.

Filling a position vacated by a promotion action will be conditional upon the promoted employee satisfactorily completing the probationary period. The recruitment announcement must include a statement indicating that position was vacated by a promotional action. The position will be filled with a 60 calendar day conditional period. Continued employment in the filled position will be pending completion of the 60 calendar day probationary period for the promoted employee as well as satisfactory completion of hired employee's 12-month probationary period. The newly hired individual may be terminated at any time during the probationary period including the fact that the promoted employee failed to meet the city's expectations during the probationary period.

When minors are hired for temporary and part-time positions, a federal certificate of age must be obtained in advance of employment for all new hires under the age of sixteen (16), even if they claim otherwise. Certificates of age will be kept in the individual personnel file.

Temporary job openings for students during the summer months and assignments of summer employees to departments shall be made in accordance with guidelines governing summer

employment programs.

Former employees who resigned from city employment in good standing may be considered for re-employment. However, they will be considered as new employees from the date of re-employment unless the break in service is less than 5 days. Re-employment of former employees who resigned without adequate notice or who were dismissed will be subject to review by the mayor. Such consideration will be based upon exit interviews with the applicant and a review of the interim employment.

An employee currently filling a job classification with the city shall not fill another job classification with the city and/or other governmental unit unless the following criteria are met:

- Approval of the supervisor of the current job classification;
- The combined scheduled work assigned shall not exceed 40 hours in a workweek;
- When a conflict arises between job assignments, the principal job assigned prevails;
- Specifically, an employee may serve as a volunteer in the fire or ambulance department; however, the regular city position shall be filled first, if there is not conflict then the employee may respond.

### **LAW ENFORCEMENT HIRING**

When the chief of police determines there is a need to fill a vacant position, the chief shall advertise the position following approval from the mayor. The position will be advertised providing the position title, duty hours, location, desired starting date, and any special requirements or conditions. The job description of a vacant position will be updated prior to advertising the position.

Applicants for the police force will be examined by the chief of police for qualifications in the form of a written and MPAT test. Selected candidates will be interviewed by a panel set up by the chief. The chief will make recommendations to the mayor who will review all applicants for the opening and make the decision on the applicant to move forward in the hiring process.

The mayor shall make the final hiring decision beginning with a conditional offer to the applicant. The selected, now candidate, will then finish the screening process and mental examinations. The candidate will then be screened by the police commission who will ensure the candidate is qualified for the position. Considering all the above information, the mayor has the option to approve the hire or continue considering additional applicants.

### **ORIENTATION AND PROBATION**

The city administrator, city clerk/treasurer, chief of police, streets supervisor, and lead operators shall establish an orientation process within their areas of jurisdiction. At a minimum the employee shall be given job site and duty orientation as to the expectation of the city and review of the city policies and benefits available to the employee. The orientation process will include a review of the bulletin board of required posting notices as well as employee's job description and job requirements, duties, hours and location of work assignment, equipment to be used and establishment of a process of job training.

For a new employee, the first twelve months is a probationary period when the supervisor or lead operator will observe the employee's job performance. During this time, probationary employees will receive instruction in work responsibilities and learn what is expected. If, during the probationary

period the probationary employee does not fulfill the expectations of the city, they may be discharged without further reason.

The mayor or city administrator may extend the probationary period for up to three (3) months for new, transferred, or promoted employees if determined necessary and appropriate. This would include extenuating circumstances such as an absence due to illness, leave of the employee, or questions about performance standards. The probation period may also be extended by the number of days the employee is absent from scheduled work while in the probationary status.

Prior to the end of the probationary period, the supervisor or lead operator may prepare a written evaluation of the employee's job performance with his/her recommendations for termination or permanency and submit it to the city administrator. A copy of relevant personnel materials will be forwarded with the recommendations. Copies of the evaluation will then be forwarded to the mayor for final determination and action. A copy of the mayor's final decisions will be included in the employee's personnel file.

Transferred or promoted employees who are unable to perform satisfactorily in their new jobs during or by the end of their 60 calendar day probationary period will be returned to their original jobs. Employees hired to fill the promoted employee's vacancy may be terminated.

### **PROMOTION/TRANSFERS**

The city strives to train and develop employees for future promotions to positions requiring more skills and/or responsibilities. Likewise, the city seeks to hire the most qualified and best candidate for the vacant position. When job vacancies occur, employees must apply for such vacancies. Openings within the bargaining unit shall be opened up internally adhering to the CBA. When determined appropriate by the city administrator or mayor, positions outside the bargaining unit may be posted internally.

The city administrator will post promotions and/or job openings on bulletin boards in city buildings where applicable for a minimum of five (5) working days. Each employee must update their employment application and submit it with a resume to the city administrator if they wish to be considered for the open position. The city administrator will then review personnel records of all internal candidates to ensure that they current and complete and will interview each qualified internal applicant. Internal job opening interview time is considered compensable. The city administrator shall select the most qualified applicant for the position and recommend the desired applicant to the mayor for promotion.

Employees selected for promotion will be placed on a probationary period of two months. Promoted employees will retain the job seniority obtained in their former position until the probationary period has been completed and they receive final assignment into the new job. The employee will be reinstated to the former job without prejudice or loss of any rights or privileges and reassigned the prior rate of pay if they fail to satisfactorily complete the two-month probationary period.

At the end of the two-month probationary period, the city administrator may prepare a written, or give an oral, evaluation of the promoted employee's job performance with recommendation to the mayor for final assignment or return to the employee's former position. Any written copies of evaluations will be given to the employee and filed in the employee's personnel file.

If the employee successfully completes the promotional period, the mayor may certify such by final assignment to the promotional position. The promoted employee will receive a rate of pay within the salary range which is commensurate with earned longevity. The personnel file shall be updated and reflect the promotion, pay status, etc. If the employee is returning to former position, all evaluations and recommendations must be in writing and placed in the employee's personnel file. The employee will then return to the original position.

No employee is permitted to bid for a job to change to a new position until he/she has been within the present job for at least twelve months. Transfers, other than by individual request, may be made at the discretion of the city of Libby due to fluctuations of department workloads, more efficient utilization of personnel, reasons of health, position funding or other causes deemed sufficient reasons by the city.

### **TRANSITIONAL EMPLOYMENT**

The City strives to promote a successful recovery from any work-related injury of illness and has set up these guidelines for supervisory personnel to follow when a position may be temporarily modified to accommodate the injured employee's physical limitations, thereby allowing him or her to return to work at the earliest, medically appropriate date.

The city administrator, the injured employee, and the employee's supervisor working in conjunction with the employee's physician shall, if medically appropriate, work to implement a program that will meet the needs of the injured employee and the city that will permit the employee's return to a transitional employment position.

Transitional employment includes only short-term duties having some or all of the following characteristics:

1. Limited physical ability requirements;
2. Can be taught to the injured employee quickly;
3. May be subject to a flexible work schedule, including shortened workdays;
4. Will minimize exposure of the worker to further injury and will not slow down the worker's recovery time;
5. The city administrator shall communicate with the injured employee's physician to obtain a return-to-work recommendation detailing physical limitations of the employee and the physician's estimated return to work date for both full duties and modified duties. Upon receipt of the physician's recommendation, the city administrator shall work with the employee's supervisor to develop a transitional employment program, if medically feasible. This may include reducing the number of hours worked in a shift or redesigning duties to create safe, meaningful, productive work for the employee;
6. Steps in Transitional Employment shall be as follows:
  - a. The job duties of the transitional position shall be communicated to the employee. The employee shall have the opportunity to suggest adjustments to accommodate the employee's needs and restrictions. Job duties shall be reviewed and modified when appropriate, as the employee's condition improves;
  - b. Once the job description is approved, the offer of transitional employment shall be extended to the injured employee:

- i. Transitional employment is temporary and must have a designated start date and end date set at the time of the employee's return to work;
  - ii. The end date may be extended if the employee requires additional time to recover, or the employee may be assigned to other transitional duties with a specific start and end date;
  - iii. Transitional employment assignments will normally not exceed a term of forty-five (45) days. In extraordinary cases, the temporary assignment may be extended for an additional forty-five (45) days. In no event will the assignment extended beyond ninety days (90);
  - iv. At any time it appears the employee is not showing sufficient improvement in their condition, they are to be placed back on sick leave to allow them additional recovery time.
- c. The employee must notify the Worker's Compensation Claims Adjuster of the offer so any adjustment to benefits may be made. This adjustment occurs whether the employee accepts the offer of transitional employment or not;
- d. The City will notify the Claims Adjuster when the employee accepts or refuses the offer for the purpose of calculating benefits adjustments;
- e. If the injured employee refuses an offer of transitional employment, it is possible that the employee may lose benefits paid by Worker's Compensation. Transitional employment does not include performance of normal job duties which the injured employee may be capable of performing during his recovery. For example, attending mandatory training and educational programs is considered part of the employee's regular duties for which the employee will receive normal compensation. These will not be deemed to be transitional employment.

Supervisors, lead operators, and foreman are key players in promoting safety at work, encouraging workers to return to their jobs, keeping costs associated with accidents and work-related illnesses low, and managing the work so productivity is not lost while the employee is temporarily disabled.

### **TERMINATION OF EMPLOYMENT**

All employees are expected to give written notice of their intent to resign. Supervisory employees are expected to give at least four (4) weeks' notice, and all other personnel are expected to give at least two (2) weeks' notice. Failure to give the required notice may result in ineligibility for re-employment.

Employees who are terminated because of a reduction in the workforce will be given advance written notice of the termination within ten (10) working days of the termination. The mayor is the authority which determines when a reduction in force is required. The city may make efforts to transfer or provide assistance in outplacement of affected employees. Accrued vacation, compensation time, and sick leave benefits up to the date of termination will be paid within three (3) working days of exit at appropriate rates.

Absence is the failure to report for work and to remain at work as scheduled. It includes late arrivals and early departures as well as absence for an entire day. Regular and punctual attendance is essential for efficient operations. If you do not know in advance that you are going to be absent or unavoidably late, telephone your supervisor as soon as possible. Failure to request advance approval or to report your absence as described above will result in the absence being recorded as unexcused.

Any employee who is absent from work without having notified the immediate supervisor of the absence, and reasons justifying such, may be considered as having resigned from the position after three (3) consecutive days of absence and when reasonable efforts have been made to provide the employee with an opportunity to explain their situation. Employees may be required to provide medical verification as to the reason for being absent or for not reporting to work-i.e. verifying a quarantine order due to positive test results of an infectious disease.

Employees with above average absenteeism may be required to document the reasons, including providing a doctor's certificate or other evidence and verification. Upon returning to work from an unexcused absence, the employee must report to his or her supervisor and disclose the reason for the absence. If the reason is accepted as valid, no discipline will be imposed. If the reason is not acceptable, the employee may be disciplined as determined appropriate by the employer.

The city administrator will forward notices of resignation or termination to the mayor for review. These notices may be accompanied by the written performance appraisal or evaluation for each employee involved.

The city administrator or mayor will conduct an exit interview, when possible, with the employee no later than the employee's last working day, or earlier if a special effort is being made to persuade the employee to remain with the city. The individual conducting the interview will attempt to determine the actual reasons why the employee is leaving so that any corrective actions will come to the attention of the city administrator and mayor. If the city initiates the termination, the circumstances and reasons leading to the termination can be discussed to minimize misunderstandings and hard feelings. The interviewer will provide an explanation of benefits under the city's group insurance plans and other vested benefits available to the employee leaving. Correct address information should be obtained to mail notices such as IRS Form W-2, lay-off recall, etc. As a result of the exit interview, the employee should understand the responsibility and duty not to disclose confidential information obtained while employed with the city.

A written record of termination may be prepared and placed in the employee's personnel file. Pertinent items requiring managerial review and possible changes of policy will be brought to the attention of the mayor for review and consideration to formulate any possible changes.

The immediate supervisor will be responsible for the return of all city property the terminating employee has in possession, including keys, city identification cards, credit cards, weapons, uniforms, tools, cars or any other items provided by the city.

Termination and discharge procedures are only guidelines and do not constitute a legal contract between the city and its employees. In the event the city must reduce the work force, the programs and needs of the city and the personnel to fill these needs will be determined by the mayor in coordination with the city administrator. In determining the personnel to be retained to staff the department programs and the qualifications, experience, and past performance of the employees will first be considered and then length of service in the department.

Upon recall of a lay-off, notices will be mailed to the last known address and will include the required return-to-work date or a telephone and name to contact for additional details. The rehire will be based upon qualifications, experience, and past performance and then upon length of service in the department or agency.

## **COMPENSATION POLICIES AND PROCEDURES**

### **SALARY/WAGES**

New employees are hired at the rate assigned to their jobs. The rate will be contained within the established grade for the job until such time as a reclassification by the city results in a higher grade or step. The result of any reclassification will become effective upon review and approval of the mayor and put into effect on the first pay period following the reclassification. Employees automatically receive a one percent (1%) step increase annually starting the first pay period following the start of a new fiscal year. All cost-of-living increases will be **negotiated** by the mayor and approved by the city council.

New employees with previous municipal experience will submit documentation of the experience to the clerk/treasurer and city administrator for investigation. The city administrator will make recommendations to the mayor who will determine the number of years comparable to the new employee's job description. The mayor may award one step for each year of equivalent experience to the employee. Each awarded step counts for step pay increases and longevity for vacation purposes but shall not be calculated for layoff seniority. For employees not covered under the CBA, the city administrator, chief of police, streets supervisor, and the clerk/treasurer, the mayor may award step increases as deemed reasonable **and be approved by annual resolution of the city council setting the salaries and wages of elected officers, appointed officers, and city employees.**

### **WORKWEEK/WORK HOURS**

The normal work week is Sunday through Saturday, beginning and ending at midnight on Saturday and consisting of forty (40) hours.

The city hall staff normal workdays shall consist of eight (8) hours of work with an unpaid one (1) hour meal period at or near the middle of the work period. Normal office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

The streets department and sewer department normal workday will consist of eight (8) straight hours of work without a paid meal period. The normal hours are 8:00 a.m. to 4:00 p.m., Monday through Friday.

The Water Department works an alternate work schedule as established and approved by the city administrator.

The Police Department works an alternate work schedule as established by the chief of police and approved by the mayor consisting of up to eighty-six (86) hours per pay period prior to overtime.

Alternate work schedules that meet the following requirements may be established by departments for specific work units or individuals.



- The alternate work schedule is clearly defined through written documentation, the form of which has been reviewed and approved by the city administrator or written by the chief of police and approved by the mayor (this documentation may be completed on an individual or work group basis).
- The alternate work schedule is designed to improve operational efficiency and does not negatively impact the operational efficiency of a dependent work unit or its coordination with other units of the organization.

### **MEAL BREAKS**

In departments operating with a meal period, the unpaid meal period shall be one (1) hour, at or near the middle of the workday, unless other mutually agreed arrangements have been made. The meal period shall be scheduled taking into consideration operating requirements. In departments operating without a meal period, meals will be part of a fifteen (15) minute rest break.

Employees shall not be compensated for their meal breaks unless they are required to remain at their workstations while eating. Employees who leave the city premises during meal breaks may not extend their meal breaks beyond their assigned period and will be subject to disciplinary action if consistently tardy. Supervisors are responsible for balancing workloads and scheduling meal breaks. Whenever necessary, the duration and time of meal periods may be changed to accommodate the work situation.

### **REST BREAKS**

Each employee shall receive a rest break of fifteen (15) minutes at approximately the middle of every four (4) hours of work not broken by a meal period. There shall be two (2) rest breaks of fifteen minutes in each eight hours of work.

The time for rest breaks shall be scheduled at the discretion of the supervisor. Time spent on rest breaks shall be compensated as work time. Rest breaks may be taken in designated non-work areas such as employee lounges where possible. Employees on rest breaks shall not interfere with fellow employees who are continuing to work. Employees who choose to remain at work during rest breaks will not be entitled to leave before the scheduled quitting time. Abuse of rest break privileges may be subject to disciplinary actions.

### **SCHEDULING**

When a department is required to work more than one shift per day, the supervisor shall determine the hours of work for each shift.

The work week and/or the starting time for work may vary from assignment to assignment and may be changed from time to time to meet varying conditions required in any particular department-i.e. shift times and dates may be altered for snowplowing. Employees shall be informed of their work schedule, and of any changes to the schedule as far in advance as possible. In all cases, it shall be the responsibility of the employee to familiarize themselves with their work schedule.

Attendance at meetings, lectures, and training programs are not considered time worked if the following four conditions are met:

1. The employee attendance is outside regular working hours;
2. The employee attendance is voluntary (i.e., not required by the city);
3. The course, lecture, or meeting is not directly related to the employee's job; and
4. The employee does not perform any regularly assigned work during such attendance.

### **OVERTIME PAY**

Employees may be required to work overtime whenever it is deemed necessary by their supervisor or lead operator. Overtime shall be assigned to employees in the particular job for which the overtime is required. No employee shall work overtime without prior approval of the supervisor unless emergency conditions exist.

All compensable hours: regular, holiday, vacation, and sick, shall count as hours worked for the purpose of computing overtime. The supervisor shall seek prior approval for overtime from the city administrator or the mayor. If an emergency exists it shall be reported as soon as possible for the overtime to be approved for payment. Overtime pay will be paid for all hours worked over forty (40) hours in a workweek. The overtime rate is one and one-half (1 ½) times the base rate of pay for hours worked.

The City of Libby Police Department follows an alternative work week consisting of 14 days and eighty-six (86) hours. All hours worked in excess of 86 hours during the 14-day work week will be paid at one and one-half (1 ½) times the base hourly rate. By State policy, overtime for the Police Officers is not calculated into retirement benefits.

### **COMPENSATION TIME**

Compensation time (comp time) may be allowed in lieu of overtime pay if the city and employee agree upon such and will be earned at one and one-half (1 ½) times the actual hours worked. Where practical; comp time must be used within the same pay cycle as earned. Unless approved by the city administrator or mayor, comp time will not be allowed to accumulate beyond 40 hours. Comp time shall not be earned if previously credited compensation time or vacation time is taken within the same work week. Compensation time shall be used prior to vacation time being utilized unless approved by the city administrator or mayor. Any accrued compensation time will be paid to employees upon termination of the employment relationship at the current rate of pay.

### **CALL OUT PAY**

Call out pay may be compensated for as overtime pay or compensation time. Employees called back to work outside of their regularly scheduled work hours will be compensated at a rate of one and one-half times (1½) the employee's regular rate of pay for a minimum of two (2) hours. In the event the callout begins prior to the employee's regularly scheduled work shift, the time and one-half (1½) rate of pay shall be paid for only the actual time spent before the regular shift began. In the event the callout begins during and extends after the employee's regularly scheduled work shift, the time and one-half (1½) rate of pay shall be paid for only the actual time spent after the regular shift ended.

### **TIME RECORDS**

All hours worked are recorded daily by employees in the daily electronic timecard system. Employees are required to mark their electronic timecard complete at the end of each pay period. Supervisors

and lead operators must review the timecards and mark them approved. Because of the seven-day work schedule at the water treatment and wastewater treatment facilities, employees are responsible for recording all hours worked during their shift in a daily journal. Lead operators are responsible for verifying time records with the daily journal. Work time is computed from the time you are scheduled and actually report to work. Compensation time, vacation, and sick time hours are also recorded on the time record provided with the dates involved listed clearly.

Filling out another employee's time record or falsifying one's own time record is prohibited and may be grounds for disciplinary action, up to and including termination. Only supervisors and lead operators are permitted to fill in time records of other employees. There shall be no duplication of benefits (i.e. sick leave, workers' compensation, vacation, etc. for the same hours).

### **PAY PERIOD/PAY DAY**

The city operates on a fourteen (14) day pay period cycle. Employees are paid bi-weekly, every two (2) weeks, for time worked during the pay period. Upon termination of employment with the city of Libby, either by the city's or the employee's decision, the final paycheck will be issued within three (3) working days. All paychecks will be direct deposit only.

### **DEDUCTIONS FROM PAY**

1. Those required by law – All required deductions of:
  - a. Withholding taxes, Federal and State income tax;
  - b. Social Security;
  - c. Pension (when appropriate);
  - d. Court Ordered withholdings such as child support or wage garnishments.'
2. Those not required by law:
  - a. Group Health Insurance
  - b. Other mutually authorized deductions.

### **TRAVEL REIMBURSEMENT**

Activities, which justify the reimbursement of overnight travel expenses, include the attendance at business meetings, conventions, and seminars or other selected educational functions related to the employee's job. Prior approval of such travel, however, must always be obtained from the employee's supervisor, city administrator and/or mayor. Each department must certify that funds are budgeted for such travel.

Common carrier transportation shall be utilized when travel costs by automobile would be more expensive in terms of mileage and per diem costs, time away from duty station, etc. Generally, this would involve out-of-state travel. Employees are expected to exercise prudence in their selection of local transportation at their destination. For trips involving shorter distances, employees shall use a city vehicle if available. If the employee chooses to use their own vehicle, when a city vehicle is available, the employee will only receive half the state rate for mileage. If a city vehicle is not

available, the employee may claim the full state rate mileage for the using their own vehicle. The amount reimbursed shall not exceed the amount that the trip would have cost had air transportation been used.

All employees shall travel coach or economy class and shall stay and eat in moderately priced establishments while traveling on city business.

Upon completion of travel, the employee must fill out a travel voucher within two weeks of the event and attach the necessary supporting receipts. The city administrator or chief of police must approve the amounts claimed before submitting the travel voucher for payment. City employees and elected officials shall be reimbursed for meals and/or lodging as per the current state rates. State rates for meals and travel are available in the office of the city clerk/treasurer.

Employees will not be reimbursed for the travel expenses of their spouses. Employees traveling with spouses must pay all additional expenses incurred by the spouse.

Time spent by an employee travelling away from home on city business during normal working hours shall be considered hours worked for pay purposes up to eight hours, during the regular day of the employee's regularly scheduled work week. This time is not only reimbursed for hours worked on regular working days during normal working hours, but also during the corresponding hours on nonworking days. For example, if an employee normally works 8 a.m. to 5 p.m. Monday through Friday, the travel time during these hours on Saturday and Sunday is also counted as work time. If the employee requests to drive his car in place of public transportation that has been offered, this travel time is counted as hours worked only to the extent of time it would have taken to travel if the employee had been using public transportation.

**VACATION | HOLIDAY | LEAVES POLICIES AND PROCEDURES**

**VACATIONS**

A full-time employee earns paid vacation as follows:	Work hours per year
1 day through 10 years .....	120
11 years through 15 years.....	144
15 years through 20 years.....	168
20 years and over .....	192

Employees (with the exception of short-term workers) are entitled to vacation benefits after working the qualifying period of six months. Part-time employees earn vacation on a prorated basis. An employee may use vacation leave in 15-minute increments.

A seasonal employee's accrued vacation leave credits shall be paid out as a lump-sum payment to the employee when the season ends. Employment in two or more seasons is considered continuous employment and can be counted toward the six-month qualifying period provided a break in service does not occur. A seasonal employee must immediately report back for work by the date and time specified to avoid a break in service.

Employees terminating employment with the city will receive compensation for the unused vacation leave accrued and will be paid at the current rate of pay.

Vacation credits may not be accrued to a total exceeding two (2) times the maximum number of hours earnable annually at the end of any calendar year. Any accumulation of annual vacation leave in excess of this total at the end of the calendar year must be used in the first 90 days of the next calendar year or be forfeited. Vacations are given for the benefit of the employee and cannot be converted to cash.

Supervisors, lead operators, and the chief of police may coordinate vacations within their department at their discretion using the guidance below. However, upon receiving any conflict, vacations must then be requested in writing and approved by the city administrator or mayor. When possible, vacations should be scheduled by March 31<sup>st</sup> of each calendar year and entered on the department vacation calendar. Vacation time may be split. Any conflict in schedules will be determined on a first request, first authorized basis. If two employees request the same vacation period at essentially the same time, the vacation will be authorized by the city administrators or mayor's discretion but will usually be granted based upon seniority. Vacation requests after March 31<sup>st</sup> shall be on a first come first serve basis. When possible, requests for vacations that exceed three (3) days should be submitted at least two (2) weeks in advance. The number of employees off in any department may be limited based upon the workload and shall be determined at the discretion of the city administrator or mayor.

## **HOLIDAYS**

Employees (except for short-term workers) will receive straight time pay at their basic hourly wage for each of the following named holidays:

- New Year's Day – January 1
- Martin Luther King's Birthday – Third Monday in January
- President's Day – Third Monday in February
- Memorial Day – The last Monday in May
- Independence Day – July 4
- Labor Day – The first Monday in September
- Columbus Day – The second Monday in October
- Veteran's Day – November 11
- Thanksgiving Day – The fourth Thursday in November
- Christmas Day – December 25
- State General Election Day (when applicable)

If any holiday falls on Sunday, the Monday following is observed for the holiday and if the holiday falls on Saturday, the preceding Friday will be observed. The number of hours of holiday leave shall be the same as the regularly assigned shift-i.e. if an employee is regularly assigned to ten (10) hour shifts, they will receive ten (10) hours of accrued holiday pay for each holiday.

Except for a short-term worker, an employee is eligible for holiday pay, (on a full or prorated basis) if he/she is in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday.

A full-time employee who is scheduled for a day off on a day which is observed as a legal holiday shall receive a different day off in observance of the legal holiday. If a holiday, or its substitute, falls during an employee's annual vacation leave, that day will not be counted against the employee's leave time; if counted against leave time, the employee must be given a paid day off at a later time to make up for the lost holiday.

If an employee is scheduled to work on a holiday and cannot schedule another day off, they will receive holiday pay at your regular hourly rate for the number of hours consistent with their normal schedule. The employee will also receive 1.5 times the hourly rate for any hours actually worked on that holiday-i.e. if an employee regularly assigned to eight (8) hour shifts must work four (4) hours on the holiday to meet mandatory testing or other obligations, that employee would receive eight (8) regular hours and four (4) overtime or compensation time hours for the day. If the holiday falls on a scheduled day off, and another day off in lieu of the holiday cannot be scheduled, they will receive one and one half (1 ½) times pay for the holiday if they have already worked 40 hours in that week.

Libby police officers shall receive a lump sum of holiday leave hours following the first regular workday of a new calendar year. The hours shall be equivalent to the number of state recognized federal holidays-i.e. officers will receive ten (10) holiday hours times ten (10) holidays equaling one hundred (100) holiday hours during non-state election years. Holiday hours must be used prior to any vacation being taken during the year. Holiday leave hours must be used during the year issued and can only be carried forward upon approval of the mayor.

Officers who are hired after a new year begins shall receive prorated hours according to the number of remaining holidays in the year. Upon separation from city service, officers shall have their vacation hours reduced by the amount of any holiday hours used where the holiday has not passed or be paid for any holiday hours not used for holidays which have passed-i.e. an officer separates on April 9<sup>th</sup> of the year and has used forty (40) hours of holiday time. Since only three (3) holidays have passed equaling thirty (30) holiday hours, the officer's vacation would be reduced by ten (10) hours. If the same officer had not taken any holiday hours, they would be paid for an additional thirty (30) hours upon separation.

### **SICK LEAVE**

Full-time employees earn ninety-six (96) sick leave hours per year while working forty (40) hour a week status. All other employees shall receive prorated sick leave hours according to hours worked during the pay period. Sick leave credits will not accrue for those hours exceeding 40 in a work week.

All employees must work ninety (90) calendar days prior to being eligible to utilize sick leave benefits. Unless there is a break in service, an employee is only required to serve the qualifying period once.

If the employee experiences a break in service, the employee must again complete the qualifying period to use sick leave. Seasonal employment of at least two seasons is considered continuous employment and is counted toward the ninety (90) calendar day qualifying period provided there is not a break in service otherwise.

There are no restrictions as to the number of hours of sick leave credits that may be accumulated after the qualifying period of ninety (90) continuous days employment has been satisfied. Upon termination of employment, an employee will receive a lump-sum cash payment equal to one fourth (1/4) of the pay attributed to the unused sick leave accrued, unless the termination is a result of violation of the sick leave policy. Seasonal employees shall be paid equal to one-fourth (1/4) of the current rate of pay when the season ends for any accrued sick leave hours.

Employees may use sick leave for personal illness or physical incapacity, sickness of immediate family member, or death in the immediate family of the employee (refer to bereavement leave). "Immediate family" is defined as the employee's spouse, any member of the employee's household, or any parent, child, grandparent, or grandchild, and corresponding "step" or "in-law" relationships. Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity leave, and requests for the employee's presence due to immediate relative's illness or emergency.

Employees may only utilize sick time for travel and appointment hours-i.e., if a medical appointment is out of town requiring three (3) travel hours and the appointment is for one (1) hour, the employee may not take a full eight (8) hour shift for the day off as sick time and must use vacation or compensation time off for the remaining hours.

Employees using sick leave that exceeds 5 consecutive workdays shall furnish a medical certification from a qualified doctor upon request of the city administrator or chief of police. Additionally, the City may require an employee to be examined by a physician or a licensed practitioner of the city's choice if the city administrator or chief of police questions the validity of an employee's illness or to verify fitness of an employee to return to work. The city shall pay for the costs of such examinations required by the city.

An employee must inform the supervisor or chief of police as soon as practical of any absence due to illness of the employee's family. The employee must provide advance notice for medical, dental, or eye appointments when possible. Failure to provide advance notice and receive advance approval is grounds for disciplinary action.

Sick leave is for the benefit of the employee who is ill and is not intended to be additional time off with pay. Chronic, persistent, or patterned use of sick leave may be subject to disciplinary action. Falsification of illness, injury, or other authorized claim becomes cause for termination and forfeiture of the lump sum payment. Disciplinary action could include restrictive sick leave that would require the employee to see a doctor for each sick leave incident, at employee's expense.

Vacation leave may be substituted for sick leave purposes at the mutual approval of the employee and the City. After an employee uses all accrued sick leave and vacation leave days on an extended illness, they may be placed on a leave of absence without pay in order that their job be held. For a leave of absence of more than fifteen (15) days, refer to the "Leave of Absence" Policy.

The City does not encourage nor discourage the transfer of sick leave credits from one employee to

another. However, an employee may transfer excess sick leave credits to another under the following conditions:

1. The receiving employee has been on a medical leave of absence for a minimum of thirty days; and
2. The receiving employee has exhausted all accrued sick leave and vacation leave credits; and
3. The contributing employee requests, in writing, that sick leave credits transfer to the disabled employee; and
4. No employee shall be allowed to transfer more than fifty percent of his/her sick leave credits to another employee. Donating employees must maintain at least 40 hours of leave for their own use; and
5. Transferring sick leave credits does not change the status of the receiving employee; and
6. Once the sick leave credits are transferred, they are considered forfeited and must be accrued in the established manner; and
7. No employee or official shall request an employee to transfer sick leave credits to another employee. Nor shall any employee coerce, intimidate or in any manner attempt to persuade another employee to transfer sick leave credits to a disabled employee. Violation shall result in disciplinary action.

Any receiving employee shall not receive more than 120 hours of donated sick leave during any 12-month period without city council approval. Sick leave credits will only be transferred one pay period at a time through the clerk/treasurer. The receiving employee shall use up to no less than 80 hours per pay period of donated sick time minus any accrued vacation or sick time from the previous pay period. The receiving employee will remain eligible for city sponsored medical coverage while fulfilling 80 minimum hours of eligible time per pay period.

### **MILITARY LEAVE**

An employee who is a member of the Montana National Guard or any United States military forces, the city of Libby shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military forces or reserve corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year.

Unused leave may roll to the next calendar year, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, will be forfeited. Military leave can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

Employees employed less than six (6) months are entitled to unpaid leave for the purposes listed above. Employees using military leave must report it as such on their timesheets and have prior approval for leave. This leave will not be charged against the employee's annual leave.

A period of absence from employment with the city of Libby occurring either during a war involving the United States or in any other national emergency and for 90 days thereafter for one of the following reasons is considered as service for the purpose of determining the number of years of



employment used in calculating vacation leave credits:

1. Having been ordered on active duty with the armed forces of the United States;
2. Voluntary service on active duty in the armed forces or on ships operated by or for the United States government; or
3. Direct assignment to the United States department of defense for duties related to national defense efforts if a leave of absence has been granted by the employer.

### **BEREAVEMENT LEAVE**

In case of a death in the immediate family, an employee will be granted three days of bereavement leave that will not be charged to the employee's accumulated sick leave or annual leave. If additional time is required, an employee may be allowed additional days for bereavement purposes via the use of sick leave or annual leave, with prior supervisor's approval. (See definitions for immediate family.)

In case of a death of a family member, outside the immediate family, or another person with prior supervisor's approval, an employee will be granted one day of Bereavement Leave that will not be charged to an employee's sick leave or annual leave. If additional time is required, an employee may be allowed additional days for bereavement purposes via the use of annual leave.

### **MATERNITY LEAVE | BREASTFEEDING POLICY**

The city of Libby will conform to the Pregnancy Discrimination Act (Civil Rights Act of 1964 as amended, Title VII, Section 701 et seq,) as well as all relevant pregnancy leave provisions in federal, state and local statutes. A female employee will not be terminated because of her pregnancy.

Employees who are disabled as a result of pregnancy will not be denied any compensation that they are entitled to as a result of the accumulation of leave benefits accrued; however, the city reserves the right to require medical verification that the employee is not able to perform employment duties. The city will grant the employee a reasonable leave of absence for pregnancy but will not require employees take mandatory maternity leave for an unreasonable length of time.

Employees should notify their supervisor, mayor, or city administrator of a desire to take maternity leave upon confirmation of pregnancy. As soon as reasonable, the employee should report the expected due date, the estimated leave of absence, and anticipated complications that may affect current leave requests.

Upon signifying intent to return to work at the end of the leave of absence, the employee will be reinstated to the original job or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other benefits.

Women returning from maternity leave who wish to continue breastfeeding or separate expression of milk for the child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the city will make every effort to provide suitable facilities for milk storage during the daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217, whether or not specifically listed here, will be complied with.

### **JURY DUTY LEAVE**

Each full-time and part-time employee is encouraged to fulfill the public responsibility to serve on jury duty. The city will compensate eligible employees in accordance with the provisions of state law for the service as a juror or a subpoenaed witness.

A police officer required to attend court as a witness during duty hours will be paid regular straight time hourly rate of pay. An officer required to attend court as a witness on off-duty time will be paid a minimum of two (2) hours at one and one-half (1½) times regular straight time hourly rate only after the 86 regular hour base has been met. Witness service shall include necessary travel time to and from the place of trial and time required for presence at court. It shall be the responsibility of the officer to check with the court in which they are to serve as a witness within the hour preceding the scheduled appearance time to ensure no changes in scheduling has occurred. Failure of the employee to make such a check shall result in denial of any payments as set forth in this section in the event the employee does not serve as a witness because of court scheduling changes.

### **PUBLIC OFFICE LEAVE**

Employees elected or appointed to a public office shall be granted an unpaid leave of absence, not to exceed 180 days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within ten (10) days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The city will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

### **LEAVE OF ABSENCE**

If an employee does not qualify for leave under other policies covered in the manual, the employee may request a leave of absence. As a general rule, leaves of absence create inequities in that all employees cannot be granted comparable privileges, and as such, requests for leave are seldom in the best interests of the city. Requests for leaves of absence without pay may be granted only under extreme and unusual circumstances such as personal or family illness or personal business.

Appropriate documentation must be provided with the written request and may include items such as physician statements showing a medical certification and expected date of return to work, the exceptional nature of the personal business or the circumstances requiring the employee's presence until other appropriate arrangements can be made.

All other appropriate and available leaves must be used before a leave of absence without pay be granted. In the case of absences exceeding fifteen (15) days, special arrangements for paying monthly premiums need to be made to continue group health and life insurance coverage.

After satisfactory completion of the probationary period, leaves of absence, not to exceed ninety (90) days, may be granted for reasons mutually agreed upon with the city. All leaves are to be requested to the city administrator or chief of police in writing and shall state the reason for the leave and the dates desired. All approved leaves shall be granted by the mayor in writing.

Upon expiration of the leave, or upon two weeks notification of the employee's intent to return,

the employee will be returned to the original position or one equivalent in the employee's classification. If an employee does not return upon the expiration of the leave and does not receive an authorized extension by the city, the employee shall be considered as having voluntarily resigned from the city. A leave of absence will not be granted for the purpose of accepting other employment unless pre-approved by the city council and found to be in the best interest of the city.

## **BENEFITS POLICIES AND PROCEDURES**

### **BENEFITS**

All benefits provided by the city are described in the official plan documents and summary plan descriptions, which are kept on file in the office of the clerk/treasurer and are available for examination by a plan participant or beneficiary. These documents are the only official and binding documents concerning the city health and pension benefits. All summaries and communications, both written and verbal, must refer to them as binding in cases of questions or disputes. The city reserves the absolute right to modify amend or terminate its health benefits.

The clerk/treasurer serves as the "policy designated contact" (the contact person) for the city health and pension benefits. The contact person is responsible for all communications and disclosures concerning city benefits and for compliance with applicable laws and regulations. The contact person is the liaison between the plan administrators and is available to answer employee questions concerning benefits as well as inform new employees of the benefits available. The contact person will also notify employees when they achieve eligibility as well as the benefit coverage specifics to retiring employees or non-employee beneficiaries. The contact person will ensure required forms and designations are completed as required by the plan administrators.

Under certain city insurance and retirement plans, each employee must designate a beneficiary in the event of the employee's death. Such designation must be made in writing to the contact person, and the beneficiary will be so informed. Employees may change a beneficiary designation by giving the contact person written notice of such desire and change. It is the employee's responsibility to maintain the proper beneficiary designations.

The contact person will furnish the following information to each participant in a health and/or pension plan:

1. A summary plan description of the plan within ninety (90) days after the individual becomes a participant or first receives benefits;
2. An updated summary description of the plan at such times as may be needed; and
3. A summary description of any material modification of the plan within a reasonable time following adoption of such modification.

The contact person will furnish to each eligible employee information relating to any city deferred compensation plan as provided for in the Montana statutes.

The city administrator is responsible for instructing and training supervisors in the administration of workers' compensation claims. Each employee involved in any accident or is injured on the job must report such accident and/or injury to the city administrator as well as the supervisor. A failure on the

part of the employee to report such accident and/or injury immediately may jeopardize workers' compensation benefits as well as lead to disciplinary action. The city administrator will require the involved employee and supervisor give a complete report. A completed employer's first report form will be forwarded to the appropriate officials.

### **WORKERS' COMPENSATION**

The City of Libby provides employees with workers' compensation coverage and follows applicable workers' compensation laws. Employees must follow transitional employment and all workers' compensation requirements to remain eligible for benefits.

### **CLOTHING ALLOWANCE**

A clothing allowance of \$150.00 per fiscal year shall be paid to each full-time bargaining unit employee (excluding office or administrative personnel) of the street, sewer, and water departments for the purchase of work boots and clothing. Employees who are eligible to receive this benefit shall be paid \$150.00 on the first pay period of the new fiscal year. This allowance is treated as a taxable event and is subject to income, social security and medicare taxes.

The police department shall receive a clothing allowance of \$500 per officer per fiscal year added to the annual budget for the purchase of uniforms and standard body armor for all officers. Body armor purchased will meet the standards and replacement schedule based on manufacturers' recommendations.

### **INSURANCE/PENSION**

A full time permanent employee is eligible for certain group health insurance and pension benefits. Part-time permanent employees may be eligible for pro-rated benefits. The city may contribute toward the premiums for coverage. Added benefits or insurance coverage for each full-time or part-time employee and their dependents may also be available.

Unemployment and workers' compensation insurance is paid fully by the city and covers all employees. Employees injured on the job MUST report such injury or accident immediately to the supervisor or city administrator. All claims must be filed within twenty-four (24) hours of accident.

### **LICENSING FEES**

The city recognizes employees that associate with various organizations or maintain certifications and licenses are beneficial to the city and the community. If the city or the industry standards require employees to have a specific license in order to be minimally qualified for their position; it will be the employees' responsibility to pay for the license in order to maintain the minimal qualifications required for their job. However, if the city has requested or requires an employee to obtain a license and the city will benefit from such, the city will pay for the licensing fees and annual renewal fees. In the case of a CDL the city will reimburse city employees that are required to have a CDL the full amount of the license and the cost of the physical examination that is required to attain a CDL.

All employees are encouraged to visit with their supervisor, particularly during the annual evaluations, so that the cost of obtaining or maintaining a license, can be included within the budget

process.

### **EDUCATION AND TRAINING**

If an employee desires to take advantage of educational or training opportunities, it is the responsibility of the employee to submit to the city administrator a written request for the training describing the content, schedule, cost, and reasons for the course. Determination as to the applicability of the education or training to his/her present or anticipated work assignment will be made on an individual basis as recommended by the City Administrator to the Mayor. Prior to enrolling for the course, the employee must receive authorization from the Mayor via the City Administrator.

The city administrator shall review any request for training or education and will submit his/her recommendation to the mayor for approval of tuition reimbursement within budget allowances. Reimbursement will be made only for tuition, registration fees, and lab fees. In the event the request is denied, the employee may choose to pay for the training/education. If the course is during work hours, the employee must receive authorization to be absent from work.

As a general rule, if the city sends the employee for any training or educational program, the city will pay all costs pertaining to the training or educational program, the city will pay all costs pertaining to the training or educational program, including time off with pay while attending. Further educational opportunities are encouraged and will be considered on an individual basis considering budgeting limitations. Travel on own time will not be compensated, unless approved by city administrator.

All mandatory in-service training occurring during an officer's off-duty time shall be paid for at one and one-half (1½) times his/her regular hourly rate only after the 86 regular hour base has been met. Refusal to take voluntary training shall not be noted in the employee's personnel file. Employees who fail to attend mandatory training/meetings may be subject to disciplinary action. This action may include, verbal reprimand, written reprimand and/or day(s) off without pay. The exception may be with prior approval from the chief or his designee for non-attendance.

Training days will be considered regular shift hours. No officer shall receive pay for regularly scheduled shifts in Libby and overtime pay for training during the same period. For instance, if an officer is scheduled to work nights in Libby and is in Helena overnight and training during the day to be a weapons instructor, that officer will not be paid for the night shift hours that are covered by another officer in Libby.

In accordance with MCA 7-1-4105(4), probationary police officers who are paid by the employer to attend P.O.S.T. academy training will be required to reimburse the employer for the cost of basic course training if the employee leaves employment with the city of Libby prior to 36 months of service. The probationary officer shall reimburse the city for the total cost of the officer's basic course training, including, but not limited to, salary, per diem, mileage, and expenses paid to the officer and the cost of the basic course. The reimbursement will be reduced proportionally to the months of completed service. Upon hiring, a probationary officer shall sign a reimbursement contract with the city to be kept in the officers personnel file.

## **CONDUCT POLICIES**

### **PURCHASING**

Supervisors are responsible for not exceeding budget limits or authority. A report on expenditures compared with appropriation is furnished to each supervisors monthly. In order to maintain budget integrity, each potential expenditure shall be compared with the expenditure report to ensure that the appropriation is sufficient to cover the intended expenditure. Expenditures may exceed appropriations upon approval from the mayor, city administrator, or clerk/treasurer with the understanding the overage must be accounted for in other object codes under the same account to cover the amount over spent.

Any properly budgeted expenditure requires submission of information and documentation such as name, amount, description, and invoice number. Claim shall be submitted for processing as they are received. Insufficient documentation may result in the non-payment or the delay in payment of a claim. All claims submitted for processing by the supervisors shall specifically include the appropriate fund and account as set forth in the budget.

### **PURCHASING WITH CITY CREDIT CARD**

City Credit cards will be kept at city hall and will be checked out by the appropriate employee as city business requires (travel, meals, supplies procurement, etc.). City credit cards will be returned to city hall after each use. For purchases made online or at night, the streets, sewer, water and police departments retain possession of a credit card, with the Police retaining two.

### **DISPOSAL OF PROPERTY**

The City shall dispose of any obsolete property, equipment, or supplies in the manner specified by Montana State Statutes upon approval of the city council.

### **TELEPHONE USE**

While at work, employees are expected to exercise the same discretion in using personal cell phones as they use with company phones. Excessive personal calls/texts during the workday regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should restrict personal calls during work time and use phones only during scheduled breaks or lunch periods. Employees should be courteous of co-workers and others in the work area when holding personal phone calls at work.

The city of Libby may determine to issue individual cellular phones to employees. It is the city of Libby's policy that employees who are issued or use a company cell phone understand the phones are issued for business use. Employees are expected to make every effort to not exceed the current contracted allowed minutes or data usage. Cell phones bills are reviewed regularly. Any excess data use may be subject to additional review and could lead to disciplinary action to and including termination if determined to be non-work related.

### **USE OF VEHICLES AND EQUIPMENT**

Any employee who operates a motor vehicle on behalf of the city is held strictly responsible for compliance with the city policy and personally responsible to obey all traffic regulations of the city,

county or state.

City owned or leased equipment shall be used for city business purposes only. Employees shall not permit members of family or others to travel in city owned equipment unless they are specifically authorized in advance by the city administrator or the mayor.

Employees and other authorized passengers are required to wear seat belts at all times. Vehicles shall be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by rolling up all windows and locking all of the doors. Employees are expected to clean the city car upon return from their trips by removing garbage and washing the vehicle as required. Employees are prohibited from smoking in city vehicles.

Employees should report unsafe vehicle conditions or conditions in need of repair to the supervisor immediately. Employees operating a city vehicle must possess a valid driver's license with appropriate endorsements required of the equipment. Employees shall not operate a vehicle requiring a commercial driver's license if not appropriately trained and if they do not possess a commercial driver's license.

Employees violating Montana driving statutes while on city business or when involved in an accident on city business or in a city vehicle, may be subject to disciplinary measures. Driving or operating equipment under the influence of alcohol, illegal drugs, over-the-counter or prescription medications, or any other substance or physical condition, legal or not, which may cause drowsiness or impair judgment is absolutely prohibited and may result in disciplinary action, up to and including termination.

When an employee is involved in a motor vehicle accident with a city vehicle, the employee must notify the supervisor immediately. The city employee may be sent to a health clinic to participate in an alcohol breath and urinalysis test at the direction of the supervisor, chief of police, city administrator, or mayor. The employee should detail, in writing, the accident and situations leading up to the accident. If the accident occurs on a city street or on public property, the law enforcement agency with jurisdiction should be contacted to complete an investigation of the accident. Employees must cooperate with and are permitted to discuss the incident with safety personnel, as well as appropriate agents of the city, including insurance adjusters.

Upon return to the city office, an account of the accident should be provided in writing to the supervisor. The employee may also be asked to assist with completing the necessary forms for insurance claims. The supervisor, or designee, shall complete an investigation of the facts and situations of the accident to determine if disciplinary measures are warranted. Accidents where the city employee was driving or operating machinery under any influence or condition previously described will constitute grounds for discipline up to and including termination.

Employees will not at any time discuss or admit any liability for injuries or losses with anyone and questions shall be directed to the city administrator or the city attorney.

#### **FINANCIAL RESPONSIBILITY**

An employee may be held financially responsible for any breakage or damage to city property or equipment if the same shall have been caused willfully by such employee through negligence or with utter disregard for the property of the city.

## **CONDUCT AND APPEARANCE**

**Language** - All employees should refrain from using slang or profanity. It is very easy for a citizen or fellow employee to misinterpret the use of such language or possibly be offended by it.

**Attire** - Each employee reflects the image of the city and therefore, is required to wear what the city deems to be suitable attire for the particular assignment of the employee. Check with supervisors for details.

**Hygiene** - Each employee must maintain personal grooming habits that reflect a presentable image for the city.

**Smoking** - Smoking is prohibited where posted.

**Conduct with the Public** - Each employee shall recognize their responsibilities to treat each citizen with respect and shall at all times conduct themselves in a manner that shall not bring discredit upon themselves or the city.

**Sales Calls/Solicitation** - The city prohibits solicitations on city property during working hours except for those charities approved in advance by the city council, and those authorized vendors conducting normal business with the city.

**Gifts** - Employees may not accept gifts of value from any person or firm doing business with the city where it might be reasonably inferred that the purpose of the gift is to influence the employee's conduct while completing city business. Gifts of value are items that would not be reciprocated on a personal basis. Gifts or expressions of sympathy to fellow employees or their families relating to retirement, special occasions, or bereavement may be permitted without prior authorization. No city funds shall be expended on gifts without prior approval of the city.

**Personal Agenda** - Employees shall not perform personal business or work for personal profit during work hours. Employees shall not use city equipment, tools, vehicles or property for personal benefit.

## **ATTENDANCE**

Employees are expected to report for work whenever scheduled. They should notify their supervisor in advance whenever they are unable to report. As much advance notice as possible should be given to permit a replacement to be scheduled, if necessary. If the supervisor is unavailable, employees should contact the city administrator. A failure to notify the city of any unanticipated absence or delay in reporting for work will result in loss of compensation during the absence and may be grounds for disciplinary action. Authorized absences in excess of the number of days of paid absence accumulated by an employee under leave policies will not be compensated but will not jeopardize the employee's employment status.

An employee must be at his workstation at the starting hour and at the prescribed time after rest or lunch breaks. Employees who for any reason will be delayed more than a few minutes in reporting for work are required to call their supervisor promptly to explain the circumstances. If the supervisor is unavailable the employee shall contact the city administrator. Employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their



expected tardiness may lose their right to work the balance of the workday. Those employees permitted to report to work late will only be paid for the time actually worked.

Excessive absenteeism and chronic tardiness are patterns of behavior that are easily identified. Supervisors should be aware of these behavior patterns, as they develop, and make every effort to determine the reason for this behavior. It is the responsibility of the supervisor to document and assist the employee in correcting these behavior patterns.

Employees whose duties do not require them to leave the building in which they work, must obtain permission from their supervisor in order to leave the facility during work hours except for scheduled breaks.

### **CONFIDENTIAL INFORMATION**

Do not discuss or otherwise divulge any information about city business or about any party doing business with the city not necessary for the conduct of city business. Certain records and information are public information; however, they may be subject to laws governing the release of public information. All employees of the city shall respect and follow all applicable laws or administrative codes regulating the release of information that is considered confidential. The mayor, city administrator, and city attorney are generally considered to be the city's official spokespersons for the release of information; either written or orally, that is not protected by confidentiality. Any questions as to the confidentiality of any information or record shall be addressed to the city attorney for guidance. Any violation of this policy may lead to disciplinary action up to and including termination.

### **PARTICIPATION IN COMMUNITY ORGANIZATIONS**

The city of Libby views personal development through service involvement as beneficial to the individual as well as positive exposure for our organization. Employees are encouraged to pursue community activities that represent a positive effect in our community. Employees should consult with the city administrator before volunteering for such organization if work time may be required to attend activities, fund raisers, meetings, etc. Employees that have received pre-authorization from the city administrator may attend such functions as excused, paid absence without using vacation leave. The city administrator will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the city.

### **PARTICIPATION IN PROFESSIONAL ORGANIZATIONS**

The City views personal development through professional organizations as essential to keep abreast of changing laws, rules, and legal opinions as well as maintaining a network of professional colleagues which are beneficial for research, feedback and productive information. Professional contacts are also beneficial for the growth and image of our organization and our membership. Employees are encouraged to pursue professional organization affiliations that represent a positive effect in our industry, organization or community. Employees should consult with the city administrator before joining such organization if work time may be required to attend activities, training, meetings, etc. Employees that have received preauthorization from the department head may attend such

functions as excused, paid absence without using vacation leave. The city administrator will monitor the work time required to attend such functions to ensure the time is reasonable and the activity is projecting a positive image for the city.

### **LAWSUITS AGAINST THE CITY**

When an employee is approached by a legal process server, they should refer the server to an authority: the city administrator, chief of police, mayor, clerk/treasurer, or city attorney. Should an authority not be available and the employee is required to accept served papers, it is the employee's priority to locate and forward the information to either of the authorities listed without opening or reading the documents. No employee shall discuss aspects of any legal situation that is subject to or is currently involved in a lawsuit or hearing without first consulting with the city administrator or city attorney. Likewise, if an employee is approached for a press release or news quote, refer all contacts to the city administrator or mayor.

### **OUTSIDE EMPLOYMENT**

It is the policy of the city that employment with the city is the primary responsibility. It is understood that some employees may be engaged in outside employment. Employee's rights to use their own time must be balanced against the city's needs for full productivity, confidentiality where applicable, and loyalty from its employees. Employees seeking outside employment shall notify their supervisor and city administrator or mayor in writing stating the name and address of the outside employer, the nature of the job, and hours of employment. The other position shall not interfere with work performance, work responsibilities, work hours, or work products required by the city. Should the other position interfere with the employee's ability to satisfactorily complete city job duties, the employee may receive disciplinary action, up to and including termination, due to diminished job performance.

Additionally, the other position cannot create a conflict of interest between the city and the other employer. Because the city is directly and indirectly involved with and associates with various businesses, agencies, and individuals, the employee could unknowingly breach the public conflict of interest conditions established for the city as a public employer. Therefore, the employee must notify the city administrator of outside employment or extra-curricular involvement such as serving on boards, committees, etc. Should public conflict of interest be questioned, the matter will be referred to the city attorney.

### **COLLECTION OF MONIES**

All money tendered to any employee of the city shall be directed to the clerk/treasurer or deputy clerks as soon as feasible.

### **MAINTENANCE OF VALID OPERATORS LICENSES**

Where applicable, any employee required to maintain a valid motor vehicle operator's license as a mandatory job requirement shall continue to maintain the proper class operator's license as a condition of their employment. Each employee thus affected authorizes the Montana Department of Justice to release to the appropriate supervisor periodic license status reports.

### **VISITORS AT WORK**

Personal visitors at work shall be limited to situations of necessity. In no case shall a personal visitor interfere with the fulfilling of your work assignments or the work assignments of other employees. Personal visitors will not enter the work area or shop.

## COMPUTER USAGE

### **SCOPE**

This policy applies to all equipment, systems and tools used for electronic communication at the city of Libby. All employees who are authorized to use the equipment, systems, or tools are subject to this policy. This policy is designed to protect the safety and security of the city's Computer System.

### **PURPOSE**

The purpose of this policy is to manage the acceptable use of the city's electronic communication equipment, systems and tools which are provided by the city to its authorized employees for the purpose of performing job functions.

Further, the purpose of the city's Computer System is to facilitate city business communication among employees, our member entities and other business associates. Since no computer system is completely secure, the city's computer system is not intended to transmit sensitive materials. Sensitive and/or confidential information which is more appropriately communicated by written memorandum or personal conversation is not to be transmitted via the city's computers. If any employee has a question or concern as to whether the transmission of information via the city's computers would violate this rule, they are to ask their supervisor. This rule governs all forms of Internet access.

### **DEFINITIONS**

**Electronic Document:** Recorded information or object that can be treated and accessed as a unit. The city of Libby records retention schedule applies to electronic documents.

**Electronic Message:** A document created or received via an electronic message system, including brief notes, formal or substantive narrative documents, and any attachments, such as word processing or other electronic objects, that may be transmitted with the message along with its descriptive transmission metadata.

**Immediate Family:** The employee's spouse, any member of the employee's house hold, or any parent, child, sibling, grandparent, or grandchild, and corresponding step or in-law relationships

**City of Libby Computer System:** All equipment, systems and tools used for electronic communication at the city of Libby.

**Record:** information created, received, and maintained by an organization or person that is evidence of its activities or operations, and has value requiring its retention for a specific period of time. It can be used in pursuance of legal and regulatory obligations or in the transaction of business.

**Records Retention Schedule:** Set to be in compliance with MCA.

### **OWNERSHIP**

The City of Libby owns the city computer system and all of its contents. As such, E-mail and internet usage will be accessed and monitored in the normal course of business.

### **PRIVILEGE**

Any personal use of the city of Libby's computer system is a privilege, not a right. Misuse, abuse, unauthorized use or any violation of this policy are grounds for disciplinary action up to and including termination.

### **SECURITY**

The city of Libby's internet host is traceable to the city. Users using the city provided internet does not provide any degree of anonymity.

Employees are prohibited from copying passwords belonging to others. Employees are prohibited from making their password, or that of another user, available to non-city of Libby employees. Users are prohibited from trying to discover another's password or assist others in doing same. Employees are prohibited from changing, altering, copying or transferring files to others without authorization. Employees shall write down all passwords and secure them in a location that is available to the supervisor in case of emergencies.

Access to an absent employee's computer may be necessary at times. In those instances, the employee's supervisor may overwrite that employee's password. When the employee returns, they will establish a new password.

Employee's personal use of the city's computer system will be monitored in the normal course of business by city. The city will allow nominal/limited personal use of the city's computer system as long as such use does not interfere with daily city operations, does not interfere with any employees' ability to perform their job duties, does not violate any portion of this policy and procedures manual. This privilege may be revoked anytime for any reason or for no reason at all. Further, abuse of this privilege may result in discipline up to and including termination. For additional security, employees are to face their screens so that passersby and/or non-employees cannot read the screen's contents. Further, employees are not to leave computers unattended when business information can be accessed without a password.

### **PUBLIC RECORDS**

Shall be kept in compliance with MCA and Schedule 8 Municipal Retention Schedule.

### **EMAIL**

Email messages are considered correspondence and are divided into four (4) categories; Permanent Program and Policy Correspondence, Non-Permanent Correspondence: Routine, Non-Permanent

Correspondence: Transitory, and Non-Record Correspondence. Employees using City Email addresses for official business shall educate themselves as to the retention times for the different categories in the Montana Schedule 8 Municipal Retention Schedule.

- Permanent Program and Policy Correspondence – Records with permanent value include but are not limited to: records documenting municipal policy; records documenting the policy process; records that document how the municipality is organized and how it functions; its pattern of action and decision-making; its policies, procedures, and achievements; that serve to substantiate accountability. Keep records like these in the office for three (3) years then place into permanent storage.
- Non-Permanent Correspondence: Routine – Consists of correspondence providing general information, referring inquiries elsewhere, forwarding materials, acknowledging incoming letters, making arrangement for routine meetings or other events, and similar matters of minor administrative character which contain no substantive information. Keep records like these for three (3) years then they can be destroyed.
- Routine, Non-Permanent Correspondence: Transitory - Examples include routine correspondence for which a record is needed only for a limited time, such as incoming or outgoing transmittal/cover messages that do not add information to that contained in the submitted material (“enclosed please find...”); routine questions and answers that require no administrative action, no policy decision, and no special compilation or research for reply (“out address is...,” “the deadline is...,” “please send 10 copies of...”); thank-yous, acknowledgments, congratulations; information copies of correspondence on which no documented administrative action was taken. Retain for at least thirty (30) days then destroy if no longer needed for administrative purposes.
- Non-Record Correspondence - Correspondence and memoranda generated by another entity and kept by your office for reference purposes; unofficial employee activities (parties, softball games, etc.); internal office announcements (“Ms. Jones is here to see you,” “Joe Smith called,” “is this afternoon’s meeting still on?”) quasi-official notices (Notices of holidays, charity appeals, etc.); junk mail; listserv messages, other than those you post in your official capacity. Destroy or delete at will.

Employees may not use personal email accounts or instant messaging to conduct city business unless prior approval is obtained from the city administrator or mayor.

Employees should be aware that when they have deleted a message from their mailbox, it might not have been deleted from the city’s computer system. The message may be residing in the recipient’s mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer’s back-up system. Employees shall not delete any items from the city’s computer hard drives for records requests purposes.

### **UNAUTHORIZED USE**

Unauthorized uses of city’s computer system include but are not limited to the following:

1. Illegal activities; or
2. Obscene, profane, vulgar or offensive language; or

3. Political endorsements and lobbying for purposes other than those associated with the normal course of city business; or
4. Commercial activities or any private business purpose; or
5. Religious activities; or
6. Using any unauthorized software; or
7. Purposely accessing or sending messages that are racist, discriminatory, inflammatory or demeaning to others or that encourage illegal or prohibited activities. All policies of the city against discrimination and harassment apply in full to use of city's computer system; or
8. Knowingly sending or utilizing copyrighted materials without the permission of the copyright holder; or
9. Using any means to defeat security systems on any computer network or knowingly transmitting viruses; or
10. Failing to identify yourself clearly and accurately in all electronic communication; or
11. Use by non-city employees; or
12. Where not work-related, streaming audio and video access/download intentionally intercept, eavesdrop, record, read, alter, impersonate or receive another individual's electronic messages without proper authorization from the individual.

The misuse of the city's computer system shall be managed in accordance with the personnel policies and procedures manual, and other applicable rules or laws. Violation(s) of these policies may be grounds for disciplinary action up to and including, termination. In addition, violations may be referred for criminal prosecution or civil action.

If an employee receives a message that is objectionable or is in violation of this policy, they should print or save the message and immediately inform their supervisor.

### **LEGAL HOLDS**

Electronic documents relative to matters subject to ongoing or threatened litigation or any investigation must be retained and cannot be disposed of, even if the retention period has been met on the records retention schedule, except as advised by city attorney.

### **USER'S RESPONSIBILITY**

Employees are responsible for the content and dissemination of their electronic messages. This responsibility includes ensuring that they;

- Are accurate in content; and
- Are grammatically accurate; and
- Are courteous; and
- Are professional in appearance; and
- Are sent on a need-to-know basis; and
- Are protected from inadvertent loss or destruction by complying with backup requirements and procedures; and
- Are appropriate to be sent through e-mail. Employees should have no expectation of privacy when using the city's computer system. The system is owned by the city and messages may

- be released to the public under the public records laws; and
- Are free of confidential information, in particular personnel information; and
- Reflect the city's official position or should include a disclaimer like or similar to the following:

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This email communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us on 1 (406) 293-2731 and ask to speak to the sender of the communication. Also, please email the sender and notify the sender immediately that you have received the communication in error.

Employees are to govern the use of electronic messages accordingly. Employees should have no expectation of privacy with respect to their computer and any files stored on it.

### **EMAIL ETIQUETTE**

1. Take the time to proofread your messages for spelling and grammar mistakes; and
2. Employees should avoid utilizing features such as bold, underline, special fonts, icons, or stationary, etc; and
3. Identify yourself with name, title, department, contact information and disclaimer; and
4. Don't be hasty. If a message or posting generates negative feelings, set it aside and re-read it later. Consider that a misunderstanding or misinterpretation might occur; and
5. Avoid putting text in all capital letters. Text in all capitals appears ANGRY or HARSH. Only use all capitals when adding extra emphasis; and
6. Be careful what you say about yourself and others. Avoid committing anything to an e-mail message that shouldn't become public knowledge. Be wary of including personal information about yourself or others in messages; and
7. Keep messages to a single subject; use the subject line. The subject line of an e-mail message enables people to discern the subject of the message, its urgency, indexes the message, and identifies messages as "records;" and
8. Employees should utilize discretion when sending large attachments. Prior permission from the recipient is suggested; and
9. Before selecting e-mail as a means for communication, consider the need for immediacy, formality, accountability, access, security and permanence. E-mail is more permanent than a telephone conversation and less secure than paper.

CITY OF LIBBY  
PERFORMANCE EVALUATION FORM

Employee\_\_\_\_\_ Position\_\_\_\_\_

Supervisor/Lead Operator\_\_\_\_\_ Department\_\_\_\_\_

Date\_\_\_\_\_ Time in Position\_\_\_\_\_

SECTION I – GENERAL PERFORMANCE: Consider each area carefully making sure comments are job specific, constructive, and accurate. Knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation and work attitude, work habits, dependability, attention to safety, respect for property, punctuality, initiative, and other factors deemed relevant by the City. Continue on second page if required.

SECTION II – OVERALL WORK PERFORMANCE: Explanation must include the job specific area and define if performance meets or exceeds requirements or needs improvement.



SECTION III – EMPLOYEE COMMENTS: Comments are encouraged, agreeing, disagreeing, or acknowledging the supervisor’s evaluation.

Supervisor/Leadman: \_\_\_\_\_ Date \_\_\_\_\_

I have seen this completed evaluation report and:

☐ I have no statement to make

☐ I have attached a statement.

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

## EMPLOYEE PERFORMANCE

### **EMPLOYEE SUPERVISION**

The work of all employees shall be assigned, directed, and reviewed by supervisory personnel. Each employee will ordinarily have only one supervisor to whom they are responsible. The supervisor is the link between management and non-management employees. Supervisors communicate to the employees under their direction the goals and policies of management and further communicates to management the attitudes, suggestions, and complaints of the employees.

It is the responsibility of each supervisor to ensure that the goals regarding work output established by the city are achieved, and that the city personnel policies are implemented, administered, and enforced. It is each employee's responsibility to be familiar with and comply with the city personnel policies and procedures.

Each employee shall follow the "chain of command" in all matters. If an employee has a question, concern or any other matter, they shall first contact their immediate supervisor and then the city administrator or chief of police. This process will ensure thorough communication and will eliminate misunderstandings and confusion.

The mayor and city administrator shall have the ability to direct and guide non-law enforcement employees, overrule tasks, reassign employees, and control job sites as they deem necessary and will

contact the supervisor following any such actions. The Libby Police Department shall solely fall under the chief of police and mayor.

### **JOB EVALUATIONS**

A job evaluation plan measures all jobs and establishes grades/classifications. A job description shall be prepared for each position, which will include the established salary range for each grade. Job descriptions state the required knowledge, skills, and abilities required the minimum education and experience requirements, and physical aspects and conditions of the position.

The city has developed classifications and grades for each position. The salary range, established for each grade, includes the minimum to maximum wage rate. Employees within any grade may be compensated at different rates of pay.

The mayor, city administrator, and chief of police shall administer the job evaluation plan, which includes periodically reviewing and updating the existing job descriptions to ensure they adequately describe each job. Wages and salaries will be periodically reviewed to ensure present employees are within their job classification pay rate ranges.

### **PERFORMANCE APPRAISALS**

The performance appraisal is an evaluation of the employee's job performance, strengths, areas needing improvement and a plan of action for both the employee and supervisor for the next evaluation period. Information derived from the evaluation will be used to identify the training needs of the employee and to determine the employee's eligibility for promotion or other personnel action.

Supervisors shall strive to complete an evaluation for the following events:

1. Prior to an employee completing the probationary period;
2. During the month of January;
3. When an employee is transferred or promoted to a new job within the city;
4. When the employee is assigned to a new supervisor;
5. At the exit interview when either the employee or the city has terminated employment relationship; and
6. Whenever deemed appropriate by the city, such as when the employee performs exceptionally poorly or well.

If two or more of the above events occur within a one-month period, duplicate evaluations need not be completed. The clerk/treasurer shall notify the city administrator or chief of police of an employee approaching the end of his/her probationary period. Supervisors are encouraged to keep informal written record of significant events concerning the job performance of individuals under their supervision.

The job performance of each employee shall be evaluated on the basis of the experience and training of the employee, job performance in comparison with the job description, and the attainment of a set of objectives or goals. Factors to be considered in the performance evaluation include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation and work attitude, work habits, dependability, attention to safety, respect for property, punctuality, initiative and other factors deemed relevant by the city.

Supervisors and lead operators must be aware of the fact that they will be rated on their ability to make performance evaluations and should make every effort to avoid the following common errors that can distort the evaluation process:

1. Basing the evaluation on the employee's most recent behavior instead of evaluation the whole performance period;
2. Allowing irrelevant or on-job related factors such as physical appearance, social standing or personal habits to influence the evaluation;
3. Failing to include unfavorable comments on the evaluation, even though justified;
4. Rating all subordinates at about the same point on the scale, usually in the middle;
5. Allowing one characteristic of the employee, or aspect of his performance, to distort the rest of the rating process.

Each written evaluation by the city administrator or chief of police shall be signed by the mayor verifying objectivity and fairness. The mayor will perform evaluations of the city administrator and chief of police. After the written evaluation has been reviewed by the mayor, the city administrator, chief of police, or supervisor and the employee shall meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee shall be given the opportunity to examine the written evaluation and make written comments about any aspect of it. The employee and supervisor shall then sign and date the evaluation and the evaluation will then be placed in the employee personnel file.

If the written evaluation contains an unfavorable comment or rating which the employee believes is unfair and/or unjustified, and the matter has not been resolved to the employee's satisfaction during the discussion with the supervisor and city administrator, the employee may ask for a personal review with the mayor and write a rebuttal for inclusion in the personnel record.

Nothing should prohibit or discourage supervisors from discussing an employee's job performance with the employee on an informal basis whenever the need to do so arises. This practice should be encouraged to maintain good communication and work-related advice.

In preparing for and conducting an employee's performance appraisal, the supervisor should be guided by the following principles:

1. Allot adequate time for the meeting to be held in a neutral location and arrange for as much privacy as possible; and
2. Tell the employee in advance about the appraisal interview. This will give the employee a chance to prepare for the discussion; and
3. Review the employee's written evaluation before the interview; and
4. Give the employee ample time to talk about any problems that may be impeding progress or job satisfaction and listen attentively; and
5. Encourage the mutual establishment of specific goals for improvement for the next evaluation period.

## **PERSONNEL RECORDS**

The city shall maintain certain records on each employee which are directly related to the employee's job with the city. At all times the city will attempt to balance the employee's right to privacy with the city's need to collect and use information.

Each employee's personnel file will contain only such information as is needed by the city in conducting its business or as required by federal, state or local law. This information normally will include an application forms for employment and promotion, performance evaluations and training records, commendations and awards, disciplinary records, and resignation or termination records. Other records which may be maintained, but kept separate from the personnel file, include Equal Employment Opportunity Commission Statistics and confidential medical information received for purposes of ADA, workers' compensation, physical limitations, etc.

The information contained in each personnel file will be obtained directly from the employee to the extent possible. When information must be obtained from the outside source, the employee will be informed of the identity of the source and reason the city is obtaining the information.

Personnel files will be reviewed periodically to ensure file contents are relevant to the individual's employment with the city. Each record which is not accurate, timely, complete, or relevant will be removed from the file. Records pertaining to hiring, promotions, terminations and other personnel decisions will be retained for a minimum of five years from the date of the personnel action.

Employees may inspect and receive one copy of their personnel record. Requests shall be written and presented to the clerk/treasurer for an inspection time that is convenient for both the employee and the clerk/treasurer.

If an employee believes the personnel file contains material which should be eliminated, they may submit a written request to the mayor to remove said material from the file. The mayor will inform the employee of the decision, with justification if warranted. No records will be removed from the personnel files without the written authorization of the city attorney. If the employee is not satisfied with the mayor's response, the employee shall be permitted to place a written statement of disagreement in the file and may pursue the matter further by using the regular grievance procedure of the city.

All requests from sources outside the city for personnel information concerning applicants for employment, current employees, and former employees will be directed to the clerk/treasurer. The clerk/treasurer will release information to outsiders in response to written requests only, and after obtaining the written consent of the individual who is the subject of the inquiry.

However, the clerk/treasurer may release the following information without first obtaining the consent of the individual involved: Employment dates, position titles, wage/salary information, and job site location. In order to guarantee the security of the city's personnel records, all files are to be kept locked except when being accessed by the clerk/treasurer or city administrator.

Financial and payroll records of each employee are to be kept in the office of the clerk/treasurer. Such records include payroll information, W-4 forms, employee leave records, hours worked, sick leave, payroll deductions authorizations, beneficiaries, social security cards, etc. Access by someone other than the employee involved to any personnel file is on a need-to-know basis and must have

the prior approval of the mayor or city administrator. A log identifying access to any personnel file shall be attached to each file.

In order to keep personnel records up to date, employees are urged to notify the clerk/treasurer in writing of any changes in the following, with a copy to the city administrator:

- Name
- Address
- Telephone or Message Number
- IRS/State withholding
- Benefit plan dependents or beneficiaries
- Persons to be notified in case of emergency

## **EMPLOYEE DISCIPLINE**

### **DISCIPLINE**

Upon suspected violation of the city of Libby's policies and procedures manual, rules and regulations, or CBA, the employee may be subject to disciplinary action. The disciplinary action policy is designed to provide forewarning of penalties, ensure reasonableness of the policies and penalties, provide discipline in an even-handed manner without discriminatory practices, and ensure discipline is timely following the infractions which warrant disciplinary measures.

The city administrator, chief of police, or another person/firm designated by the mayor, will fully investigate and document situations that may require disciplinary action **according to the following procedure**. Employees may be placed on administrative leave (with or without pay) pending investigation.

- The investigator will review complaints and reports to determine whether there is reasonable cause to believe a violation occurred. If reasonable cause is not found, the process shall terminate. If the alleged violation appears to constitute a violation of criminal law, the investigator shall request the city attorney's opinion as to whether the matter should be referred to a law enforcement agency for investigation.
- If there is reasonable cause to determine that a violation occurred, the investigator shall thoroughly investigate the suspected violation.
- The investigator shall interview the affected employee. Prior to the interview, the investigator shall notify the employee in writing of the suspected violation and the types of discipline that may be imposed. The investigator and the employee may each request a third-party to attend and observe the interview. The observers may not participate in the interview.
- The investigator may continue to investigate the suspected violation using any information gathered from the investigation interview as necessary.

- The investigator shall document the preliminary findings of fact and present them to the mayor.
- If warranted by the preliminary findings of fact, the mayor shall direct that a due process hearing be held. The employee shall be given a copy of the preliminary findings of fact and a statement of the potential resulting discipline. The due process hearing shall allow the employee an opportunity to respond to the preliminary findings of fact and present relevant evidence. The investigator and the employee may each request a third-party to attend and observe the interview. Observers may not participate in the interview.
- Following the due process hearing, the investigator shall conclude the investigation and present to the mayor the final findings of fact and a recommendation regarding the disciplinary measures, if any, to be taken.
- The mayor shall make a determination based upon the information and shall cause to be sent to the employee a letter documenting the conclusion of the disciplinary process, the findings of fact, and the level of discipline, if any, to be imposed.

If the employee doesn't agree that the discipline was warranted or if they consider the disciplinary action inappropriate, the employee may follow the grievance procedure.

An employee may be discharged for the following reasons: harassment; dishonesty; theft; drinking while on duty or coming to work intoxicated or under the influence of drugs and/or alcohol; unauthorized possession, sale or use of controlled substances; falsifying of reports, records, or sick leave; filling in another employee's time record; excessive absences or tardiness; willful destruction of property or equipment; gross insubordination; assault, intimidation of; or abusive language toward a co-worker, other city personnel or any other citizen; sexual harassment of another employee; breach of confidentiality, or other violations deemed by the employer to be sufficiently serious to warrant termination.

Other disciplinary measures will be utilized for less serious offenses and may include oral reprimands, written reprimand, administrative leave (with or without pay), demotion or other measures determined as appropriate by the employer.

## **GRIEVANCE PROCUDURES**

It is the intent of the city to encourage employees to express their complaints about work-related situations to management personnel. All employees should feel free to communicate their concerns or complaints, unless an alternative remedy is provided by statute or union agreement. If your complaint is unresolved, a formal grievance procedure is provided to appeal any decision by management.

A grievance is defined as an employee's expressed feeling of dissatisfaction concerning conditions of employment or treatment by management, supervisors or other employees. An employee will initially attempt to resolve the grievance informally with the immediate supervisor prior to involving the city administrator or chief of police.

In the event a dispute cannot be resolved informally, the employee should file a grievance in writing to the city administrator or chief of police within 10 working days of the occurrence of the disputed

issue. The written grievance should outline the disputed issue, relevant facts, and appropriate remedy. Upon receipt of the written grievance, the city administrator or chief of police will investigate the dispute and respond, in writing, to the grievance within 10 working days of receipt of the grievance. Should a grievance be filed, the city and the employee may mutually agree to bypass the first requirements (written notification to the city administrator or chief of police) and file the grievance directly with the mayor.

If the response is not acceptable to the employee, the employee may proceed to the next step. The employee may forward the written grievance, along with the city administrator's or chief of police's response, to the mayor within 10 working days from the date of the response. The mayor will further investigate the grievance, if necessary. The mayor shall write a report within 10 working days from receipt of the grievance appeal.

Union members who do not agree with the mayor's decision shall have the opportunity for arbitration as outlined in the Collective Bargaining Agreement and police officers who have been disciplined, suspended, removed, or discharged by an order of the mayor may file an appeal with the police commission.

Information concerning employee grievances is to be treated with due regard for confidentiality and is to be discussed only with individuals involved in the investigation or on a need-to-know basis. Management decisions on grievances will not set precedent and is not binding on future grievances unless they are officially stated as a policy. All employees who are terminated will receive a written copy of the grievance policy.

Grievances or discontent must be made known as soon as possible so necessary work will not cease for any prolonged length of time. All employees and supervisors of the city will be given equal consideration and attention to any problems arising with the job or machinery. Our desire is to maintain favorable relations within our work force.

### **ORAL REPRIMAND**

Leadership, defined as including the city administrator, chief of police, supervisor, lead operator, or foreman, will meet with the employee and explain the problem as well as the necessary action required to correct the problem. Leadership will also outline the time period in which the employee must correct the problem, and the consequences should the employee not conform or comply with the necessary action. Leadership will summarize the conversation with the employee in writing to document the disciplinary procedure as an oral reprimand. The employee and the leadership will sign the summary which attests that the meeting took place, the employee understood the problem, and the corrective action required. The summary will be placed in the employee's personnel file regardless of the employee signing it.

### **WRITTEN REPRIMAND**

The city administrator or chief of police will document the problem in a letter to the employee. The city administrator or chief of police will meet with the employee, present the letter, and explain the problem. During the meeting, the city administrator or chief of police will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the

consequences should the employee not satisfactorily complete the necessary action. The letter to the employee will clarify that the employee is receiving a written reprimand as the disciplinary procedure. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, and received the written reprimand to be filed regardless if the employee signs it.

#### **ADMINISTRATIVE LEAVE (WITH OR WITHOUT PAY)**

The city administrator or chief of police will document the problem in a letter to the employee and indicate whether the employee is being given administrative leave with or without pay. The city administrator, chief of police, or mayor will meet with the employee, present the letter, explain the problem and inform the employee of the severity of the discipline received. During the meeting, the city administrator, chief of police, or mayor will clarify the necessary corrective action, the time period to conform or comply with the corrective action, and the consequences should the employee not do the necessary action. The letter to the employee will clarify the effective dates of the administrative leave (with or without pay) and the date and work schedule and the date that the employee is to return to work. A copy of the letter must be signed by the employee that attests the employee participated in the meeting, understood the problem and the corrective action required, and that the form of discipline was administrative leave (with or without pay). Employee benefits will not accrue nor be available for use if an employee is sent on administrative leave without pay.

#### **TERMINATION**

If the appropriate disciplinary action is termination, a letter to the employee will document the problem and summarize the results of the investigation and due process hearing. The letter will detail the effective cause and date of discharge. The letter shall also include a copy of the grievance procedure policies advising the employee of their right to use the procedures and to have the termination ultimately arbitrated or, if a police officer, heard by the Police Commission.



## Lease Agreement

This Lease Agreement ("Lease") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025, by and between:

The City of Libby, Montana, a municipal corporation, of PO BOX 1428, 952 E. Spruce St., Libby, MT 59923 hereinafter referred as Lessor, and

The Libby Area Chamber of Commerce, of 905 W. 9th St., Libby, MT 59923 hereinafter referred to as Lessee.

### RECITALS

WHEREAS, Lessor is the owner of certain real property located at 905 W. 9th St., Libby, MT 59923 (the "Property"); and

WHEREAS, Lessee desire to lease a portion of that real property ("the Premises") from Lessor under the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants herein, the parties agree as follows:

#### 1. Term.

The lease shall commence September 15, 2025, and ending September 14, 2050. The parties may agree to renew the lease thereafter on mutually agreeable terms, unless the lease has otherwise been terminated hereunder. Lessee shall provide notice of its request to renew the lease at least 60 days prior, but not more than 180 days prior to the termination of this lease.

#### 2. Rent.

Lessee shall pay annual rent to Lessor of one dollar (\$1.00) per year during the first term of this lease.

#### 3. Nature of Lease and Lessee's Responsibilities.

Lessee shall be responsible for and shall pay all costs and expenses related to the Premises, including but not limited to:

(a) insurance premiums;

(b) utilities;

(c) maintenance, repairs, and replacements except as specifically set forth herein;

- (d) Snow removal from immediately around the structure on the Premises, including sidewalks and paths for foot traffic;
- (e) any other expenses associated with the operation and maintenance of the Premises; and
- (f) prompt notification to Lessor of any utility infrastructure issues such as water, sewer, or sprinkler leaks.

Specifically, the parties understand that the leased building may require substantial repair or reconstruction at the expense of Lessee.

#### 4. Premises and Use of Premises.

Lessee is leasing the areas set forth on Exhibit A hereto, consisting of the now-existing building, the sidewalks or landscaping adjacent thereto, and up to six adjacent parking spaces that may be designated as Handicap or Veteran as desired by Lessee. It is understood that Lessee may desire to reconstruct the building under the terms set forth in this Lease, and if such reconstruction alters the footprint of the building on the Property, then the Parties shall mutually amend Exhibit A accordingly to accurately reflect the location of the leased Premises. It is also understood that if Lessee reconstructs the building and Lessor requires that new water and sewer services be installed from the main lines to the building up to current city standards, then Lessor shall be responsible for such upgrades and installation at Lessor's expense.

Lessee shall use and permit the use of the leased premises primarily as a Visitor Information Center. Lessee shall not substantially alter its primary use of the Premises, nor shall it permit others to do so, without the prior written consent of Lessor.

#### 5. Maintenance By Lessor.

Lessor shall provide snow removal from the six parking spots designated for Lessee and for the surrounding Fireman's Park and Campground parking lot on a secondary schedule after all city roads and alleys have been cleared. The snow removal on the sidewalk along Highway 2 is the responsibility of the State and not the responsibility of Lessor. Lessor shall also be responsible for water, sewer, and sprinkler lines on the Property. Lessor's responsibility does not extend to damage done to those water, sewer and sprinkler lines damaged by Lessee.

#### 6. Insurance And Indemnification.

Lessee shall procure and maintain general liability, property, and casualty insurance coverage during the Lease Term, naming Lessor as an additional insured. Lessee waives all rights of subrogation against Lessor, and such policy shall be in the amount of two million dollars (\$2,000,000.00).

Lessee will be responsible for and will indemnify, save harmless, and defend Lessor against and from any and all claims and suits for, and any and all liability, loss, or expense arising in any manner, directly or indirectly, incidental to, or in connection with this Lease, the demised Premises, or Lessee's use or occupation thereof. This includes any and all damage to or loss of property of Lessor, Lessee or of agents, servants, licensees, contractors, invitees, or employees of either, or of any other person or persons, of whatever kind. This also includes any and all liability, loss, or expense arising from, incidental to, or in connection with physical or non-physical injury to or death of any persons including agents, servants, contractors, licensees, invitees, or employees of Lessor or of Lessee, or any other person or persons.

7. Estoppel And Subordination.

Lessee shall execute estoppel certificates upon request. Lessor agrees to provide a commercially reasonable non-disturbance agreement upon Lessee' request.

8. Alterations, Restoration And Improvements.

Lessee shall maintain the Premises in good condition and repair. Lessee shall be responsible for all maintenance and repair, including structural components and systems, unless otherwise expressly stated. Lessor shall not be obligated to make any repairs, replacements, or capital improvements. Specifically, the parties understand that the leased building may require substantial repair or reconstruction at the expense of Lessee. Lessee shall provide Lessor with construction plans and obtain Lessor's written approval thereof prior to commencing construction. Any improvements made by Lessee shall become the property of Lessor upon the expiration of the Lease and/or any mutual extensions thereof.

9. Force Majeure.

Neither party shall be liable for failure to perform obligations under this Lease if such failure is caused by events beyond their reasonable control, including acts of God, war, labor strikes, or natural disasters.

10. Legal and Environmental Compliance and

Lessee shall obey all relevant federal, state and local laws and regulations and shall not bring hazardous substances onto the Premises and shall comply with all applicable environmental laws and regulations.

11. Quiet Enjoyment.

Upon payment of rent and performance of all obligations, Lessee shall peaceably and quietly enjoy the Premises without interference from Lessor or any person lawfully claiming through Lessor. However, Lessee shall permit Lessor, its successors and assigns, and all persons from

time to time designated by it, at all times to have free and unobstructed access to such portions of leased premises as shall be necessary or convenient for the proper conduct of their operations on the leased property.

12. Default And Remedies.

If either party defaults in the performance of any of its obligations under this Lease, the non-defaulting party may pursue all remedies available under Montana law, including but not limited to termination of the Lease, recovery of unpaid rent, damages, injunctive relief, and specific performance. In the event of Lessee' default, Lessor shall have the right to re-enter and take possession of the Premises, remove Lessee, and relet the Premises. Lessee shall remain liable for all rent due under this Lease through the end of the Lease Term, less any amounts received by Lessor from re-letting the Premises.

Before exercising any remedy for default, the non-defaulting party shall provide written notice of the alleged default to the defaulting party. The defaulting party shall have thirty (30) days from receipt of such notice to cure the default, unless a shorter period is required by law or the nature of the default.

13. Dispute Resolution.

In the event of a dispute arising under this Lease that is not resolved through informal negotiation, the parties agree to first attempt mediation in Lincoln County, Montana, before initiating any legal action. If mediation is unsuccessful, either party may file suit in the District Court for Lincoln County, Montana. The prevailing party in any such action shall be entitled to recover reasonable attorneys' fees and costs.

14. Assignment And Subletting.

Lessee shall not assign or sublet the Premises without the prior written consent of Lessor.

15. Governing Law.

This Lease shall be governed by and construed in accordance with the laws of the State of Montana.

16. Entire Agreement.

This Lease contains the entire agreement between the parties and supersedes all prior agreements or understandings. This Lease may be amended only in writing signed by all parties.

17. Amendment.

Any amendment must be in writing and signed by both Parties.

18. Execution.

This Agreement may be executed in counterparts and by electronic signatures, each of which shall be deemed an original.

**LESSOR:**

**CITY OF LIBBY, MONTANA**

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

**Peggy Williams, MAYOR**

**ATTEST:**

\_\_\_\_\_

**Leann Monigold, CITY CLERK**

**LESSEE:**

**LIBBY AREA CHAMBER OF COMMERCE**

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

**President, Libby Chamber of Commerce**

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## VACANCY NOTICE

# City of Libby

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### **JOB: PART TIME CONTRACTED GRANT WRITER AND COMMUNITY DEVELOPMENT COORDINATOR**

**Wages: \$20.00 to \$40.00 Depending on Experience**

The city is considering creating and cataloging interest in a new part-time contracted position as a Grant Writer and Community Development Coordinator. The position would work with the mayor to generate, prioritize, execute, and maintain a working list of projects that enhance the overall accessibility, function, and attractiveness of the city starting with Mineral Ave. The position would locate, write, and manage grants to complete projects and would meet with outside organizations to coordinate joint projects that enhance community development within the boundaries of the city future land use map. The job would be a contracted position with hours based on city needs and grants available. The position would not include benefits such as paid vacation, paid sick leave, paid days off, retirement options, medical, dental, or vision coverage. Anyone interested can obtain an application at City Hall, 952 East Spruce Street, Libby MT 59923, or from [cityoflibby.com](http://cityoflibby.com) under "How do I?". Completed applications should be returned to the City Administrator at city hall. A position is currently open and will remain open until filled. Please call (406) 293-2731 or email [city.admin@cityoflibby.com](mailto:city.admin@cityoflibby.com) for more information.