

CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

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REGULAR COUNCIL MEETING #1646

FEBRUARY 5, 2024 @ 7:00 PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Jeff O'Connell
- Roll Call
- Welcome
- Approve City Council meeting #1644 minutes dated January 16, 2024.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- Wildlife
- City-County Board of Health
- Park District Manager of Projects

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

OLD BUSINESS: Each previous agenda item will be introduced by the mayor with a description of the item and explanation for the recommended action to be taken. Following council discussion on each item there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

NEW BUSINESS: The mayor will introduce each new agenda item with a description of the item and an explanation for the recommended action to be taken. Following council discussion on each item, there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Approve street closure and noise ordinance variance August 16, 17, 2024 for Igniters Car Show. (Gary Rantala)
2. Approve Ordinance #2010, an ordinance to amend Title 10, Chapter 52, Section 35- General Parking Regulations-First Reading.
3. Approve Mark Andreasen to Planning Board/Zoning board for 3-year term expiring 3-25.
4. Approve Brad Nelson Police Commission for term expiring April 30, 2024.
5. Approve Kristin Smith Health Board representative for 3-year term expiring 2-27.
6. Approve TD&H Engineering contract for First and Montana lift station updated project budget and construction cost estimate. (\$14,000 to be paid from CIP).
7. Approve Resolution # 2026 Local Government Review.
8. Libby Loft LLC request for Community Development Funds.
9. Historic Hotel Libby, update, support letter request.
10. Historic Hotel Libby, Community Development Fund request.
11. Approve all claims received to date.
12. Approve all business license applications received to date.
 - a) Ace Home Center, 507 W 9th St., LLC, Retail hardware store.
 - b) C&M Auto Care & Snow Removal, 2111 Farm to Market Rd., Individual, Snow plowing, snow removal, oil changes, tire rotation, small auto jobs.
 - c) Chris Sommer, 601 W Haschke St., Individual, General handyman work.
 - d) Classic Auto Body, 115 E 2nd St., Individual, Auto body repair.
 - e) Designs by Debbie LLC dba Cagey Quilter, 320 Mineral Ave., LLC., fabric and notions.
 - f) Dirty Rooster, 315 Mineral Ave., LLC., Laundromat.
 - g) Dragons Den, 320 Mineral Ave., Individual, Martial arts studio.
 - h) Jennifer Shaw Homekeeing Service, 46 Pioneer Rd., Individual, light housekeeping and meal preparation.
 - i) Northland Hearing Center, Inc. dba Rocky Mountain Hearing Aid, 120 W. 5th St., Corporation/LLC, Retail sales and services of hearing aids and services.
 - j) Rigs Detailing, 5396 Kootenai River Rd., Individual, Auto detailing mobile business.
 - k) Summit Fire & Security LLC., 1737 Hwy 35, Kalispell, LLC., Fire extinguisher sales and service.

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: 2/1/24

UNAPPROVED MINUTES

The City Council held Council Meeting #1645 on Tuesday, January 16, 2024, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was completed and roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) Councilor Ian Smith and City Attorney Dean Chisholm.

Mayor Williams welcomed all those present.

Approve City Council minutes for meeting #1644 dated January 2, 2024:

Councilor Zimmerman **MADE A MOTION** to approve City Council minutes for meeting #1644 dated January 2, 2024, Councilor Berke **SECONDED**.

Councilor Taylor requested his questions during the Council Comment section of the meeting about the MCA and Police Commission and his request for a legal written opinion be added to the minutes.

DC Orr, 1117 Nevada Ave., commented, he had brought up the Police Commission allegations and thinks the City Attorney and Mayor were violating Montana laws and commented on how minutes should be taken.

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

MOTION PASSED.

Announcements: None

Committee Reports:

Administrator: Administrator Sikes reported there were no building permits to report and later on the agenda the Public Hearing will cover SLIPA funds.

Police: Chief Ercanbrack reported the department had a good holiday season and were fortunate to not have any major incidents or major problems. At the beginning of January there were some lively events, including the pursuit that went through town on Saturday. Unfortunately, there was damage to one police vehicle that had driven off the road and sustained damage, he is waiting to hear back from the insurance company about the vehicle. No officers were injured, the suspect of the pursuit is being treated at the Kootenai Medical Center.

Mayor Williams announced the committees are all being reorganized and most of them haven't had an opportunity to meet.

Ordinance: Councilor K. Smith announced the Ordinance Committee will meet January 26th at noon and will begin discussing our auto trailer ordinance.

Zoning: Councilor Smith announced the Zoning Commission, and Planning Board will meet January 29th. The Planning Board has some statutory required changes to the city's subdivision regulations and will be reviewing and making recommendations to Council, then putting the final touches on recommendation for the residential districts with Zoning Commission.

Wildlife: Councilor Taylor announced he heard back from Tanya, the local biologists, the turkey draft was received back from their legal team. They will make some tweaks and get it back to us in the next week or two so it can be brought back to the committee to review their edits.

City-County Board of Health: Mayor Williams announced she notified the Council that Amy Fantozzi's term expires in February and an advertisement for applicants has been submitted to the newspaper. The application can be downloaded at the city website.

Public Comment on Non-Agenda Items:

DC Orr, 1117 Nevada Ave., commented on Officer Buckner's grievance and complaint and compared his previous experience in court to Officer Buckner's possible current situation.

Old Business: None.

New Business:

Public Hearing: SLIPA funds project:

Mayor Williams opened the SLIPA fund project Public Hearing at 7:13 pm and announced there is no decision to be made and looking for public comments on the projects.

Administrator Sikes explained the SLIPA funds. The state and local infrastructure project has allocated \$231,304 to Libby for replacing or renewing infrastructure, our matching funds will come out of the gas tax for \$57,000, depending on what type of project we do. One of the requirements is to take comments on any of the projects that were considered by the city. Potential projects have been solicited from department heads, the two responses received were the lift station for the sewer plant at First and Montana, Mr. Sikes explained its function. The other was Spruce Street, it's deteriorating, the sidewalks are going bad, improper curbing, and because of the improper curbing there is water infiltration causing problems.

Mr. Sikes stated, Mayor Williams and himself had discussed a couple of other projects. One was to rebuild 10th Street behind McDonald's and Kaiju, that portion of road is atrocious and its believed there might be a water leak underneath it by McDonald's alleyway because

of the way it is sinking in. Another topic was putting a heated roof on City Hall, so during the wintertime heaters can be turned on to melt the snow. City Hall would not have close in case of an emergency, bringing the National Guard, the last time we did it cost \$250,000 to repair the roof. We discussed all of projects and got okayed for two of them from our department heads, but we need to open it up for public comment to see if there were any other projects that may have been overlooked, or if there's any comments supporting or against any of these projects that we're considering. As it stands right now the city is looking at making Spruce Street the first priority on the list. The main reason is because we are looking at working with the Port Authority so the road would give proper access in and out and we wouldn't have cars dumping into the middle of a residential area.

Public Comment: None

Mayor Williams closed the SLIPA fund project Public Hearing at 7:16 pm.

Public Hearing: TZ Developments – Historic Preservation Grant request / Old High School:

Mayor Williams opened the TZ Developments Public Hearing at 7:16pm and explained the second public hearing is regarding Libby Lofts LLC looking for comments on their reconstruction of the old Libby High School.

Tracy McNew, 120 Cabinet View Country Club Rd., explained the purpose of the public hearing and read the document they drafted for the request: Libby Lofts LLC is applying for a National Historic Preservation grant from the state of Montana. The grant is due on February 29. Funds are awarded by the Montana legislature during their next legislative session. The grant has been designed to support public and private entities with the preservation of historic sites, historical societies and or historical museums throughout the state of Montana. The funds if awarded would be ready for use in September of 2025. The public hearing is required for the grant application to discuss the projects and its expected environmental determination level and respond to any comments. One component of the grant application is the environmental review that needs public comment for that process an environmental certifying officer or ECO must be designated by the applicant. The applicant is Libby lofts, LLC and the ECO is herself as a member of Libby Lofts.

The ECO determines and reviews the proposed scope of work and then determines the level of environmental review necessary. The three possible levels are exempt or excluded environmental assessment or environmental impact statement. State staff helps make the determination as needed and have been working closely with the state staff.

The public meeting provides an overview of the proposed project alternatives and preliminary environmental findings. Grantees accept public comments and if possible, respond to them during the meeting. Otherwise, we can respond to them afterwards. This allows for making the final environmental determination. Comments on the EA are accepted and responded to before the final determination is made.

The summary of the project and possible alternatives. Libby Lofts LLC was reorganized in 2023 after the historic Libby High School remained empty for 15 years following the untimely death of Eric Berry who was leading efforts to rehabilitate the school in 2008. The school was also placed on the National Register of Historic Places in 2008. Libby Lofts currently intends to restore the exterior of the building and refurbish the interior by retrofitting 26 apartment units and a community meeting space in that area. The partners at Libby Lofts LLC have experience and expertise necessary to make this vision a reality and the overall project is estimated to cost approximately \$5 million. The plausible alternatives would include tearing down the historical structure or tearing down the most damaged parts. The building is 101 E Lincoln Blvd., the roof has caved in, and a wall has bowed out at the exterior on part of the building. A decision has been made against these alternatives. Feeling the preservation of the school's status on the National Historic Landmark as a National Historic Landmark and maintaining the importance of Libby's history is important. The first steps will be to restore the building's exterior, postponing the apartments inside until the exterior is solid. The grant will be used to fix the exterior wall, replace the roof, and refurbish the windows. In order to stay on the National Register of Historic Places everything needs to remain the same outside and that is why the windows will be refurbished and found local contractors who are able to do that and are currently working on getting bids for everything so there are no exact numbers at this point. The exterior is estimated to be about \$650,000, but don't have exact bids yet.

The grantee is required to match 20% of whatever is funded by the state. Expected level overview, the project is expected to require an environmental assessment, that is the middle level, not an EIS, but also not exempt. The exempt projects are things like replacing the heating system, we are completely redoing the inside of the building. So that's why it is considered the middle level. Libby Lofts LLC is not creating a new building or changing the footprint of the building, the amount of pavement and the building itself will remain the same.

Bruce Weatherby, 1006 W. 9th St., explained they are trying to seek City of Libby Economic Development funds for the project as well and read the additional information: Libby Lofts, LLC, a local development company dedicated to providing housing in our community is seeking support from the City of Libby Economic Development Fund to address a critical issue at historically high school. Following a large storm event, the east side and the historic Libby High School have suffered significant damage resulting in the failure of the roof and bowing out of a brick wall. The estimated cost to repair the wall replace the roof and restore the brick wall was approximately \$184,000. The urgency of the situation is compounded by the fact that they are at the end of having the ability to repair this. If it is delayed any further, there could be irreversible damage to the structure. Libby Lofts is committed to the preservation and revitalization of historic buildings in our community. Considering the circumstances, we are seeking 25% matching grant from the City of Libby Economic Development Fund to facilitate the completion of these crucial repairs. This brand will enable us to move forward with our plans to convert the Historically High School

into 26 much needed apartments. Addressing the growing demand for housing in our community. As part of the commitment to community development, we are proposing 0% of the apartment units will be dedicated to subsidized teacher housing. So, in essence, three units will be dedicated to future housing. This initiative aims to support local educators and provide an affordable living space. Additionally, there will be a community room within the building available for use by local organizations and charities. The space will serve as a hub for community activities, fostering collaboration engagement among residents and organizations alike. They believe historic restoration of the Libby High School aligns with the goals of the City of Libby Economic Development Fund, contributing not only to the preservation of our local history but also to the creation of housing options, and community spaces along with revitalization of our downtown. Requesting to schedule a special meeting to consider the grant request and would like to thank you for considering our grant request.

Mayor Williams explained it could not be discussed or any decision made because that item is not on the agenda.

DC Orr, 1117 Nevada Ave, commented on the letter requested funds from the Community Development Fund and felt it contained inconsistencies and untruths. Mr. Orr said he does not agree there is an urgency to repair the wall and it is not in imminent danger of being irreparable, speaking from his construction experience and believes if the City gets involved it could end up in court.

Carla Darrae, 137 Norman Ave., asked if there were still going to be two, four-plexes on Mineral Avenue, facing Mineral Avenue. Mrs. McNew responded, that is not the plan at this point and focusing on the school.

Mayor Williams closed the TZ Development Public Hearing at 7:29pm.

Regular Council meeting resumed.

Approve support letter - TZ Developments for Old High School:

Mayor Williams explained the request of the support letter.

Councilor Zimmerman **MADE A MOTION** to approve support letter - TZ Developments for Old High School (Libby Lofts LLC), Councilor K. Smith **SECONDED**.

Councilor K. Smith, in the last paragraph, suggested striking the word “for” and inserting “in its pursuit of the” Montana historical preservation.

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

MOTION PASSED.

Approve LOR grant for pilot Industry Awareness Program:

Tabetha Viergutz introduced the project presented to the LOR Foundation by Janelle Kimberlin with the Department of Labor and Industry and feel it is an innovative way to promote trades in Libby and keep our kids here by educating them in those trades. A letter was sent to the City stating LOR has approved the grant for \$9983 for the local Industry Awareness, funds provided by the LOR Foundation grant is to launch the campaign and bring awareness to the industries and employment opportunities in Libby. Funding would commence today pending Council approval and end October 21, 2024. The banners would be placed downtown on California and Mineral and would become the property of the City of Libby for the use of the poles. This will give ample time to create the banners using local manufacturers in various avenues of employment. Sherpa Trailers provided \$2,902.50 worth of in-kind to create the brackets for the poles to hang the banners.

Councilor Zimmerman **MADE A MOTION** to approve LOR grant for pilot Industry Awareness Program, Councilor Beach **SECONDED**.

Councilor K. Smith **ABSTAINED**.

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

MOTION PASSED.

Approve all Beer, Wine, or Liquor licenses received to date:

Mint Bar, 110 Mineral Ave.

Councilor K. Smith **MADE A MOTION** to approve all Beer, Wine, or Liquor licenses received to date, Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Approve all Coin Operated licenses received to date:

Mint Bar, 110 Mineral Ave.

Councilor Zimmerman **MADE A MOTION** to approve all Coin Operated licenses received to date, Councilor Beach **SECONDED**.

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

MOTION PASSED.

Approve all business licenses received to date:

Councilor Zimmerman **MADE A MOTION** to approve all business licenses received to date, Councilor Berke **SECONDED**.

Councilor Taylor stated the address is incorrect on the agenda, there is no 1712 Utah Ave. Councilor Zimmerman examined the business license application and explained it does look like 1712 but it is 1212 Utah Ave.

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

MOTION PASSED.

Approve all claims received to date:

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

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

MOTION PASSED.

Budget review, first half of FY 2024:

Clerk/Treasurer Monigold presented the budget review for the first half of FY24 and explained the budget should be at 50% for this time of year and is on track. Highlighting several areas in the budget that have exceeded 50%. For revenue, miscellaneous revenue is currently over because of the LOR grant funds that have been received and was unforeseen when the budget was being created. In the Lighting, Street Maintenance, and the Mineral Ave. SID funds there is a slight increase because delinquent taxes were received. Expenditure is also on track with a few slightly over 50%. Highlighted in the General fund the miscellaneous expense is above 50% due to the annual payment for the City's insurance. Under Water, one of the loans was incorrectly entered with last year's payment amount, IP expenditure is over because the 8,000-gallon summer water usage was not accounted for during the budget preparation.

Ms. Monigold highlighted the Police budget explaining with the new officers and the help from the Sheriff's Office, they are still staying within budget on payroll because their budget was created for 6 officers and currently there are 5 officers. There is about three-times higher in expense for protective clothing than budgeted for but knew that would be slightly higher this year with all the new officers coming onto the police force. Overall, the budget is right on track for this time of year.

General Comments from the Council:

Mayor Williams announced the Health Board representative, Amy Fantozzi is pursuing a position with the County and she would like to see someone that really takes responsibility to the city in reporting to the city and soliciting our positions before they take certain votes. The position can be held by one of the Council members if they would like to apply.

Councilor K. Smith suggested it should be policy it is a council member appointment, struggling with previous liaisons casting votes that are representative of the City's interest and have not received input ahead of time. Suggesting the Council consider it becoming an extension of Council responsibilities.

Mayor Williams inquired if the Council wanted to have a special meeting regarding the request for Community Development funds.

The council discussed having a meeting for the request and chose to have it during the next City Council meeting.

Councilor I. Smith thanked Officer Luthey for his hard work during the pursuit and is proud of him.

Councilor Taylor inquired about another grant request for Community Development funds that the Council never viewed.

Mayor Williams suggested reviewing the entire Community Development policy during the next meeting.

Adjournment:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:48 PM.

Mayor Peggy Williams

Attest: _____
Clerk/Treasurer Leann Monigold



Feb 5, 2024

City of Libby
952 East Spruce
Libby, MT 59923

RE: Street Closure and Noise Ordinance Variance Request

For "Ignite the Nites" Car Show 2024

The Igniters Car Club respectfully requests permission to close Mineral Avenue from 8th Street to 1st Street (including the cul-de-sac). And Lincoln Boulevard from Mineral Avenue to Montana Avenue, on Friday, August 16th from 6pm to 9pm.

Igniters Car Club members will be stationed along the route to monitor traffic and allow passage of any emergency services vehicles. All traffic will flow in its normal lanes of traffic, in a continuous loop along the entire route.

Additional we request permission to close Mineral Avenue from 8th Street to 1st Street, (including the cul-da-sac), on Saturday, August 17th from 6 am to 4 pm for the 2024 "Ignite the Nites" car show.

The Igniters Car Club also request a permit for relief under Chapter 9.60.040(B) as some of the vehicles invited to cruise on Friday, August 16th from 6pm to 9pm may be deemed to be in violation of Libby Municipal Code, Chapter 9.60 Noise.

Thank you.

Igniters Car Club



City of Libby

952 E. SPRUCE | POST OFFICE BOX 1428

LIBBY, MT. 59923 | Phone 406-293-2731 | Fax 406-293-4090 | Website:

www.cityoflibby.org

MEMO

DATE: January 31, 2024
TO: Council Members
FROM: Kristin Smith, Chair, Ordinance Committee
RE: Recommended changes to Title 10, Chapter 52 – General parking regulations

At the request of the City Administrator and Chief of Police, the Ordinance Committee met on Friday January 26th at 12pm to discuss the proposed changes to 10.52.035 that would allow for the Streets Supervisor to issue parking tickets. This delegation of authority would alleviate pressure on the police officers particularly during winter months when parking restrictions are in effect for snow removal; and would avoid delays. Many communities employ non-police staff to assist with parking violations as a way to make the best use of human resources.

The committee submits the attached ordinance for consideration and unanimously recommends adoption.

Attachment: 10.52.035 New subsection "M"

ORDINANCE NO. 2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA
AMENDING TITLE 10, CHAPTER 52, SECTION 35 “GENERAL PARKING
REGULATIONS”**

WHEREAS the City of Libby has ordinances that govern on-street parking, specifically during winter months; and

WHEREAS the City of Libby Police Department has, heretofore, been the sole authority to issue parking citations; and

WHEREAS the City Streets Department is responsible for plowing the city streets during winter months; and

WHEREAS to make more efficient use of City staff’s time, it is in the City’s interest to authorize other city staff to issue citations so that streets may be plowed in a timely manner.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Libby, Montana the following changes to Title 10, Chapter 52 are hereby adopted:

Chapter 10.52.035 GENERAL PARKING REGULATIONS

New subsection:

M. Parking regulations will be enforced by the Libby Police Department and other authorized designees.

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 5th day of February 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,
MONTANA** on this 20th day of February 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

10.52.035 General parking regulations.

- A. Parking of vehicles on all of the streets of Libby shall be parallel with the curb unless otherwise designated or noted herein.
- B. Where a parking space is marked on the curb, and/or streets, by paint or otherwise, vehicles must park within the space so designed.
- C. In leaving a parallel parking space, vehicles must in all cases head out into the line of traffic and shall not in any case back out of such parking space.
- D. No vehicles shall be parked or left standing within fifteen (15) feet of a fire hydrant. Said distance is to be measured back from the hydrant and along the curb.
- E. No vehicle shall be parked upon any public highway so as to block or interfere with the free use of any alley or driveway.
- F. Commercial vehicles shall not park in alleys longer than is required to load or unload when so parked. Such vehicles shall stand as close as possible to one side of the alley and in any case shall so stand as to permit other vehicles to pass. Vehicles in alleys shall comply with the directions and orders of police officers.
- G. It is unlawful to stand a vehicle in such a manner as to bring the left side thereof next to the curb, or to stand a vehicle at a greater distance than eighteen (18) inches from the curb. A vehicle that is stopped or parked upon a one-way roadway must be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within eighteen (18) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- H. No vehicle, shall be parked or otherwise stopped so as to prevent free passage of other vehicles in both directions at the same time.
- I. No vehicle shall be left standing on any public highway for the purpose of display or for sale or exchange.
- J. No vehicle shall stand backed to the curb of any public street or highway. However, any person or persons desiring to load or unload some commodity may apply to the chief of police, or other authorized police officer, for permission to back his vehicle to the curb of the applicable street or highway while so loading or unloading. Permission shall be granted at such times and places as will not interfere with the free flow of traffic on such street or highway, and when the peace, health and safety of the general public shall not be endangered thereby.
- K. The chief of police, with the approval of the city council, is authorized to determine the location of passenger and freight curb loading zones in the central business district of the city, or upon any other street within the city in front of or at the side of any business establishment.
- L. Vehicles engaged in loading or unloading passengers or commodities while on the public highway shall be loaded and unloaded continuously and as rapidly as practicable.
- M. Parking regulations will be enforced by the Libby Police Department and other authorized designees.

(Ord. 1046 § 1, 1979; Ord. 800)

(Ord. No. 1887, 11-21-2016; Ord. No. 1916, 6-4-2018)

(Supp. No. 17)

Created: 2022-12-28 10:53:00 [EST]

City of Libby

From: mayor@cityoflibby.com
Sent: Thursday, February 1, 2024 10:59 AM
To: clerk.treasurer@cityoflibby.com
Subject: FW: Mark Andreasen Letter of Interest City Planning/Zoning Board

From: Mark Andreasen <m_andreasen@frontier.com>
Sent: Wednesday, January 31, 2024 11:20 AM
To: mayor@cityoflibby.com
Subject: Mark Andreasen Letter of Interest City Planning/Zoning Board

Dear Mayor Williams,

I am writing to express my interest in continuing to serve on the City of Libby Planning Board and Zoning Commission. I have enjoyed contributing to the development and improvement of our community.

During my tenure, I have participated in several projects and initiatives that have enhanced the quality of life and economic vitality of Libby. Some of these include:

- Reviewing and approving the Growth Policy plan for the City of Libby, which reflects the community's vision, values, and priorities.

- Updating the zoning ordinance to accommodate new businesses and housing opportunities.

- Providing feedback and recommendations to the City Council on various land use and development proposals.

I believe that my experience and skills for planning and zoning make me a valuable asset to the boards and the city. I am committed to working with you and the other board members to achieve the vision and goals of Libby.

Therefore, I respectfully request your consideration and approval to reappoint me to the City of Libby Planning Board and Zoning Commission. I look forward to hearing from you and continuing to serve our community.

Please feel free to contact me at any time if you have questions or concerns.

Sincerely,
Mark Andreasen

RESOLUTION NUMBER 2026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA,
CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL
GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

WHEREAS, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

WHEREAS 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS the Libby City Council is the governing body of the City of Libby.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of Libby hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 4, 2024.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of three members shall be elected at the general election of November 5, 2024.
3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall be submitted to the electors in substantially the following form:

Vote for one:

FOR the review of the government of City of Libby and the establishment and funding by a permissive levy not to exceed \$30,000 of a local government study commission consisting of three members to examine the government of City of Libby and submit recommendations on the government.

AGAINST the review of the government of City of Libby and the establishment and funding by a permissive levy not to exceed \$30,000 of a local government study commission consisting of three members to examine the government of City of Libby and submit recommendations on the government.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,
MONTANA, on this 5th day of February 2024.**

By: _____
Peggy Williams, Mayor

Attest: _____
Leann Monigold, Clerk/Treasurer

MONTANA'S 6TH LOCAL GOVERNMENT REVIEW – TIMELINE

Montana Code Annotated Title 7, Chapter 3, Part 1 (MCA 7-3-171 – 7-3-193)

February 2024

Adopt resolution to place on the ballot the question of establishing a study commission that includes number of commissioners and amount of funding not to exceed \$X,XXX (MCA 7-3-173 & 7-3-175).

June 2024

Local Government Review election on the question of establishing a study commission (MCA 7-14-173). Ballot measure passes with a majority of those voting on the question.

July-August 2024

Citizens file with county election administrator to be a study commission candidates (MCA 7-3-174). MSU Local Government Center connects with mayor/manager or chair of county commission in jurisdictions that elect to conduct a Local Government Review to provide training and support.

November 2024

Election or appointment of Study Commissioners (MCA 7-3-174 & 7-3-176).

Study Commissioners take office the day the election is declared or certified (MCA 7-3-178) Ex-officio member is appointed by the governing body, must be a current elected official or employee of the local government (MCA 7-3-177).

November/December 2024

Within 10 days after taking office the Study Commission meets to organize. Date set by the presiding officer (mayor/manager or chair of board of county commission), swear in, elect temporary presiding officer until a permanent presiding officer is selected. Discuss when, where, how to meet, develop budget, decide whether to cooperate with another jurisdiction and consider consolidation or collaboration of services (MCA 7-3-179 & 7-3-180).

December 2024

MSU Local Government Center hosts study commissioner training.

December 2024 to November 2026

MSU Local Government Center, Montana Association of Counties, Montana League of Cities and Towns, etc. supports study commission with technical assistance, training and community engagement.

Study Commission reviews **power, form, and plan of government**. Either chooses “no change” or makes recommendation to voters by November election in 2026 (MCA 7-3-192 and 7-3-149). Within 60 days of adoption of the Local Government Review report, submits reports to appropriate agencies and publishes findings (MCA 7-3-187 through 191).

Montana's Local Government Voter Review

Your resolution calling for the election **must specify the number of members** to be elected and **must include the dollar amount or number of mills that will be permissively levied to fund the activities of the Study Commission**. Statute used to specify that 2-mills would be levied but that provision was amended in 1999 to make the levy "Subject to [15-10-420](#)" which meant that the study commission had to be funded out of existing sources. That provision was repealed in 2007 and language was added to say: "**the local government may levy mills in excess of all other mill levies authorized by law to fund the appropriation for the support of the study commission**" *so the amount you include in the Resolution and Ballot language may be locally determined and is outside of your 15-10-420 levy limit. Any money remaining in the Study Commission Fund at the end of the two-year cycle reverts to the municipality's general fund.*

To assist in developing a budget, here are some anticipated costs associated with the process:

1. Local Government Review Study Commission Training sponsored by the MSU Local Government Center, will take place in December 2024. This training will teach the commissioners the role and scope of their position. More information about this training will be available soon.

Please note: The cost of the training registration, travel, lodging and per diem is the responsibility of each local government.

2. Printing costs for reports, clerical support, community open houses, community surveys, etc.

3. Additional training/consultants - the LGC will be available to provide local training during the review process at the current half-day training fee + travel expenses.

2024-2026 Montana Local Government Review

Sample Budget

	Small Community Population ~1,000	Medium Community Population ~ 10,000	Large Community Population ~ 30,000+
Training	\$3,000	\$4,000	\$5,000
Consulting	\$1,000	\$3,000	\$5,000
Resource Materials	\$500	\$1,000	\$3,000
Survey	\$500	\$2,000	\$5,000
Community Engagement	\$1,500	\$3,000	\$5,000
Advertising/Notices	\$500	\$2,000	\$3,000
Support Staff	\$6,000 (\$20/hr x 300 hrs)	\$6,000 (\$20/hr x 300 hrs)	\$10,000 (\$20/hr x 500 hrs)
Election Expenses*	\$3,000	\$8,000	\$15,000
Publication (reports, summary, etc.)	\$500	\$1,000	\$3,000
Miscellaneous	\$500	\$1,000	\$3,000
Total:	\$17,000	\$31,000	\$57,000

**Check with the local election administrator for accurate estimated cost*

This sample 2024-2026 Montana Local Government Review budget is for educational purposes only. Each jurisdiction should estimate costs based on local needs and develop a budget that reflects the expectations of the Local Government Review in that municipality or county.



Local Government Center

MCA Contents / TITLE 7 / CHAPTER 3 / Part 1 / 7-3-178 Term of office -...

Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

Part 1. General Provisions

Term Of Office -- Vacancies -- Compensation

7-3-178. Term of office -- vacancies -- compensation. (1) The term of office of study commission members begins on the day that their election to the study commission is declared or certified under **13-15-405** or on the day of their appointment and ends on the day of the vote on the alternative plan. If the alternative plan is adopted, the term continues for 90 days after the day of the vote on the alternative plan. If the commission recommends no alternative plan, the term ends 30 days after submission of the final report in accordance with **7-3-187**.

(2) A vacancy on a study commission, including an ex officio member vacancy, must be determined in the same manner as a vacancy in municipal office as provided in **7-4-4111**. A vacancy on a study commission must be filled by appointment by the governing body of the local government being studied by the commission. The appointment must be made within 30 days of the date the vacancy occurs.

(3) Members of the study commission may not receive compensation other than for actual and necessary expenses incurred in their official capacity.

History: En. Secs. 8, 9, 10, Ch. 697, L. 1983; amd. Sec. 3, Ch. 435, L. 1985; amd. Sec. 15, Ch. 521, L. 2007; amd. Sec. 45, Ch. 49, L. 2015.

Montana Local Governments with Self-Government Powers

	City or Town	Class	Population 2019	Type of Govt	Year of Incorporation	Year Adopted Self-Government Powers	Plan of Government	Charter
1	Anaconda/Deer-Lodge	2nd (Consolidated City-County)	9,131	Self	1888	1976	Comm-Ex	Yes
2	Belgrade	3rd	8,993	Self	1906	1987	Comm-Mgr	Yes
3	Billings	1st	109,550	Self	1885	1976	Comm-Mgr	Yes
4	Bozeman	1st	48,532	Self	1883	2000	Comm-Mgr	Yes
5	Bridger	Town	754	Self	1907	1976	Comm-Ex	Yes
6	Broadview	Town	188	Self	1929	1976	Comm-PO	No
7	Butte/Silver-Bow	1st (Consolidated City-County)	34,284	Self	1874	1976	Comm-Ex	Yes
8	Choteau	3rd	1,713	Self	1913	2006	Comm-Ex	Yes
9	Circle	Town	608	Self	1929	1976	Comm-Ex	Yes
10	Clyde Park	Town	325	Self	1913	1976	Comm-Ex	No
11	Colstrip	3rd	2,266	Self	1998	1998	Comm-Ex	Yes
12	Conrad	3rd	2,500	Self	1909	2006	Comm-Ex	Yes
13	Cut Bank	3rd	3,022	Self	1911	2006	Comm-Ex	Yes
14	Darby	Town	792	Self	1916	1996	Comm-Ex	Yes
15	Dillon	3rd	4,261	Self	1885	1996	Comm-Ex	Yes
16	Ennis	Town	997	Self	1956	1976	Comm-Ex	Yes
17	Fergus	County	11,221	Self	1885	1996	Comm	Yes
18	Forsyth	3rd	1,823	Self	1905	1996	Comm-Ex	Yes
19	Fort Benton	3rd	1,443	Self	1883	1996	Comm-Ex	No
20	Fort Peck	Town	240	Self	1986	1986	Comm-Ex	No
21	Fromberg	Town	462	Self	1902	1976	Comm-Ex	No
22	Glasgow	3rd	3,328	Self	1902	1976	Comm-Ex	No
23	Great Falls	1st	58,701	Self	1888	1986	Comm-Mgr	Yes
24	Havre	1st	9,715	Self	1893	2020	Comm-Ex	Yes
25	Helena	1st	32,315	Self	1867	1976	Comm-Mgr	Yes
26	Hingham	Town	118	Self	1918	1976	Comm-Ex	No
27	Laurel	3rd	6,766	Self	1908	2007	Comm-Ex	Yes
28	Lewistown	2nd	5,818	Self	1901	1996	Comm-Mgr	Yes
29	Libby	3rd	2,737	Self	1909	1989	Comm-Ex	Yes
30	Lima	Town	227	Self	1917	2006	Comm-Ex	Yes
31	Manhattan	Town	1,822	Self	1911	2006	Comm-Ex	Yes
32	Missoula	1st	74,428	Self	1883	1996	Comm-Ex	Yes
33	Neihart	Town	49	Self	1891	1976	Comm-Ex	No
34	Pinesdale	Town	985	Self	1986	1996	Town Mtg	Yes
35	Polson	3rd	5,018	Self	1910	2006	Comm-Mgr	Yes
36	Red Lodge	3rd	2,294	Self	1892	1986	Comm-Ex	Yes
37	Saco	Town	193	Self	1918	2006	Comm-Ex	Yes
38	Sunburst	Town	341	Self	1923	1976	Comm-Ex	Yes

CHARTER
OF
THE CITY OF LIBBY

PREAMBLE

WE, THE PEOPLE OF LIBBY, COUNTY OF LINCOLN, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

ARTICLE I
POWERS OF THE CITY

Section 1.01 Powers of the City of Libby

The City of Libby shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of this self-government unit shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Electrical Utilities

The City of Libby shall have the powers necessary to develop, own and operate electrical generating and delivery services and facilities.

Section 1.04 Restrictions

The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

Section 1.05 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.06 Oath of Office

Before entering upon the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

ARTICLE II
CITY COUNCIL

Section 2.01 Legislative Branch

The legislative branch shall consist of the city council.

Section 2.02 Composition

The City of Libby shall have a city council of six (6) members, three of whom shall be elected every two years.

Section 2.03 Powers and Duties

The Council shall be the legislative and policy determining body of the City. All powers of the City shall be vested in the city council except as otherwise provided by law or this Charter. The council may override the mayor's veto with a two-thirds vote of the council.

Section 2.04 Term of Office

Members of the council shall be elected for four (4) year overlapping terms of office.

Section 2.05 Election

Local government elections shall be conducted on a nonpartisan basis. Council members shall be elected at large.

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance. The chairman of the council shall preside when the mayor is absent.

ARTICLE III
EXECUTIVE

Section 3.01 The Mayor

The mayor shall be the chief executive officer of the city.

Section 3.02 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.03 Election

The mayor shall be nominated and elected at large on a nonpartisan basis.

Section 3.04 Powers and Duties

The mayor shall:

1. enforce laws, ordinances, and resolutions;
2. perform duties required of him by law, ordinance or resolution;
3. administer affairs of the local government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the local government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. chair council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.05 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the mayor;

3. appoint, with the consent of a majority of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards to the degree authorized by ordinance of the council.

Section 3.06 Legislative Authority

The mayor shall decide all tie votes of the council, but shall have no other vote. The mayor may veto ordinances and resolutions, subject to override by a two-thirds vote of the council.

Section 3.07 Compensation

The compensation of the mayor shall be set by the city council.

ARTICLE IV JUDICIAL

Section 4.01 City Court

There shall be a city court and a city judge as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

ARTICLE VI GENERAL PROVISIONS

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by state law.

Section 6.02 Effective Date

This Charter shall become effective on January 2, 1990.

Section 6.03 Vacancy in Office

An elected office under this Charter becomes vacant as prescribed by law. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE VII TRANSITIONAL PROVISIONS

Section 7.01 City Employees

No city employee or elected official currently holding a city office will lose employment or elected position solely because of adoption of this Charter. Existing elected officials shall continue in office until the end of the term for which they were elected.

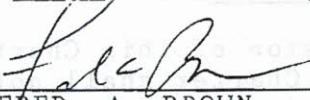
Section 7.02 Review of Existing Ordinances

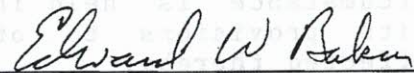
All city ordinances, resolutions and rules of the City of Libby shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than January 1, 1991.

We, the City Council of the City of Libby, do hereby certify that this is the charter approved by the general electorate of the City of Libby on November 7, 1989.

In testimony whereof, we set our hands.

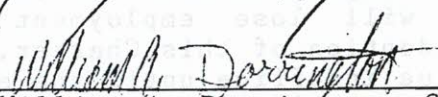
Done at Libby, Montana, this 8th day of January, 1990.

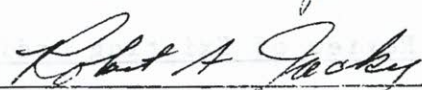

FRED A. BROWN, Mayor

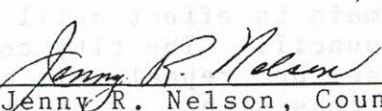

Edward W. Baker, Councilman


George Bauer, Councilman

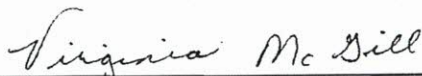

Neil J. Bernardy, Councilman


William A. Dorrington, Councilman


Robert A. Jacky, Councilman


Jenny R. Nelson, Councilwoman

ATTEST:


Virginia McGill, City Clerk

MONTANA LOCAL GOVERNMENT REVIEW LAWS

Article XI, Section 9 of the Montana Constitution requires that every 10 years the citizens of every county and municipal government get the opportunity to review the structures of their local government. The following are the laws pertaining to the review process.

7-3-172. Purpose of study commission. The purpose of a study commission is to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state.

7-3-173. Establishment of study commissions. (1) A study commission may be established by an affirmative vote of the people. An election on the question of conducting a local government review and establishing a study commission must be held if:

- (a) the governing body of the local government unit calls for an election by resolution;
- (b) a petition signed by at least 15% of the electors of the local government calling for an election is submitted to the governing body; or
- (c) 10 years have elapsed since the electors voted on the question of conducting a local government review and establishing a study commission.

(2) The governing body shall call for an election on the question of conducting a local government review and establishing a study commission, as required by Article XI, section 9(2), of the Montana constitution, within 1 year after the 10-year period referred to in subsection (1)(c).

7-3-174. Election dates and procedures. (1) An election on the question of establishing a study commission under 7-3-173 must be held in conjunction with a primary election held on the date established in 13-1-107.

(2) An election of study commission members under 7-3-176 must be held in conjunction with a general election held on the date established in 13-1-104.

(3) The elections must be counted, canvassed, and returned as provided in Title 13 for general elections.

(4) The election administrator shall report the results of an election conducted under 7-3-171 through 7-3-193 to the secretary of state within 15 days of the date the election results become official.

7-3-175. Ballot form and question. The question of conducting a local government review and establishing a study commission must be submitted to the electors in substantially the following form:

Vote for one:

- FOR the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the government.
- AGAINST the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the government.

7-3-176. Election of commission members -- appointments. (1) An election to fill the positions on the local government study commission must be held in accordance with 7-3-174. A primary election may not be held.

(2) The names of study commission candidates who have filed declarations of nomination not later than the filing deadline established in 13-1-403 must be placed on the ballot. There is no filing fee. The election is nonpartisan, and candidates must be listed without party or other designation or slogan. The secretary of state shall prescribe the ballot form for study commissioners.

(3) Candidates for study commission positions must be electors of the local government for which the study commission has been established. The candidates may not be elected officials of the local government.

(4) The number of candidates, equal to the number of study commission positions to be elected, receiving the highest number of votes, which includes votes cast for candidates who have officially filed nominations and votes for write-in candidates, must be declared elected. If there is a tie vote among candidates, the governing body shall decide by lot which candidate will fill the position.

(5) If the number of candidates filing for election is equal to or less than the number of positions to be filled, the election administrator and governing body shall proceed in accordance with 13-1-403(4) and (5). If the number of study commissioners elected is not equal to the number required to be selected, the presiding officer of the governing body, with the confirmation of the governing body, shall appoint the additional study commissioners within 20 days after the election. An elected official of the local government may not be appointed.

7-3-177. Composition of study commission. (1) The number of positions, which must be an odd number of not less than three, on the study commission shall be set out in the resolution or petition calling for the election on the question of reviewing the local government or local governments and establishing a study commission. If the election is called under the provisions of 7-3-173(1)(c), the study commission shall consist of three members unless the local governing body by resolution declares that a larger number shall be elected.

(2) Every study commission shall include as an ex officio nonvoting member a member of the governing body or an elected official or employee of the local government appointed by the governing body. The ex officio member must be appointed prior to the organization of the study commission provided for in 7-3-179.

7-3-178. Term of office -- vacancies -- compensation. (1) The term of office of study commission members begins on the day that their election to the study commission is declared or certified under 13-15-405 or on the day of their appointment and ends on the day of the vote on the alternative plan. If the alternative plan is adopted, the term continues for 90 days after the day of the vote on the alternative plan. If the commission recommends no alternative plan, the term ends 30 days after submission of the final report in accordance with 7-3-187.

(2) A vacancy on a study commission, including an ex officio member vacancy, must be determined in the same manner as a vacancy in municipal office as provided in 7-4-411. A vacancy on a study commission must be filled by appointment by the governing body of the local government being studied by the commission. The appointment must be made within 30 days of the date the vacancy occurs.

(3) Members of the study commission may not receive compensation other than for actual and necessary expenses incurred in their official capacity.

7-3-179. Organization of commission. (1) Not later than 10 days after all members of the study commission have been elected or appointed, the study commission shall meet and organize at a time set by the presiding officer of the governing body of the local government that the study commission is to examine.

(2) At the first meeting of the study commission, the study commission may elect a temporary presiding officer, who will serve until a permanent presiding officer is selected.

7-3-180. Cooperation of study commissions. (1) Any two or more study commissions may cooperate in the conduct of their studies. A majority vote by each of the affected study commissions is required for a cooperative study.

(2) Cooperative studies do not preclude each study commission from making a separate report and recommendation.

7-3-181. Conduct of business. (1) Meetings of the study commission must be held upon the call of the presiding officer, the vice presiding officer in the absence or inability of the presiding officer, or a majority of the members. The presiding officer shall announce the time and place of the meetings of the study commission.

(2) The study commission shall maintain a written record of its proceedings and its finances. This record is open to inspection by a person at the office of the study commission during the office hours determined by the governing body by resolution after a public hearing and only if consented to by the presiding officer.

(3) A majority of the members of the study commission constitutes a quorum for the transaction of business, but a recommendation of a study commission does not have legal effect unless adopted by a majority of the whole number of members of the study commission.

(4) The study commission may adopt rules for its own organization and procedure.

7-3-182. Open meetings and public involvement. All meetings of the study commission are open to the public as provided in Title 2, chapter 3, part 2. The study commission shall hold public hearings and community forums and may use other suitable means to disseminate information, receive suggestions and comments, and stimulate public discussion of its purpose, progress, conclusions, and recommendations.

7-3-183. Commission powers. (1) A study commission may employ and fix the compensation and duties of necessary staff. State, municipal, and county officers and employees, at the request of the study commission and with the consent of the employing agency, may be granted leave with or without pay from their agency to serve as consultants to the study commission. If leave with pay is granted, they may receive no other compensation from the study commission except mileage and per diem.

(2) A study commission may contract and cooperate with other agencies, public or private, that it considers necessary for assistance in carrying out the purposes for which the commission was established. Upon request of the presiding officer of the study commission, state agencies, counties, and other local governments and the officers and employees of those entities shall furnish or make available to the commission information that may be necessary for carrying out the commission's function.

(3) A study commission may:

- (a) establish advisory boards and committees, including on them persons who are not members of the study commission;
- (b) retain consultants; and
- (c) do any other act consistent with and reasonably required to perform its function.

7-3-184. Financial administration. (1) A study commission shall prepare a budget for each fiscal year that it is in existence and shall submit it to the local governing body for approval.

(2) (a) For the support of the study commission, for each fiscal year that the study commission is in existence, each local government under study shall appropriate an amount necessary to fund the study, and the local government may levy mills in excess of all other mill levies authorized by law to fund the appropriation for the support of the study commission.

(b) The local government shall provide office and meeting space and clerical assistance to the study commission. The cost of clerical assistance and other in-kind services provided by the local government may be used to partially fulfill the appropriation provision of subsection (2)(a).

(c) The local government may provide additional funds and other assistance.

(3) The study commission may apply for and accept available private, state, and federal money and may accept donations from any source.

(4) All money received by the study commission must be deposited with the local government finance administrator. The finance administrator is authorized to disburse appropriated money of the study commission on the study commission's order after approval of the budget by the governing body. Unexpended money of the study commission does not revert to the general fund of the local government at the end of the fiscal year but carries over to the study commission's appropriation for the following fiscal year. Upon termination of the study commission, unexpended money reverts to the general fund of the local government.

7-3-185. Scope of study commission recommendations. (1) (a) A study commission examining the government of a county may:

- (i) recommend amendments to the existing plan of government;
- (ii) recommend any plan of government authorized by Title 7, chapter 3, parts 1 through 6;
- (iii) draft a charter;
- (iv) recommend municipal-county consolidation or amendments to an existing consolidation;
- (v) in cooperation with a study commission in an adjoining county, recommend county merger; or
- (vi) submit no recommendation.

(b) In addition to one of the items in subsection (1)(a), a county study commission may recommend service consolidation or transfer in cooperation with a study commission of another county or with a study commission of one or more municipalities.

(2) (a) A study commission examining the government of a municipality may:

- (i) recommend amendments to the existing plan of government;
- (ii) recommend any plan of government authorized by Title 7, chapter 3, parts 1 through 6;
- (iii) draft a charter;
- (iv) recommend municipal-county consolidation;
- (v) recommend disincorporation; or
- (vi) submit no recommendation.

(b) In addition to one of the items in subsection (2)(a), a municipal study commission may recommend service consolidation or transfer in cooperation with:

- (i) a county study commission;
- (ii) a county study commission and one or more municipal study commissions; or
- (iii) one or more municipal study commissions.

7-3-186. Study commission timetable. (1) Each local government study commission shall, within 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable must be published in a local newspaper of general circulation. The timetable may be revised, but each revision must be republished.

(2) The timetable must provide, at a minimum, the following provisions, to be accomplished chronologically in the order presented:

- (a) conduct one or more public hearings for the purpose of gathering information regarding the current form, functions, and problems of local government;
- (b) formulate, reproduce, and distribute a tentative report, containing the same categories of information required to be included in the final report;
- (c) conduct one or more public hearings on the tentative report; and
- (d) adopt the final report of the commission and set the date for an election on the question of adopting a new plan of government pursuant to 7-3-192 or, if the study commission is not recommending any changes, publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted.

7-3-187. Final report. (1) A study commission shall adopt a final report. If the study commission recommends an alteration of a local government, the final report must contain the following materials and documents, each signed by a majority of the study commission members:

- (a) those materials and documents required of a petition proposing an alteration of a local government in 7-3-142;
- (b) a certificate establishing the date of the election pursuant to 7-3-192 at which the alternative form of government or change in a plan of government is presented to the electors and a certificate establishing the form of the ballot question or questions; and
- (c) a certificate establishing the dates of the first primary and general elections for officers of a new government if the proposal is approved and establishing the effective date of the proposal if approved.

(2) The final report must contain any minority report signed by members of the commission who do not support the majority proposal.

(3) If the study commission is not recommending any changes, its final report must indicate that changes are not recommended.

(4) The study commission shall file two copies of the final report with the department of administration, one of which the department shall forward to the state library. A copy of the final report must be certified by the study commission to the municipal or county records administrator within 30 days after the adoption of the final report.

(5) Sufficient copies of the final report must be prepared for public distribution. The final report must be available to the electors not later than 30 days prior to the election on the issue of adopting the alternative form or plan of government. Copies of the final report may be distributed to electors or residents of the local government or governments affected.

(6) After submission of the final report, the commission shall deposit copies of its minutes and other records with the county clerk and recorder.

7-3-188. Special final report requirements -- consolidation or county merger. (1) Consolidation or merger may be placed on the ballot only by a joint report by cooperative study commissions.

(2) A final report, in addition to the material required in **7-3-187**, must contain a consolidation plan if county-municipal consolidation or county merger is recommended. The consolidation plan must conform to the provisions and requirements relating to petitions in:

- (a) **7-3-143** whenever county-municipal consolidation is recommended; or
- (b) **7-3-144** whenever county merger is recommended.

7-3-189. Special final report requirements for disincorporation. If a study commission proposes municipal disincorporation, the final report shall contain the following additional material and documents:

- (1) a certificate of disincorporation instead of a plan of government; and
- (2) a recommended plan of disincorporation.

7-3-190. Supplementary reports. A study commission may prepare separate reports in addition to its final report. These reports may recommend consolidation of services and functions and indicate potential areas for interlocal agreements. Such reports shall be submitted to all appropriate governing bodies for reaction within 1 year.

7-3-191. Publication of summary. Each study commission shall publish once each week for 2 successive weeks in a newspaper of general circulation throughout the area of the affected local government a summary of its findings and recommendations, together with the address of a convenient public place where the text of its proposal may be obtained. The summary shall include a comparison of the existing and proposed plans of government.

7-3-192. Election on recommendation. (1) An alternative form or plan of government recommended by a study commission must be submitted to the voters in the same manner as provided in **7-3-149**.

(2) Ballot requirements and treatment of suboptions on an alternative form or plan of government recommended by a study commission must be the same as for recommendations by petition as provided in **7-3-150** and **7-3-151**.

7-3-193. Application of other sections. (1) Except as provided in subsection (2) of this section, the provisions of **7-3-122** and **7-3-152** through **7-3-161** apply to the adoption of an alternative form or plan of government upon recommendation by a study commission.

(2) (a) The presiding officer of the study commission and not the presiding officer of the governing body shall certify documents under **7-3-153**.

(b) The study commission and not the governing body shall prepare an advisory plan for orderly transition to a new form or plan of government under **7-3-157**.

(c) A study commission plan may provide for existing elected officers under **7-3-158(4)**.

TITLE 7. LOCAL GOVERNMENT
CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

Part 2. Commission-Executive Government

7-3-113. Statutory basis for municipal council-mayor government. (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:

- (a) 7-3-201;
- (b) 7-3-202(1);
- (c) 7-3-203;
- (d) 7-3-212(2);
- (e) 7-3-213(3);
- (f) 7-3-214(2);
- (g) 7-3-215(2);
- (h) 7-3-216(2);
- (i) 7-3-217(1);
- (j) 7-3-218(2);
- (k) 7-3-219(1);
- (l) 7-3-220(1);
- (m) 7-3-221(3);
- (n) 7-3-222(2);
- (o) 7-3-223(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) **general government powers;** or
- (2) self-government powers.

7-3-203. Duties of executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;

BOLD = Statutory basis for municipal council-mayor government. MCA 7-3-113
(The Recipe)

- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission; and
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

7-3-204 through 7-3-210 reserved.

7-3-211. Structural suboptions. The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in [7-3-212](#) through [7-3-224](#).

7-3-212. Administrative assistants. The executive:

(1) shall appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive; or

(2) may appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive.

7-3-213. Supervision of personnel. The executive may:

(1) appoint and remove all employees of the local government;

(2) appoint and remove, with the consent of a majority of the commission, all employees of the local government;

(3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees; or

(4) appoint and remove, with the consent of a majority of the commission, all department heads and appoint and remove all other employees of the local government.

7-3-214. Veto power. The executive may:

(1) veto ordinances and resolutions, subject to override by a majority plus one of the whole number of the commission;

(2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or

(3) sign all ordinances and resolutions with no veto power.

7-3-215. Preparation of budget. The executive may:

(1) prepare the budget and present it to the commission for adoption; or

(2) prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative supervision and control. The executive may:

(1) exercise control and supervision of the administration of all departments and boards; or

(2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial officer. A financial officer (who may be called the treasurer):

(1) shall be elected;

(2) shall be appointed by the executive with the consent of the council;

(3) shall be selected as provided by ordinance; or

(4) may, at the discretion of the commission, be selected as provided by ordinance.

7-3-218. Selection of commission members. The commission shall be:

(1) elected at large;

(2) elected by districts in which candidates must reside and which are apportioned by population;

(3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or

(4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

7-3-219. Type of election. Local government elections shall be conducted on a:

(1) partisan basis; or

(2) nonpartisan basis.

7-3-220. Presiding officer of commission. The commission must have a presiding officer who must be:

(1) elected by the members of the commission from their own number for a term established by ordinance; or

(2) selected as provided by ordinance.

7-3-221. Presiding officer of commission. The presiding officer of the commission:

(1) may vote as other members of the commission;

(2) is the executive, who may vote as the commissioners;

(3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent); or

(4) is the executive but may not vote.

7-3-222. Terms of commission members. Commission members shall be elected for:

(1) concurrent terms of office; or

(2) overlapping terms of office.

**BOLD = Statutory basis for municipal council-mayor government. MCA 7-3-113
(The Recipe)**

7-3-223. Size of commission and community councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

- (1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

(2) community councils to advise commissioners may be authorized by ordinance.

7-3-224. Terms of elected officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

NATURE OF SELF-GOVERNMENT IN MONTANA

CONSTITUTION OF MONTANA -- ARTICLE XI – LOCAL GOVERNMENT

Section 5. Self-government charters. (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

(a) Initiated by petition in the local government unit or combination of units; or

(b) Called by the governing body of the local government unit or combination of units.

(3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Section 6. Self-government powers. A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

Title 7. Local Government

Chapter 1. General Provisions

Part 1. Nature of Self-Government Local Government

7-1-101. Self-government powers. As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

History: En. 47A-7-101 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-101.

7-1-102. Authorization for self-government services and functions. A local government with self-government powers may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or its charter. These services and functions include but are not limited to those services and functions which general power government units are authorized to provide or perform.

History: En. 47A-7-102 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-102.

7-1-103. General power government limitations not applicable. A local government unit with self-government powers which elects to provide a service or perform a function that may also be provided or performed by a general power government unit is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in its charter or in state law specifically applicable to self-government units.

History: En. 47A-7-103 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-103.

7-1-104. Legislative power vested in legislative bodies. The powers of a self-government unit, unless otherwise specifically provided, are vested in the local government legislative body and may be exercised only by ordinance or resolution.

History: En. 47A-7-104 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-104.

7-1-105. State law applicable until superseded. All state statutes shall be applicable to self-government local units until superseded by ordinance or resolution in the manner provided in chapter 5, part 1 and subject to the limitations provided in this part.

History: En. 47A-7-105 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-105.

Attorney General's Opinions

Competitive Bidding Requirements Mandatory: A local government unit with self-government powers cannot supersede by the passage of a resolution or ordinance the competitive bidding requirements set forth in 7-5-4302. 37 A.G. Op. 175 (1978).

Self-Government Powers: Section 7-4-2503 does not apply to self-government units since it may be superseded by ordinance or resolution of the Commission and is not prohibited by 7-1-114(1)(g). 37 A.G. Op. 68 (1977).

7-1-106. Construction of self-government powers. The powers and authority of a local government unit with self-government powers shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.

History: En. 47A-7-106 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-106.

7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

- (1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;
- (2) any power that applies to or affects the provisions of 7-33-4128 or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;
- (3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;
- (4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;
- (5) any power that establishes a rate or price otherwise determined by a state agency;
- (6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;
- (7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;
- (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;
- (9) any power that applies to or affects the right to keep or bear arms;
- (10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;
- (11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;
- (12) except as provided in 7-3-1105, 7-3-1222, 7-21-3214, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;
- (13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.
- (14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;
- (15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.

(16) subject to 80-5-136(10), any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of agricultural seeds or vegetable seeds as defined in 80-5-120. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.

(17) any power that prohibits the operation of a mobile amateur radio station from a motor vehicle, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(18) subject to 76-2-240 and 76-2-340, any power that prevents the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local government unit;

(20) any power to enact an ordinance governing the private use of an unmanned aerial vehicle in relation to a wildfire;

(21) any power as prohibited in 7-1-121(2) affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on auxiliary containers, as defined in 7-1-121(5);

(22) any power that provides for fees, taxation, or penalties based on carbon or carbon use in accordance with 7-1-116;

(23) any power to require an employer, other than the local government unit itself, to provide an employee or class of employees with a wage or employment benefit that is not required by state or federal law;

(24) any power to enact an ordinance prohibited in 7-5-103 or a resolution prohibited in 7-5-121 and any power to bring a retributive action against a private business owner as prohibited in 7-5-103(2)(d)(iv) and 7-5-121(2)(c)(iv); or

(25) any power to prohibit the sale of alternative nicotine products or vapor products as provided in 16-11-313(1).

History: En. 47A-7-201 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-201; amd. Sec. 3, Ch. 375, L. 1983; amd. Sec. 22, Ch. 418, L. 1995; amd. Sec. 1, Ch. 446, L. 2001; amd. Sec. 1, Ch. 217, L. 2003; amd. Sec. 2, Ch. 466, L. 2003; amd. Sec. 1, Ch. 561, L. 2003; amd. Sec. 2, Ch. 395, L. 2009; amd. Sec. 1, Ch. 56, L. 2013; amd. Sec. 1, Ch. 173, L. 2015; amd. Sec. 7, Ch. 456, L. 2015; amd. Sec. 2, Ch. 274, L. 2017; amd. Sec. 1, Ch. 420, L. 2017; amd. Sec. 2, Ch. 218, L. 2019; amd. Sec. 37, I.M. No. 190, approved Nov. 3, 2020; amd. Sec. 2, Ch. 220, L. 2021; amd. Sec. 2, Ch. 329, L. 2021; amd. Sec. 2, Ch. 354, L. 2021; amd. Sec. 4, Ch. 398, L. 2021; amd. Sec. 1, Ch. 408, L. 2021; amd. Sec. 2, Ch. 455, L. 2021.

Case Notes:

Butte-Silver Bow Self-Government Charter Held Not Superior to Wrongful Discharge From Employment Act: When Babb was appointed the chief executive officer of the Butte-Silver Bow consolidated city-county government, he immediately fired both Johnston and Shea, who had been department heads of the consolidated government for many years. Johnston and Shea then sued Babb for violation of the Wrongful Discharge From Employment Act (WDEA). Babb argued that because the self-government charter of the consolidated government provided that department heads serve "at the pleasure of" the chief executive officer (CEO) of the local government and because self-government charters are superior to statute, Johnston and Shea were "at will" employees to whom the WDEA did not apply. The U.S. Magistrate Judge decided, citing *MacMillan v. St. Comp. Ins. Fund*, 285 M 202, 947 P2d 75 (1997), that the Montana Supreme Court has held that municipalities operating under self-government charters have limitations as provided in this part, which the self-government charter itself cited, and subsection (2) of this section, which applies Title 39 to local governments operating with self-government powers. Further, the Magistrate Judge decided that under Art. XI, sec. 5(3), Mont. Const., and *Billings Firefighters Local 521 v. Billings*, 1999 MT 6, 293 M 41, 973 P2d 222 (1999), the language of the self-government charter requiring department heads to serve "at the pleasure of" the CEO is not such a part of the structure and organization of local government that it is superior to statute. For these reasons, the Magistrate Judge decided that the WDEA did apply to the firing of Johnston and Shea and that they therefore could not be fired without good cause and granted Johnston and Shea's motion for summary judgment. *Johnston v. Babb*, Cause No. CV-05-03-BU-CSO (D. Mont. 2005).

7-1-112. Powers requiring delegation. A local government with self-government powers is prohibited the exercise of the following powers unless the power is specifically delegated by law:

- (1) the power to authorize a tax on income or the sale of goods or services, except that, subject to 15-10-420, this section may not be construed to limit the authority of a local government to levy any other tax or establish the rate of any other tax;
 - (2) the power to regulate private activity beyond its geographic limits;
 - (3) the power to impose a duty on another unit of local government, except that nothing in this limitation affects the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation;
 - (4) the power to exercise any judicial function, except as an incident to the exercise of an independent self-government administrative power;
 - (5) the power to regulate any form of gambling, lotteries, or gift enterprises.
- History: En. 47A-7-202 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-202; amd. Sec. 3, Ch. 584, L. 1999.

Attorney General Opinions:

City Authority to Enact Photo-Radar Ordinance: No state agency is given exclusive power to establish administrative rules governing speed of traffic in cities and towns, nor is the enforcement of speed regulations exclusively vested in a state agency. Therefore, the city of Billings, under its self-government charter, is not precluded by statute from enacting a photo-radar ordinance providing either for accountability on the part of the registered owner for illegal speeding by any person operating the vehicle with the owner's permission or for a permissive inference that the registered owner was the speeding violator. 45 A.G. Op. 7 (1993).

7-1-113. Consistency with state regulation required. (1) A local government with self-government powers is prohibited the exercise of any power in a manner inconsistent with state law or administrative regulation in any area affirmatively subjected by law to state regulation or control.

(2) The exercise of a power is inconsistent with state law or regulation if it establishes standards or requirements which are lower or less stringent than those imposed by state law or regulation.

(3) An area is affirmatively subjected to state control if a state agency or officer is directed to establish administrative rules governing the matter or if enforcement of standards or requirements established by statute is vested in a state officer or agency.

History: En. 47A-7-203 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-203.

Attorney General Opinions:

Municipal Authority to Set Water and Sewer Service Rates -- Applicability of Human Rights Act to Setting of Water and Sewer Rates: A provision in 7-13-4304 provides that the rates for municipal water and sewer charges may be fixed in advance and must be uniform for like services in all parts of the municipality. The city of Bozeman sought to provide discounts or preferential rates to senior citizens on water and wastewater charges. The question was whether the senior rates violated the statutory requirement for uniform or equitable rates. The Attorney General held that because water and sewer ratemaking is not an area affirmatively subject to state control, a local government with self-government powers may set rates for those services without regard to the requirements of 7-13-4304. However, the Attorney General noted that age discrimination does violate Title 49, ch. 2, commonly known as the Montana Human Rights Act, that Bozeman is subject to the Act despite its status as a self-governing municipality, and that discrimination in government services is affirmatively subject to state control. Without deciding whether Bozeman's proposed ordinance would meet the standard of strict construction of reasonable grounds based on age, the Attorney General nevertheless concluded that 49-2-308 of the Act did apply to the Bozeman ordinance setting senior rates for municipal water and sewer services. 50 A.G. Op. 10 (2004).

7-1-114. Mandatory provisions. (1) A local government with self-government powers is subject to the following provisions:

- (a) all state laws providing for the incorporation or disincorporation of cities and towns, for the annexation, disannexation, or exclusion of territory from a city or town, for the creation, abandonment, or boundary alteration of counties, and for city-county consolidation;

- (b) Title 7, chapter 3, part 1;
- (c) all laws establishing legislative procedures or requirements for units of local government;
- (d) all laws regulating the election of local officials;
- (e) all laws that require or regulate planning or zoning;
- (f) any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service;
- (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments;
- (h) Title 70, chapters 30 and 31.

(2) These provisions are a prohibition on the self-government unit acting other than as provided.

(3) (a) Notwithstanding the provisions of subsection (1)(g) and except as provided in subsection (3)(b), self-governing local government units are not subject to the mill levy limits established by state law.

(b) The provisions of 15-10-420 apply to self-governing local government units.

History: En. 47A-7-204 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-204; amd. Sec. 29, Ch. 42, L. 1997; amd. Sec. 4, Ch. 584, L. 1999; amd. Sec. 42, Ch. 278, L. 2001.

7-1-115. Governmental right to sue firearms or ammunition manufacturer, trade association, or dealer in tort or for abatement or injunctive relief. The governmental right to bring suit against a firearms or ammunition manufacturer, trade association, or dealer for abatement, injunctive relief, or tort damages resulting from or relating to the design, manufacture, marketing, or sale of firearms or ammunition sold to the public is reserved exclusively to the state and may not be exercised by a local governmental unit. The state may sue under this section on its own behalf or on behalf of a local governmental unit, or both.

History: En. Sec. 2, Ch. 581, L. 1999.

7-1-116. Carbon fees, taxation, or penalties — prohibition. (1) A local government may not enact, adopt, implement, enforce, or refer to the electorate a rule, order, ordinance, or policy that includes fees, taxation, or penalties based on carbon or carbon use.

(2) (a) Fees, taxation, or penalties based on carbon or carbon use include formal or informal rules, orders, ordinances, or policies, including but not limited to:

(i) charges placed on resident or business electrical, natural gas, propane, or other energy bills or statements based on usage or carbon content; or

(ii) any other method, tax, or fee levied on the carbon content of fuels or electricity in the transportation or energy sector.

(b) This subsection (2)(b) does not include energy conservation bonds as provided in 7-7-141 or energy performance contracts pursuant to Title 90, chapter 4, part 11.

(3) Nothing in this section prohibits a local government from participating in a service offered through a tariff approved by the public service commission.

(4) For the purposes of this section, "local government" includes a county, a consolidated government, an incorporated city or town, or a special district.

History: En. Sec. 1, Ch. 329, L. 2021.

7-1-117 through 7-1-119 reserved.

7-1-120. Repealed. Sec. 10, Ch. 268, L. 2005.

History: En. Sec. 1, Ch. 471, L. 2003.

7-1-121. Statewide uniformity for auxiliary container regulations — local prohibitions — definitions. (1) The purpose of this section is to preempt any local ordinance, resolution, initiative, or referendum regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on certain containers.

(2) Except as provided in subsection (3), a local unit of government may not adopt or enforce any local ordinance, resolution, initiative, or referendum that:

(a) regulates the use, disposition, or sale of auxiliary containers;

- (b) prohibits or restricts auxiliary containers; or
- (c) imposes a fee, charge, or tax on auxiliary containers.

(3) The prohibitions in subsection (2) may not be construed to prohibit, restrict, or apply to any of the following:

- (a) a curbside recycling program;
- (b) a designated residential or commercial recycling location;
- (c) a commercial recycling program;
- (d) an ordinance that prohibits littering; or
- (e) the use of auxiliary containers on property owned by a local unit of government.

(5) As used in this section, unless the context requires otherwise, the following definitions apply:

(a) "Auxiliary container" means a bag, cup, bottle, can, device, eating or drinking utensil or tool, or other packaging, whether reusable or single use, that is:

(i) made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates; and

(ii) designed for transporting, consuming, or protecting merchandise, food, or a beverage to or from, or at, a food service, manufacturing, distribution or processing facility, or retail facility.

(b) "Local unit of government" means any county, municipality, school district, special district or other political subdivision of the state, including any agency or governing body of a local unit of government as defined by 7-4-502, or a similar unit of government of another state or nation.

History: En. Sec. 1, Ch. 220, L. 2021.

AGREEMENT FOR ENGINEERING SERVICES

CLIENT: City of Libby
Contact Person: Attn: Peggy Williams, Mayor
Address: PO Box 1428
City, ST, Zip Libby, MT 59923

DATE: January 17, 2024

ENGINEER: TD&H ENGINEERING
1800 River Drive North
Great Falls, MT 59401

PROJECT TITLE: Civil Engineering & Grant Writing Services for Libby – Montana Ave Lift Station

SCOPE OF SERVICE(S):

ENGINEER shall provide or cause to be provided the services described on Exhibit A – Scope of Services attached hereto (referred to herein as the Scope of Service(s)). If the scope/service is not specifically included herein, the scope/service is expressly excluded. **CLIENT** may direct or request changes within the general Scope of Service(s). Upon notification of such direction, **ENGINEER** shall prepare an estimate of the additional cost and time required, if any, to perform the change. Upon mutual written agreement, **ENGINEER** shall perform the change and an appropriate adjustment shall be made to the amount of fee and/or time schedule.

AMOUNT OF FEE:

Estimated **Fees are Valid for 90 days** from the Date provided in the Proposal Letter or the date which this Agreement was delivered to the **CLIENT**; authorization of this Agreement at a date later than 90 days may require an increase in fees and/or additional time required to complete the services at the sole discretion of the **ENGINEER**.

TIME AND MATERIALS. Fees for **ENGINEER'S** services shall be based on **ENGINEER'S** time and reimbursable expenses. Rates for professional services and are based on **ENGINEER'S** current rate schedule established at its office which is completing the service(s). From time to time **ENGINEER** may revise its rates; revised rates will become effective 30 days after **CLIENT** receives written notice of the revised rate schedule. Reimbursable Expenses include mileage, meals and lodging, reproduction, special equipment rental, services of consultants or subcontractors, costs of any equipment or materials provided by **ENGINEER**, and other expenses incurred directly by **ENGINEER** in performing the Scope of Service(s).

An estimate of the fees to complete the Scope of Service(s) is \$ _____ Final Costs may vary and invoicing shall be for the actual cost to complete the Scope of Service(s). **CLIENT** will be notified by the **ENGINEER** prior to performing any services that would substantially increase the estimated fee.

LUMP SUM. The lump sum fee to complete the Scope of Service(s) will be \$ 14,000.00.

PAYMENT TO ENGINEER:

A retainer in the amount of \$ N/A is required before beginning services. **ENGINEER** shall credit the amount of the retainer toward the final billing when the services are substantially complete.

Payment for services: At the discretion of the **ENGINEER**, invoices may be sent to the **CLIENT** on a monthly basis or at project milestones. Payment is due upon receipt of the invoice and is past due 30 days from the invoice date. The **CLIENT** agrees to pay a late fee of 1.5 %, compounded monthly, from the invoice date, on the past due amount. If the invoice is not paid within thirty (30) days, **ENGINEER** may, without waiving any claim or right against **CLIENT**, and without liability whatsoever to **CLIENT**, terminate the performance of the service and begin formal collection procedures. In the event this account is placed for collection with a collection company, a fee of Fifty percent (50%) of the balance due shall be added as a collection fee. Retainers shall be credited on the final invoice. Any inquiries or questions regarding the substance of the invoice shall be made in writing within ten (10) days of receipt of the invoice. Failure to notify **ENGINEER** within this time period indicates acceptance of billing for services performed.

GENERAL TERMS AND CONDITIONS

1. **ENGINEER** shall perform its services in a manner consistent with generally accepted professional standards required of it and other design professionals providing similar services under similar conditions in the same locale. **ENGINEER** is authorized to proceed as of the date of this Agreement unless otherwise noted.

2. Any opinion of the construction cost prepared by the **ENGINEER** represents its judgment as a design professional and is supplied for the general guidance of the **CLIENT**. Since the **ENGINEER** has no control over the cost of labor and material, schedules, competitive bidding, or market conditions, the **ENGINEER** does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to the **CLIENT**. Similarly, **ENGINEER** does not guarantee any proposed schedules for commencement or completion of services.

3. **Project Site:** **ENGINEER** shall not have control over, charge of, or responsibility for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with construction of the Project, nor shall **ENGINEER** be responsible for any contractor's failure to construct the Project in accordance with the requirements of the construction agreement. **ENGINEER** shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

4. **CLIENT** shall timely provide to **ENGINEER** all criteria and full information as to **CLIENT'S** requirements for the Project; designate a person to act with authority on **CLIENT'S** behalf in respect of all aspects of the Project; examine and respond promptly to **ENGINEER'S** submissions; and give prompt written notice to **ENGINEER** whenever **CLIENT** observes or otherwise becomes aware of any defect in the service. The **ENGINEER** and its employees, agents, and consultants have the right to rely on the accuracy of **CLIENT**-furnished information.

5. **CLIENT** shall, at its cost:

- 1) Procure such legal, accounting, and other counseling services as may be required for successful completion of the Project.
- 2) Furnish approvals and permits from all governmental authorities having jurisdiction over the Project, except to the extent that obtaining such approvals and permits has been specifically assigned to **ENGINEER** pursuant to the paragraph entitled "Scope of Service(s)."
- 3) Pay all review and filing fees required by governmental agencies.
- 4) Pay all costs incidental to obtaining bids or proposals from contractor(s).
- 5) Guarantee full and free access for the **ENGINEER** to enter upon all property required for the performance of the **ENGINEER'S** services under this Agreement.

6. This Agreement may be terminated:

- 1) By mutual written consent of both parties;
- 2) By either party upon seven days written notice in the

event of a material breach by the other party in performing its obligations under this Agreement, and upon the failure of the breaching party to cure within the seven-day notice period its material breach.

In the event of any termination, **CLIENT** shall pay **ENGINEER** for all services rendered and all reimbursable expenses incurred to the date of termination. If the termination is a result of a material breach by **CLIENT**, **CLIENT** shall pay **ENGINEER** reasonable termination expenses.

7. Neither party may assign this Agreement without the written consent of the other party, which shall not unreasonably be withheld. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

8. This Agreement is binding upon **CLIENT** and **ENGINEER** and each of their successors, assigns, and legal representatives. The Authorized Representative assumes personal responsibility along with the **CLIENT** for performance under the terms of this contract. The undersigned agrees to be personally responsible for the total balance due.

9. Ownership of Documents: All reports, calculations, figures, data and other documents prepared by the **ENGINEER** as part of these services shall remain the property of the **ENGINEER**. Provided that the Client substantially performs its obligations under this Agreement, including prompt payment of all sums due herewithin. The **CLIENT** is entitled to copies of all documents prepared by the **ENGINEER** upon payment in full, and reasonable usage of those documents for this project only. The documents are not intended for reuse on other projects; any reuse by the **CLIENT** or others for purposes other than those identified in or directly associated with "Exhibit A – Scope of Services", or without **ENGINEER'S** consent will be at the **CLIENT'S** sole risk; the **CLIENT** will defend, indemnify, and hold **ENGINEER** harmless from any claims brought against **ENGINEER** arising out of reuse; and **ENGINEER** may retain one record copy of all information.

10. Montana law governs this Agreement. **CLIENT** and **ENGINEER** agree to negotiate in good faith for a period of 15 days from the date of receipt of written notice of all disputes between them. If such negotiations fail, **CLIENT** and **ENGINEER** shall select a mutually agreeable mediator and shall conduct a mediation within an additional 30 days. If mediation fails to resolve the dispute, either party may pursue any legal or equitable remedies in a court of competent jurisdiction located in the appropriate Montana County where the **ENGINEER'S** office completing the service resides. In the event of litigation, the prevailing party shall be entitled to an award of reasonable attorney's fees, subject to the Risk Allocation and Limitation of Liability provisions in this Agreement. The only exception to the foregoing would be any necessary filing to preserve lien rights or to avoid impacts of any statute of limitation.

11. Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than **CLIENT** and

ENGINEER.

12. This Agreement represents the entire Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by a written instrument signed by each of the parties.

13. **ENGINEER** shall be responsible only for those Construction Phase services expressly required of **ENGINEER** in Exhibit A - "Scope of Service(s)." With the exception of such expressly required services, **ENGINEER** shall have no design, construction document, or other obligations during or following construction, and **CLIENT** assumes all responsibility for the application and interpretation of the contract documents, review and response to contractor requests for clarifications and substitutions, claim submittals, equipment and material product data and all associated technical and contractual interpretations, contract administration, processing change orders, revisions to the contract documents during construction, construction surety bonding and insurance requirements, construction observation and review, review of payment applications, and all other necessary construction phase engineering and professional services. **CLIENT** waives all claims against the **ENGINEER** that may be connected in any way to construction phase engineering or professional services except for those services that are expressly required of **ENGINEER** in Exhibit A - "Scope of Service(s)".

14. Merit of Claim: Prior to any direct or third party claims against **ENGINEER**, the claimant shall first provide written certifications, executed by at least two independent engineers, licensed and routinely providing engineering services in the project jurisdiction, who, after reviewing **ENGINEER Agreement and** scope of services, shall specify each and every act or violation of the standard of care expected by an **ENGINEER**, under similar circumstances. Such certifications shall be provided at least thirty (30) days prior to the presentation of any claim or counterclaim.

15. Third Parties: Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the **CLIENT** or **ENGINEER**. **ENGINEER'S** services hereunder are being performed solely for the benefit of the **CLIENT**, and no other entity shall have any claim against **ENGINEER** because of this Agreement or **ENGINEER'S** performance of services hereunder. This Agreement and the design may not be transferred or assigned by either Party without written consent. **ENGINEER** shall not be responsible for the statements, performance, acts, errors, or omissions of any person or entity not under its direct control.

16. Risk Allocation: The **CLIENT** agrees that, to the fullest extent permitted by law, the **ENGINEER'S** total liability to the **CLIENT** for any and all injuries, claims, losses, expenses, or damages of any kind, arising out of this Agreement or relating to the **ENGINEER'S** services, which are specifically subject to any claim (not the aggregated value of all services) including but not limited to claims of **ENGINEER** negligence, errors, omissions, liability, breach of contract, or any other cause(s), shall not exceed the total fee paid to Engineer, or \$50,000,

whichever is greater.

17. Limitation of Liability: Notwithstanding anything contrary in this Agreement, **CLIENT expressly agrees that any liability arising out of this project shall be limited to the Consultant and its applicable insurance and shall not be the basis of personal liability as to Consultant's owners, officers, directors, or employees.** The Parties waive claims against each other for consequential damages arising out of or relating to this Agreement, whether arising in contract, warranty, tort (including negligence), strict liability, or otherwise, including but not limited to losses of use, profits, income, rent, overhead, business, reputation, or financing. **ENGINEER** will be responsible for the

Standard of Care described herein but makes no warranties, expressed or implied, under this Agreement or otherwise, in connection with the **ENGINEERING** scope of services.

18. CLIENT Negligence/Liability: For claims, damages, losses, or expenses caused in whole or in part by the negligent act or omission and/or strict liability of the **CLIENT** or employees of the **CLIENT**, including other design professionals or subcontractors, the **CLIENT** shall defend, to the extent covered by applicable insurance, and indemnify the **ENGINEER** and all of its personnel (Including reasonable attorney's fees) for third party claims, damages, or liabilities to the extent actually caused by the **CLIENT'S** negligence, willful misconduct, or breach of this Agreement. For purposes of the foregoing indemnification provision only, **CLIENT** waives any immunity it may have under any applicable worker's compensation laws.

19. Time to bar legal action: The **CLIENT** and **ENGINEER** agree that claims from either party for breach of this agreement or for failure to perform in accordance with the Standard of Care shall not be initiated more than three (3) years from the date on which **ENGINEER** completes its services on the project.

20. Standard of Care: **ENGINEER'S** services shall be provided consistent with and limited to the professional standard of care which is the skill and care ordinarily provided by similarly situated professionals practicing in the same or similar locality under the same or similar circumstances. Such standard of care is not a warranty or guarantee and consultant shall have no such obligation. Accordingly, client shall provide appropriate contingencies in both schedule and cost.

21. Delay: **ENGINEER** shall not be liable for any costs or delays resulting in whole or in part from causes beyond the control and without fault or negligence of **ENGINEER** or its subconsultants, including, without limitation, stoppages and strikes, acts of God and natural disaster, failure of a public agency to act in a timely manner, and/or acts of **CLIENT** and its consultants, contractors and agents, including, without limitation, their failure to furnish information in a timely fashion and/or their faulty or untimely performance.

22. Corporate Responsibility: **ENGINEER'S** Services shall not be subject to individual employees, officers or directors, including any **ENGINEER** who affixed his or her seal to the drawings, specifications or other documents prepared by or under the

supervision of licensee for the Project, to any personal legal exposure for the risks associated with this Project. **CLIENT** agrees that as **CLIENT'S** sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against Thomas, Dean & Hoskins, Inc. dba: TD&H Engineering, a Montana state corporation, and not against any of Thomas, Dean & Hoskins, Inc. dba: TD&H Engineering's individual employees, officers or directors.

The parties' consent to the foregoing terms, including any attachments

CLIENT: City of Libby

BY:
(signature)

TITLE: Peggy Williams, Mayor

DATE:

ENGINEER: TD&H ENGINEERING

BY:
(signature) *Wade DeBoo*

TITLE: Wade DeBoo, President

DATE: 4/17/2024

“Exhibit A”
City of Libby – Montana Ave Lift Station
Scope of Services

GENERAL DESCRIPTION

The project includes updating the construction cost estimate and project budget, conducting a public hearing related to the lift station improvements and preparing three grant applications. The scope is defined more specifically below.

CIVIL ENGINEERING

TD&H will complete the following tasks related to civil engineering for the project:

- Review the previous construction estimate
- Contact equipment suppliers to get updated materials and equipment estimates
- Review and update the labor estimate
- Review construction inflationary data since the previous estimate
- Prepare an updated construction estimate and full project budget
- Submit the updated estimate to the client
- Prepare a final estimate and project budget

Deliverables: Updated Construction Estimate and project budget

Meetings: None

GRANT APPLICATIONS

1. Prepare for and conduct a public hearing. The hearing will be for the purpose of the grant applications and include presentation of the updated estimate and impact to rates, if any. Our presentation is planned to be conducted via video conference presentation.
2. Prepare the following grant applications:
 - a. MCEP
 - b. RRGL
 - c. CDBG

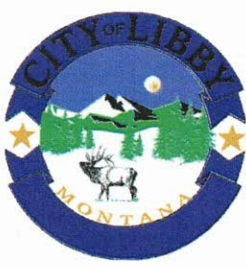
Deliverables: Three grant applications

Meetings: One public hearing via video conference

EXCLUSIONS

The project includes only those items specifically included above. A partial list of excluded items follows:

- Inspections of the Lift Station
- Visits to the City of Libby
- Environmental Impact Statements are not anticipated
- Agency Permitting, Review, or Application Fees
- Project preliminary or final design
- Bidding Documents or Assistance
- Construction Phase Services



CITY OF LIBBY
952 E. SPRUCE | POST OFFICE BOX 1428
LIBBY, MT. 5992 PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

January 29, 2024

To: Libby City Council
RE: Libby Community Development Funds requested information

Fund balance end of 2017: 511,437.91
Fund current balance: \$1,528,907.81
Fund current Income: interest only, this fiscal year to date \$39,720.00

At the regularly scheduled meeting of the City of Libby, Libby Loft LLC requested a special meeting for the council to consider a request for a 25% matching grant on the \$184,000 needed for wall repair, roof replacement and brick wall restoration citing the urgency of repairs, that delay could lead to irreversible damage to the structure. The request is for the city to provide 75% of the money needed, Libby Loft LLC would provide the 25% match. making the grant request from the city \$138,000, with Libby Loft LLC providing \$46,000 for their match.

Attached is the Community Development Fund policy (adopted without a resolution) and a summary of revenue/expenditure of the Community Development Fund since 2017. There is a detailed income/expense spreadsheet if anyone wants a line-by-line detail.

Should anyone want other information before the meeting let me know so we can find it for you.

Peggy Williams
Mayor, City of Libby

City of Libby

POLICY FOR USE OF COMMUNITY DEVELOPMENT FUNDS

BACKGROUND

In 2001 the City of Libby received \$8 million from a federal earmark to assist in economic stimulation following the demise of the timber industry and the discovery of asbestos in the community. The Libby Area Development Company (LADC) was formed and distributed money in the form of grants and loans without many guidelines. Several large and important distributions were made such as to help create the Libby Memorial Events Center and development of an additional nine holes at Cabinet View Golf Course. LADC dissolved in 2015 though the City took control over the funds in 2005. The Fund now has approximately \$520,000 remaining and the City desires to have a clearly defined purpose for expending those funds and metrics by which to evaluate their use and any necessary repayments.

PURPOSE

The City believes that other organizations are better equipped with staff and knowledge to loan money to businesses and organizations as gap financing for the purpose of job creation; expansion or capital investment; and that the City should pursue activities that help create the environment for businesses to succeed through community development and investment. To that end, the Fund will hereby be used to leverage other monies related to City projects that can be demonstrated to be in support of community development activities. No new loans to area businesses will be granted.

1. POLICY OBJECTIVES

The objective of this policy is to guide and assist in fostering community development initiatives in order to become an attractive, viable and sustainable place for Libby's citizens, new and existing businesses and visitors.


To complement the policy, the City of Libby will vigorously maintain relationships with local agencies and private industry so that public/private partnerships are cultivated for the deployment of the Funds on eligible projects. It is expected that a description of any anticipated return on investment (i.e., value received) will be prepared with each proposed use of funds.

2. USE OF FUNDS

Funds may be used for projects that:

- (a) Improve infrastructure in the Downtown or other commercial areas within the limits of the City of Libby;
- (b) Enhance the City's recreational and tourist opportunities;
- (c) Enhance the City's appearance and functionality;
- (d) Acquiring land, building or real estate with the express goal of re-investment for purposes stated above.

Fund	Doc/Line #	Description	Vendor/Receipt From	Acct. Per	Credits	Debits	Post Date
2959	IA 445 1	Interest					
			For 2017	12/17	1,099.29		03/07/17
2959	JV 22465 2	Balsam Sidewalk		4/17		36,663.18	08/01/17
2959	JV 22543 10	LOAN PAYMENT for SWR and Roof		6/17	24,331.02		08/25/17
2959	IA 480 1	Interest					
			For 2018	12/18	285.38		03/05/18
2959	JV 22639 2	Parks Director		6/18		10,000.00	10/10/18
2959	RV 23773 11	ROTARY DONATION FIREPARK BATHR		8/18	15,000.00		10/30/18
2959	SC 35191	Fireman's Park Restrooms	CXT Incorporated	10/18		44,240.00	11/02/18
2959	SC 35447	Grant Match Cross Country	Kootenai Cross Country Ski	1/19		15,000.00	01/22/19
2959	SC 35492	Trash Containers Per Bid	Montana Machine & Fabricat	1/19		12,000.00	02/01/19
2959	SC 35721	Website Redesign	Condron, Nathan	4/19		1,022.50	05/03/19
2959	SC 35926	MOU Agreement Parks Contractor	Lincoln County	6/19		10,000.00	07/01/19
2959	JV 22742 4	City Hall Roof Prin & Int		6/19	7,409.77		08/05/19
2959	JV 22741 6	Sewer Loan Prin&Int		6/19	15,511.57		08/05/19
2959	SC 36092	Preliminary Review Potential URD	Community Development Serv	8/19		4,250.00	09/03/19
2959	IA 520 1	Interest					
			For 2019	12/19	278.22		09/19/19
2959	SC 36338	Libby, MT Asst. Living Market Study	Novogradac & Company LLP	11/19		2,375.00	11/07/19
2959	IA 543 1	Interest					
			For 2020	1/20	326.76		03/10/20
2959		Welcome and Way Finding Signs					
			For 2020 and 2021		43,236.44	147,364.98	06/10/2020
2959	JV 22873 4	SID Mineral Payment		6/20	2,146.00		06/22/20
2959	RV 23889 1	Tourism Grant		6/20	39,011.31		06/26/20
2959	JV 22883 4	City Hall Roof Prin & Int		6/20	7,410.00		08/04/20
2959	JV 22882 4	Sewer Loan Prin&Int		6/20	15,512.00		08/04/20
2959	IA 580 1	Interest					
			For 2021	12/21	387.59		03/12/21
2959	RV 23978 1	CVGC Loan Payoff		6/21	1,541,000.25		06/21/21
2959	JV 22995 6	Pay city hall roof loan		6/21	40,908.40		08/05/21
2959	SC 38027	City's Match for Trail Project	Lincoln County Port Author	8/21		10,000.00	09/03/21
2959	IA 607 1	Interest					
			For 2022	12/22	3,705.33		02/23/22
2959	JV 23090 4	SID Mineral Payment		12/21	1,027.55		04/04/22
2959	RV 24106 3	Donation-Playground		4/22	25,000.00		04/06/22
2959	JV 23095 4	Sewer Loan Prin&Int		5/22	15,511.57		05/09/22
2959	JV 23097 4	Sewer loan payoff		5/22	106,084.62		05/11/22
2959	JV 23106 4	Payoff city hall roof loan		5/22	7,980.38		05/17/22
2959	JV 23138 4	SID Mineral Payment		6/22	987.55		07/22/22
2959	SC 39028	Path to Riverfront Park	Fraser Management & Consul	9/22		200.00	10/03/22
2959	SC 39351	Clubhouse Grant		1/23		541,000.00	02/03/23
2959	JV 23201 4	SID Mineral Payment		3/23	992.40		03/03/23
2959	IA 649 11	Interest					
			For 2023	12/23	50,025.32		03/04/23
2959	SC 39618	Playground Equipment		5/23	25,300.00	153,146.99	05/12/23
2959	JV 23225 4	SID Mineral Payment		6/23	1,072.55		06/16/23
2959	SC 40122	Peace Office Park		10/23		6,085.00	10/23/23
2959	JV 23296 4	SID Mineral Payment		12/23	1,072.55		12/21/23



**RESTORING HISTORY, RENEWING
COMMUNITY: LIBBY LOFTS, LLC'S
VISION FOR THE HISTORIC LIBBY
HIGH SCHOOL**

- A Redevelopment Project on the National Register of Historic Places
- Open House, January 31, 2024

WHO WE ARE



Rotary's Motto:
Service Above Self

Libby Lofts, LLC was established in 2008 when private entities purchased the historic Libby High School to construct condos.

The project got off the ground successfully but the primary developer, Eric Berry, tragically died in a motorcycle crash in May of that year. Probate followed and the building has remained abandoned for over 15 years now.

The project was revitalized in 2023 when two additional partners bought into Libby Lofts. Brick Briar Development Group (Bruce & Joan) and ZT Development (Zach & Tracy). Northwest Properties (Scott Curry) is the third owner.

We acknowledge past challenges with this property, and community trust is of prime importance to us. Historical preservation and community engagement are key to the project's success to ensure it meets our community's needs and priorities as much as possible.



Photo by Bryon Sanderson published in the Daily Interlake Feb. 17, 2017

CURRENT STATE

DETERIORATION OF HISTORIC LANDMARK

Vacant since about 2000, possible loss of historically significant building if nothing is done

EYE SORE

Broken windows, caved in roof, abandoned vehicle, fenced and overgrown parking areas

SAFETY HAZARD

Unstable exterior wall, multiple break ins and unauthorized entries

NEGATIVE ECONOMIC IMPACT

Reduced tax revenue, erodes housing market, decreases property values, expensive upkeep and very expensive restoration

WEAKNESSES

- Deferred maintenance and degradation-will require reengineering
- Collapsed roof in 2017 caused significant structural damage that needs to be repaired as soon as possible
- Vandalism damage in 2019 and 2022 destroying many windows
- Large, expensive project with approx. \$5 Million budget
- History of unsuccessful attempts at restoration and community disenchantment

THREATS

- Loss of partners or funding problems
- Unforeseen problems with permitting
- Loss of historical landmark status
- Safety Hazard
- Community Eyesore
- Unforeseen costs during construction

STRENGTHS

- Historic architectural significance and listed on National Register of Historical Places
- Community/ cultural significance: Built 1916 and 1926. It has served as elementary school, high school, and community college
- Engineering already done for condos. 27,240 sq. feet of area on 1.74 acres
- Partners strengths: engineer, development and rehabilitation of old buildings, grant writing and administration, and successful entrepreneurs

OPPORTUNITIES

- Preservation of historic heritage
- Community revitalization
- Aesthetic improvement
- Increased property values
- Safety enhancement
- Community facilities/ Public space creation
- Subsidized Teacher Housing
- Addresses housing shortage
- Economic benefits – Jobs, local contractors used, increase tax base, support local businesses
- Environmental sustainability- retrofitting and repurposing an existing structure vs. new construction reduces environmental impact

Phase I: Exterior Restoration

- Rebuild unstable wall
- Replace/restore windows
- Replace caved in roof
- Repair roof on remainder of building
- Enhance green space on exterior of building
- Work closely with SHPO to ensure that we are meeting National Park Service standards

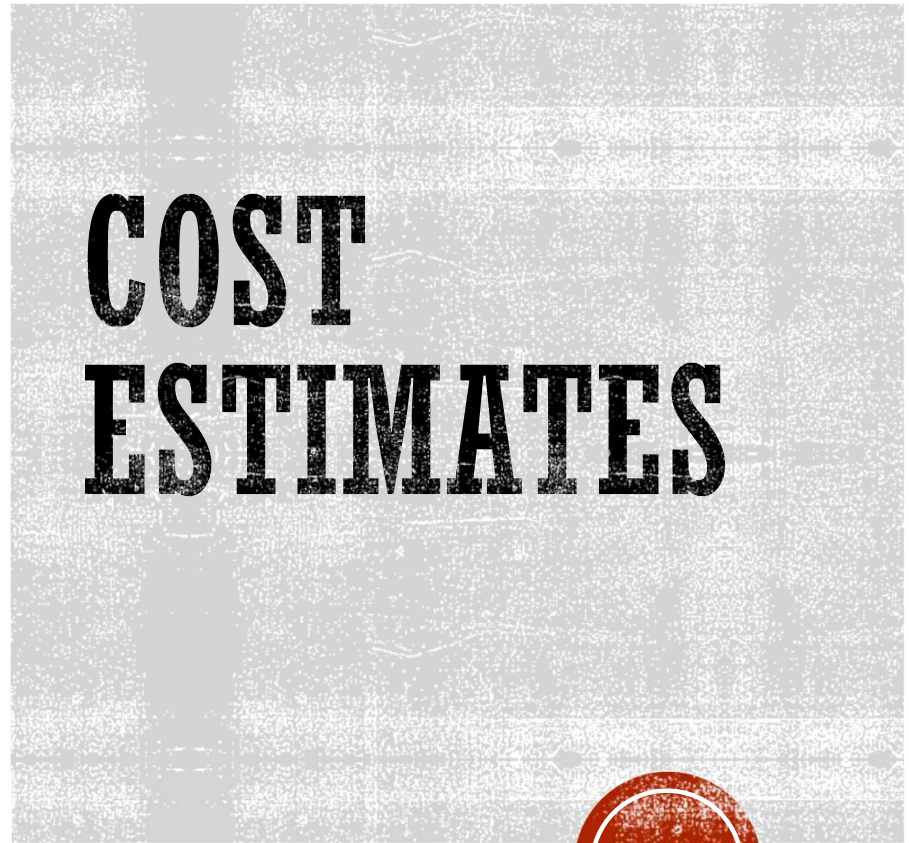
Phase II: Interior Retrofitting

- Updated design and engineering
- Community meeting space with restrooms
- 26 apartment units of varying sizes
- 10% (3 units designated as subsidized teacher housing)

OVERVIEW OF PROJECT



	Cost Estimate	Percent of Total
Phase I		
Repair Wall (priority)	75,000	1.5%
Demolition of roof (priority)	20,500	0.4%
New Trusses (priority)	45,000	0.9%
Roof side 1 (priority)	43,500	0.9%
Roof side 2	150,000	3.1%
Window replacement	300,000	6.2%
Total Phase I	634,000	13.1%
Phase II		
Plans & Engineering	250,000	5.2%
General Contracting	550,000	11.4%
Fees, Permits, Insurance	60,000	1.2%
Electrical	450,000	9.3%
Plumbing	450,000	9.3%
Flooring	240,000	5%
Framing	150,000	3.1%
Finishing	675,000	13.9%
Fire suppression	90,000	1.9%
Elevator	150,000	3.1%
Doors	120,000	2.5%
Cabinets, Counters	270,000	5.6%
Appliances	150,000	3.1%
Materials	600,000	12.4%
Total Phase II	4,205,000	86.9%
Total expenses	4,839,000	



MONTANA HISTORIC PRESERVATION GRANT APPLICATION

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Historic Photographs

Libby High School
Lincoln County, Montana

Page 11



Libby High School under construction in 1916. View to south.

Funded by Montana Legislature every other year. Funding would begin in Fall 2025.

Application due Feb. 29, 2024

Funds will be awarded to projects around the state based on strength of applications

Requests can be up to \$500,000
(20% match required)

Would use for Phase I costs to restore exterior

Supports the costs of meeting specific standards to remain on the National Register of Historic Places



COMMUNITY DEVELOPMENT FUNDING REQUEST



Request to be made at City Council on 2.5.24

Would allow priority phase I items to start right away

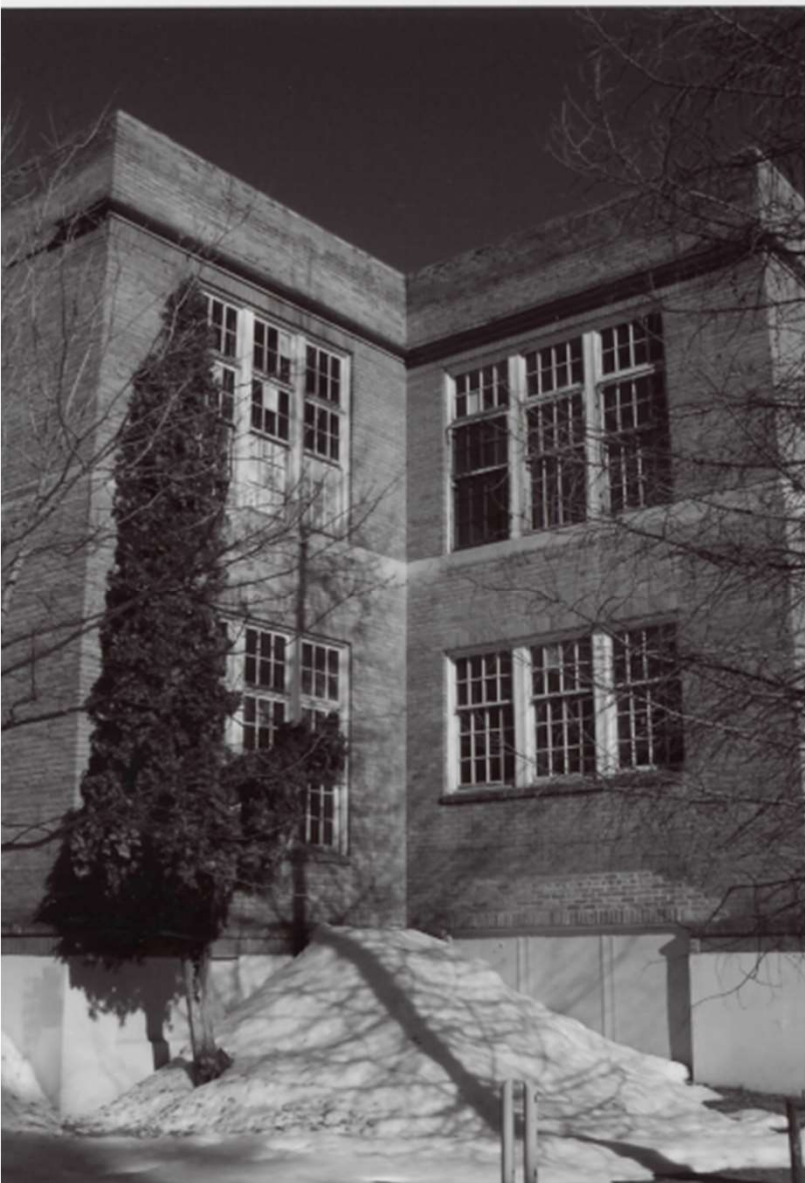
Requesting \$138,000 (match \$46,000) = \$184,000 for all priority items

Project to be insured to protect City and investors

Would bolster MHPG application by showing community buy in and serve as matching funds

Alternatives are being explored if funding is not approved





DEVELOPER'S CONTRIBUTION

Building and land ownership and maintenance

Traditional financing for phase II once building is stable

Commitment to subsidized teacher housing

Community meeting room with restrooms

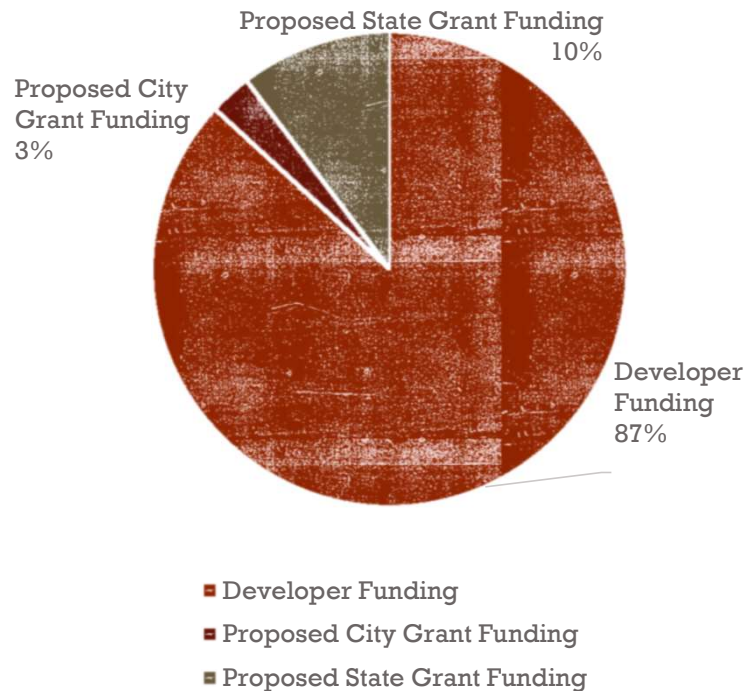
Public access to park area around building

Historical display for education/posterity

Insurance to protect investors



Proposed Funding Sources



\$4,201,000 developer investment. Funding will be secured using building/land as collateral

Return on Investment for use of community development funds

- Anticipated property tax revenue of \$15,000 annually
- Anticipated water and sewer revenue of \$24,500 annually (base sewer \$45.25, water \$33.48/ month)
- Increased property values in the downtown area
- Contribution to the local economy of over \$4 Million supporting jobs throughout construction
- Additional housing to support 26 families who will consume local goods and services
- Enhanced historical and architectural appeal of the area to attract tourism
- Improved area safety and aesthetics
- Investment in community infrastructure, potentially attracting additional investment
- Public amenities to foster community engagement including a free-to-use community room with restrooms and enhanced green space



PUBLIC BENEFITS

	Public Meeting on Environmental Assessment	Jan. 2024
	Open House	Jan. 2024
	Presentation to Libby City Council	Feb. 2024
	Historic Preservation Grant Due	Feb. 2024
	Begin construction on priority items	April 2024
	Possible grant funds awarded	Fall 2025
	Phase II construction begins	Spring 2026
	Phase II construction completed	Summer 2027

PROJECT TIMELINE

If the Montana Historical Preservation Grant is not funded, alternatives considered include tearing down the damaged part of the building, tearing down the whole building, restoring the building but not to National Park Service standards, or building other units on the property to help fund the main project.

Brown, Peter <pebrown@mt.gov>

Fri, Jan 26, 2024 at 10:57 AM

To: Tracy McNew <tjmcnew@gmail.com>, Zachariah McNew <zmcnew@gmail.com>

Tracy & Zach,

This email is to acknowledge your ongoing consultation with the Montana State Historic Preservation Office (SHPO) as you plan the rehabilitation of the National Register listed Libby High School. The school has been on SHPO's radar for two decades and we're pleased to see someone like you who sees the building's potential and has the aptitude to develop a plan and pursue funding. Our discussions so far lead me to believe that your work would result in retaining and reintroducing the building's historic architectural integrity. SHPO looks forward to continuing work with you as you plan your project, pursue grants, and federal rehabilitation tax credits.

Sincerely,

Pete Brown

State Historic Preservation Officer

**WORKING
WITH
EXPERTS**

16

PARTNER'S PROGRESSIVE CAPACITY FOR DEVELOPMENT OF BLIGHTED PROPERTIES



207 North 4th St. Troy

Completed

Converted the old senior center into senior friendly apartments



87 Woodland, Libby

Completed

A six plex that has received substantial remodel



414 Montana, Libby

Completed

An apartment building remodeled inside and out



Pioneer Junction Hotel

Fully funded – in progress

An abandoned hotel being converted to apartments

The following property is listed in the

National Register of Historic Places

The Nation's roll of heritage resources deemed worthy of recognition and preservation
in accordance with the National Historic Preservation Act of 1966.

Libby High School

SW Corner of Mineral Avenue and East Lincoln Boulevard, Libby

Listed on 20 August 2008



A blue ink signature of the Governor of Montana.

Governor of Montana

A black ink signature of the Montana State Historic Preservation Officer.

Montana State Historic Preservation Officer

Big Sky. Big Land. Big History.
Montana
Historical Society
State Historic Preservation Office

THANK YOU!

- If you or your organization would like to provide a letter of support for our grant application, it would be greatly appreciated!

- Q & A

**Preserving Legacy,
Building Tomorrow: Libby
High School – Where History
Lives On”**



Libby Lofts, LLC

Historic High School stabilization grant request

Date: 2-5-2024

Libby Lofts, LLC (LL) is formed as a 3-way partnership organized for the purpose of acquiring and redeveloping the Historic Libby High School, which is currently in great disrepair.

City Council Request:

LL is requesting \$138,000 from the City of Libby to apply to \$184,000 (partners will match \$46,000 which is 25%) of immediate repairs needed before the project can move forward and, most importantly, seek traditional financing for the major design, engineering, and construction. The LL partners have approached local banks to confirm the project eligibility and requirements of loan funds for the successful project completion.

Secondly, LL will apply for a Historic Preservation Grant in late February for \$500,000 to address the replacement of historic windows, a key item in maintaining the cultural integrity of the building. *A public-private partnership and input of public dollars will demonstrate public support, a critical part of the application.*

While LL is requesting \$138,000 from the City of Libby, our proposal is sharing the full project and costs to provide transparency, better clarity of the project details and evidence of project completion.

Use and Source of Funds:

Libby Lofts will use \$184,000 to immediately stabilize the exterior of the Historic Libby High School. The funds will specifically address the Phase 1 goals:

Use of Funds	Cost	Source	Amount
Part 1: Completion by Fall 2025			
Demolition/ disposal of damaged roof	\$20,500	Libby Community Development Fund	\$138,000
Repair of compromised exterior wall	\$75,000	Equity	\$46,000
Engineering and replacement of trusses	\$45,000		
Replacement of damaged roof	\$43,500		
Part 2: Completion by Fall 2026			
Replacing windows	Up to \$500,000	Historic Preservation Grant	Up to \$500,000
Remain design, construction, and engineering	\$4,155,000	Bank Financing – will require owner equity	\$4,155.00
Total Project	\$4,839,000		\$4,849,000

Additionally, security will be put in place to immediately address the continued vandalism of the structure.

Background of Historic Libby High School:

The High School was built in 1916 and added on to in 1926. It offers 27,240 sq feet of interior space and sits on 1.74 acres of land which includes a greenspace that functions as a community park. The building was a high school, an elementary school, and finally housed a community college until it was abandoned in 2000 and many locals have fond memories of its role in their childhood, some even on this council.

The historic Libby High School was placed on the National Register of Historic Places in 2008 after a three-year application process was finally approved by the National Park Service with the following statement:

“The historic Libby High School is an outstanding historic and architectural property that has been an anchor at the center of this community since its completion in 1916. Constructed at a time of burgeoning population growth and community maturation, the school reflected the prosperity and stability of this mining and logging region in northwestern Montana. Designed as a standout educational facility in its day, it incorporated many fine features intended to offer a broad and well-rounded experience to local students. For the role that it played in the educational history and community development of the town, and for its architectural values, the building is eligible for listing in the National Register of Historic Places.”

Origin 2008: Libby Lofts, LLC was established in 2008 when private entities purchased the historic Libby High School to construct condominiums. The project got off the ground successfully but the primary developer, Eric Berry, tragically died in a motorcycle crash in May of that year. Probate followed and the building remained abandoned for over 15 years leaving the remaining owner, Scott Curry, with an albatross, a bad taste in the mouths of investors, and a tarnish on Libby’s landscape.

2023: The project is now revitalized with a design and funding plan to transform the blighted property in the center of downtown Libby and remove the safety risks. Two additional local business partners bought into Libby Lofts, LLC. Brick Briar Development Group (Bruce Wetherby & Joan Oakland) and ZT Development (Zach & Tracy McNew).

Description of the Rehabilitation:

The goal of this project is to restore and preserve a prominent building in downtown Libby that is on the National Register of Historic Places. We will construct 26 apartments as well as a free-to-use community room with restrooms, retail space, and maintain a community park area. 10% of apartment units will also be reserved for subsidized teacher housing to support Libby Public Schools. The project is projected to be completed by summer of 2027. The total project will have 2 phases of construction.

Phase I:

The first phase of construction will be the restoration and stabilization of the historic high school’s exterior as illustrated in the Use of Funds Section. The green space that serves as a public park will remain open for public use and be enhanced with regular maintenance and landscaping.

Phase II:

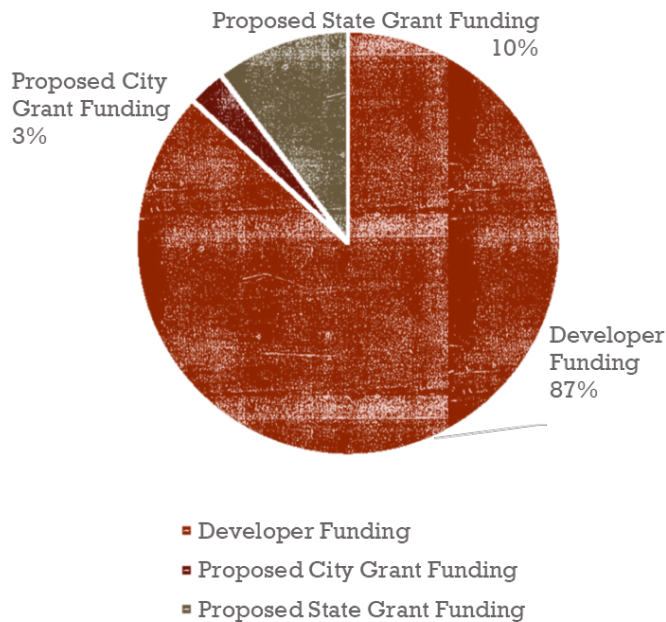
Second phase activities will address the design, engineering, and construction of the interior. The cost to complete the entire project is \$4,839,000 based on developer and contractor estimates. Please see the attached projected budget.

• Plans & Engineering	\$250,000
• General Contracting	\$550,000
• Fees, Permits, Insurance	\$60,000
• Electrical	\$450,000
• Plumbing	\$450,000
• Flooring	\$240,000
• Framing	\$150,000
• Finishing	\$675,000
• Fire Suppression	\$90,000
• Elevator	\$150,000
• Doors	\$120,000
• Cabinets/Counters	\$270,000
• Appliances	\$150,000
• Materials	<u>\$600,000</u>
	\$4,205,000

Projected Timing of the Project:

• Begin Phase I construction priorities	April 2024
• Possible MHPG funding awarded	Fall 2025
• Phase II construction begins	Spring 2026
• Total project completion	Summer 2027

To emphasize information presented on the Use and Sources table, Community Development grant funding would account for only 3% of the overall budget but is critical to springboard into the rest of the project. More specifically, the building asset is not suitable as collateral for financing in its current condition. Secondly, the \$138,000 grant will serve as a source of matching funds for our Montana Historic Preservation Grant application thus showing community support. This program, awarded by the state legislature for the most acclaimed preservation projects, is a highly competitive process. This will bolster the application's strength and improve the chances of funding.



The photo above shows the damage to this historic property that requires immediate attention to stop deterioration and restore the building's structural integrity.

Summary of Community Benefits:

Transforming a blighted unsafe building into a city asset will create community wide benefits in numerous ways as explained below.

Economic Value to the City: Total project costs with grant funds will aid in further economic development of the Libby area. The City of Libby will receive an accelerated return on investment with anticipated property tax revenues of \$15,000 annually plus \$24,500 annually in water and sewer fees (base sewer \$45.25, water \$33.48/ month) after the project is completed. The project is also expected to increase property values in the area thereby bolstering property tax income from surrounding properties. During the construction phase, over \$4 Million will be invested in the community supporting jobs with varying roles for at least 50 different people including local tradespersons and contractors.

Housing Opportunity: Once completed, much-needed additional housing will become available for 26 families who will contribute to the local economy by consuming local goods and services. Subsidized teacher housing will support the Libby Public Schools efforts to recruit skilled teachers.

Appeal of the City and Downtown District: Libby's historical and architectural appeal will increase the downtown area for visitors and locals, and the safety and aesthetics of the area will be significantly enhanced.

Catalytic Value: This large investment in infrastructure may attract additional investment in the downtown area as well.

Community Space: Maintained green space and a free-to-use community room are valuable public amenities that will foster community engagement for various events and gatherings.

Alignment with the City’s Growth Policy: The project is in direct alignment with Growth Policy supporting the following objectives:

- 1) Promote redevelopment of and use of vacant buildings and sites. (E-6)
- 2) Facilitate redevelopment and encourage development of blighted vacant or undeveloped land (L-1)
- 3) Encourage use of mixed development in the urban core(L-7)

Alignment with the City of Libby’s Policy and Use of Community Development Funds: This project aligns seamlessly with the Policy Objectives which states, “The City of Libby will vigorously maintain relationships with local agencies and private industry so that public/private partnerships are cultivated for the deployment of the funds on eligible projects.”

This project also directly meets the eligibility criteria stated in the Use of Funds section

- 1) supporting improvement of infrastructure in the downtown area within the City of Libby by restoring and preserving a historically significant building
- 2) enhancing the City’s recreational and tourist opportunities because of its architecture and historical relevance as well as the public spaces that will be created and maintained.
- 3) Enhancing the City’s appearance and functionality by transforming a blighted property into a historical and community focal point

In Closing:

We recognize this is an ambitious project but have full confidence in the experience, capacity, and willingness of the partner structure to take on the effort and financial risk. We acknowledge past challenges with this property, and rebuilding community trust is of prime importance to us along with historical preservation and community engagement. We thank you for your letter of support for our Montana Historical Preservation Grant (MHPG) application which will allow us to go the extra mile restoring the High School to its historic look and feel and preserving its important history. The MHPG funding opportunity supports the preservation of historically significant places for their intrinsic value to the communities they represent underscoring the importance of preserving local history and culture.

The bonus of maintaining the property’s status on the National Register of Historic Places will ensure the long-term preservation of an important piece of Libby’s history and culture. As described in the Community Benefit section, the city’s investment in this project would likely be returned in revenues in less than four years following the project’s completion. Libby Lofts is also open to working with the City to develop an agreement for replenishment of the grant funds upon completion of the project. This grant is a strategic investment opportunity for the city of Libby that will increase revenues in the short and long term. It will also facilitate the preservation of an important piece of the City’s history. These outcomes align perfectly with the City’s intended use of Economic Development Funds. In addition, these grant funds will

significantly bolster our application for the Montana Historic Preservation Grant thereby increasing the likelihood that state historical preservation funds will be invested in the City of Libby.

Thank you for your time and consideration of the request. Please reach out with any questions.

Contact:
Tracy McNew, Libby Lofts, LLC
(818) 917-5298
info@libbylofts.com





CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

| PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

LIBBY, MT. 59923 | PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: www.cityoflibby.com

Dear Grant Committee Members,

The City of Libby supports the Historic Hotel Libby Rehabilitation Project located at 302 California Avenue in Libby. We believe that completion of this project would be a positive aspect to our community.

Currently The Friends of Historic Hotel Libby, a 501 C3 is seeking funding for exterior rehabilitation, a project costing approximately \$750,361.00.

Listed on the National Register of Historic Places in 2012 the hotel is one of the City's oldest historic landmarks, it opened as a hotel in 1910. As representatives of our community and its residents we would like to see the restoration project completed so the structure remains a cultural reminder of Libby's past as well as adding needed accommodations to our community and contributing to the revitalization of one of its primary travel corridors.

To that end, we support the Historic Hotel Libby Rehabilitation Project and urge your support through the award of this grant with appropriate oversight to an entity with an established track record of successful grant administration and project management.

Sincerely,

Peggy Williams

Mayor, City of Libby



Historic Hotel Libby

New Roof Project 2023

Dear Friends,

Friends of Historic Hotel Libby (FHHL), a 501(c)(3) organization #47-2333758, is requesting the Community Development Fund consider a grant in the amount of \$9,000.00.

As you may know FHHL has been working on our new roof, the total cost was \$217,075.00, MHPG granted \$173,659.00. Our Match was \$43,415.00: FMH \$10,000.00, SRF \$10,000.00, TTF \$10,000.00, RUFS 2,000.00, Fundraising/Donations \$11,415.00. This project is a game changer for Historic Hotel Libby (HHL) as we continue our project into 2024.

Our Project is on budget and ahead of schedule. The roof project encountered some interesting additional fixes that could not have been foreseen and additional repairs were required during the roof project at a cost of \$18,000.00 we have \$9,000.00 left to cover. Our roofing crew has done a phenomenal job and did several extra fixes/ demos at no extra cost, that being said the others were expensive and had to be done. The repairs included reconnecting a lower roof to the building, roof damage to area around the old chimney, repairs to dormers, repairs to edge the entire length of the California side of roof, as well as about a dozen other small but time-consuming fixes that they did to ensure no future issues.

This HHL project had a strong local economic impact, just under \$60,000.00 was added to our community in 11 weeks in the form of lumber and supplies purchased, Gas, 7 Airbnb's (\$13,860.00), groceries, restaurants, equipment purchases for the company (Generator & Air compressors), clothing and other items to take home to their families. We look forward to all our future projects making a significant economic impact in Libby.

We are excited to be rapidly moving forward toward full restoration and closer to opening the Hotel as a Historic Hotel with 22 guest rooms and a Living Museum Component.

Historic Hotel Libby is 125 years old. Constructed at the height of regional post-railroad boom, as logging and mining communities grew, the hotel reflected the town's civic development and growing importance in the area. Important political, economic, and social events occurred at Hotel Libby. It remains a prominent landmark at the northern entrance to Libby.

Designed as the first "Show Hotel" in the area, it was billed as the finest hotel from Spokane to the Dakotas. Hotel Libby received Historical status in 2012 and is being rehabilitated to its 1930's grandeur.

"Together we can bring history to life."

Thank you for your time and consideration,

Gail Burger

<https://www.facebook.com/pages/Hotel-Libby/433336975296?ref=hl>

*Historic Hotel Libby
302 California Avenue
Libby, Montana 59923
406-293-5311*

1/18

tore off
Resheathed
and dry in
1/2 the Roof

1 Repair
2000

Repair 2 1000

Repair 3
900 labor
100 supplies

4 Repair
4500 labor
500 supplies

