



# City of Libby Libby Montana

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## REGULAR COUNCIL MEETING #1666 MONDAY, DECEMBER 2, 2024 @ 7:00 PM COUNCIL CHAMBERS – CITY HALL

### **CALL TO ORDER:**

- Pledge of Allegiance
- Prayer by Bill Sonntag
- Roll Call
- Welcome/Announcements
- Approve minutes for Regular Council meetings #1663 held October 21, #1664 held November 4, Special Council meeting held November 18, and #1665 held November 18, 2024

### **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. Heritage Museum Montana State Tourism Grant update /approve support letter request (Sherry Turner).
2. Approve Pure North facilities contract update.
3. Approve submission of **2025 Road to Zero Community Traffic Safety Grants**.
4. Approve Resolution # 2050, Authorization to Submit MCEP Infrastructure Planning Grant Application for Wastewater Preliminary Engineering Report.
5. Approve award of bid for Spruce Street reconstruction using SLIPA funds.
6. Approve Streets committee recommendation for reduction of speed on Mineral Avenue from 25mph to 20 mph beginning at 8<sup>th</sup> Street and continuing to 1<sup>st</sup> Street.
7. Approve stop sign placement at 4<sup>th</sup> and Mineral.
8. Approve stop sign placement at 6<sup>th</sup> and Mineral.
9. LOR offer to grant fund crosswalk flags for Mineral Avenue-update.
10. Approve Ordinance #2045 Aggressive Solicitation and adding definitions to same (first reading).
11. Approve Ordinance #2046 Urinating and Defecating in Public Places (first reading).
12. Approve Ordinance #2047 Camping, Sleeping, Motor Vehicles and Storage of Personal Property and Adding Definitions to Same (first reading.)
13. Approve Ordinance #2048 Parking violations fee schedule (first reading).
14. Approve Ordinance #2049 Amending Title 17, Chapters 12, 16, 17 and 20 Entitled "RESIDENTIAL A, RESIDENTIAL B, RESIDENTIAL C AND BUSINESS RESIDENTIAL (First Reading).
15. Approve all claims received to date.
16. Approve all business licenses received to date
  - a. Libby Pawn, 116 E 9<sup>th</sup> St., LLC, Pawn shop.
  - b. Jessica's Odd Jobs, 91 Logger Lane, Individual, Seamstress, light snow removal, light house work, light yard work, light vehicle cleaning, babysitting kids or dogs, simple painting.
  - c. Ortho-Apothecary Massage, Studio B 216 W 9<sup>th</sup> St., Individual, Orthopedic massage therapy.

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

Discussion to amend Libby Development Fund Policy and application process.

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

**ADJOURNMENT:**

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.

- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

**ATTENTION:**

To access this meeting electronically with **ZOOM**,  
Dial: 253-215-8782  
Meeting ID: **4042719951**  
Password: **151041**  
**Posted:** 11/27/24

## UNAPPROVED MINUTES

The Libby City Council held regular meeting #1663 with Annexation Request Public Hearing on Monday, October 21, 2024, in Council Chamber at Libby City Hall.

### **Call to Order:**

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

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

**Announcements:** Mayor Williams announced the annual leaf pickup would be October 23<sup>rd</sup>, 24<sup>th</sup> and November 13<sup>th</sup>, 14<sup>th</sup>.

### **Committee Reports:**

**Administrator:** Administrator Sikes reported no building permits were sold in the month of October. The Water Treatment Plant purchased a new replacement pump and will be hiring an electrician to get it installed. The Lead Service Line Survey has been submitted to the DEQ.

**Ordinance:** Councilor K. Smith announced a meeting has been scheduled for Wednesday, October 23<sup>rd</sup> to review some proposals from Chief Ercanbrack on adding provisions to the city code to address some quality-of-life issues.

**Building:** Councilor Taylor reported, still working on the lease agreement with Pure North and will be working with Leann to get it out for Council Review.

**Water/Sewer:** Councilor Zimmerman reported the crews are still working on the water/sewer project behind Johnny's.

**Wildlife:** Mayor Williams announced the city is still working on figuring out how to facilitate filling the Turkey permits Mr. Taylor was able to obtain back in the spring to reduce the excess turkey population around town, will be talking to Mr. Chisholm later in the week.

**Public Comment on Non- Agenda Items:** None

**Old Business:** None

### **Public Hearing – Annexation Request:**

Mayor Williams called the Public Hearing to order at 7:06pm.

Mr. Sikes explained an annexation request was received June 10<sup>th</sup> from Mr. Clark for services at the pickleball court across from City Hall. A waiver of annexation was signed and submitted to the Zoning Committee to zone the property. Now, it has come back to the City Council to approve an Intent Resolution and hold a public hearing to annex the property.

Council K. Smith clarified that the waiver is a waiver of the right to protest, when a customer wants services, they waive the right to protest annexation in the city.

Mr. Sikes added, to be annexed they must receive at least two of the four connections, water, sewer, street connectivity or storm water. If they only receive one, they still need to complete the waiver of non-protest to annexation that is recorded with the County and in the future if that property gets connectivity from one of the other three, it would then be annexed.

### **Public Comment:**

DC Orr, 1117 Nevada Ave., commented he feels his rights were violated while trying to speak at the Zoning Committee meeting. Councilor Smith and Zimmerman are members of KRDC and Mr. Orr feels it is a conflict of interest, KRDC had a \$65,000 water bill and refused to pay it and thinks the County has taken advantage of the city. Since the property was once owned by the Port Authority and they have a sewer system, the Port should be responsible for connecting their sewer system to the property.

There were no other public comments.

Mayor Williams closed the Public Hearing at 7:12pm.

### **New Business:**

#### **Approve Resolution #2042 intent to annex:**

Mayor Williams read Resolution #2024.

Councilor K. Smith **MADE A MOTION** to approve resolution 2042 intent to annex, Councilor Zimmerman **SECONDED**.

Councilor Taylor inquired why the request was coming to the Council in October if it was requested on the 10<sup>th</sup> of June. Mr. Sikes explained, all waivers of non-protest of annexation must be reviewed to make sure they are complete before they are handed off to the Committee, the Committee accepts them once it is a complete package, then makes a recommendation to Council.

Councilor Taylor inquired if the building was built to city code. Mr. Sikes explained commercial buildings are inspected by the state and the city code is the state code for commercial buildings.

DC Orr, 1117 Nevada Ave., commented his constitutional rights were violated when trying to speak at the Zoning Committee meeting and feels the Zoning Committee approved this under illegal terms.

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

## **MOTION PASSED**

### **Analysis of Brownsfields Cleanup Alternatives (ABCA) document for the Historic Hotel Libby. Colleen Owen, Brownsfield Coordinator, Montana Department of Environmental Quality (information).:**

Mayor Williams introduced Colleen Owen, Brownsfield Coordinator with the Montana Department of Environmental Quality.

Colleen Owen explained she came to the City Council to inform them of a document called Analysis Brownfield Cleanup Alternatives and to support the Friends of Hotel Libby who are submitting a great application to EPA for a site-specific cleanup grant for the hotel.

Montana DEQ Brownfields Program obtains grant funding associated with the bipartisan infrastructure law and have been using that on a number of projects in Montana for the last couple of years. The Historic Hotel Libby, one of the projects, has completed phase one and phase two investigations, which includes a cost estimate for the abatement of all hazards building materials associated within the hotel. The funding will go towards the removal of exterior asbestos siding and lead based paint on the original siding of the hotel. There is not enough funding in the grant to address the interior cleanup, Friends of Hotel Libby will be pursuing site specific cleanup grants from the EPA to conduct the necessary cleanup before renovation construction can be done safely. Ms. Owen explained the requirement of the grant application.

DC Orr, 1117 Nevada Ave., commented that while dealing with Ms. Owen on the feasibility study for the Asa Wood County consolidation issue Mr. Orr did not receive information from Ms. Owen, that was promised to him and believes she is unreliable.

### **Approve \$25,559.00 LOR Grant Purchase to purchase a storage shed and equipment for use at the Libby Gun Range to both expand law enforcement training opportunities and begin firearm safety programming for the community:**

Chief Ercanbrack explained a new shed at the gun range would improve community relationships and officer training, providing a safe space for firearm manipulation and training, store targets and other supplies needed for the range. Hunters Ed will be able to host gun safety education and other classes at the Police Department's range.

Tabitha Viergutz with the LOR Foundation explained a funding request was received from Chief Ercanbrack and was approved October 15<sup>th</sup> for the purchase of the storage shed and equipment to be used at the Libby Gun Range. The commitment to the dollar amount was \$25,559 and the term end date on that grant would be August 31, 2025, pending completion of all expenditures in the grants budget. This grant was approved and is just waiting for Council approval before we issue a contract and payment.

Councilor I. Smith inquired about the shed and the targets already out there. Chief Ercanbrack explained the current shed is slowly falling apart, the new shed made by Tuff Shed would allow all the items stored out there to be protected. Also explained there were still plenty of paper targets, steel targets are well maintained, there is an additional steel rack as well as a Texas Star and spinner LOR is helping purchase.

Councilor Zimmerman **MADE A MOTION** to approve the LOR grant purchase in the amount of \$25,559 for the Libby City Police Department at the Libby gun range, Councilor K. Smith **SECONDED**.

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

#### **MOTION PASSED**

#### **Approve Lease Contract – Department of Justice/Highway Patrol.:**

Ms. Monigold explained this was a standard lease similar to the lease with the Department of Revenue, with an increase of 1.5% a year. The current rate was given to their accounting department and the updates were made.

Councilor Zimmerman **MADE A MOTION** to approve the lease contract with the Department of Justice, Highway Patrol, Councilor Berke **SECONDED**.

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

#### **MOTION PASSED**

#### **Zoning districts: Residential A, A2, B, and Residential Business (Discussion:**

Councilor K. Smith presented a PowerPoint presentation explaining the Zoning Commission's update recommendations for Residential A, A2, B and Residential Business Districts. Ms. Smith described the key changes that included adding purpose statements, reorganizing performance standards, and restricting outdoor storage (location and type). The Zoning Commission suggests Business Residential be renamed Residential Business to emphasize it is residential first and businesses must be given permission by the City Council. Ms. Smith showed examples of items that may be considered disruptive in residential neighborhoods.

DC Orr, 1117 Nevada Ave., commented disagreeing with the Zoning Commissions actions and inquired why minutes for the meeting were not available.

Roberta McCann, 270 Indian Pipe Road, commented defending the Zoning Commission on the suggestions that are made and how the Commission does listen to the public.

**First quarter budget/financial report:**

Ms. Monigold reported the revenue for the budget should be about 25% in the first quarter, most of the revenue is 25% except for property taxes which will be received in December. Several revenue items are only an estimate of what may be received based on the last 4-year average, such as cemetery, opening and closing, and camping fees. On the expenditure side, all departments are doing well and the items around 25% are ones easily budgeted like contracts, telephone, and electricity. Noting the line for miscellaneous under the general fund is a little higher than 25%, that is where the yearly liability insurance and similar expenses come from.

DC Orr, 1117 Nevada Ave., commented why there has been no cannabis tax received that is budgeted at \$13,000.

Mayor Williams explained cannabis tax is paid quarterly; the first disbursement was just over \$4000, and the amount just received for the second quarter was surprisingly higher. Ms. Monigold confirmed the first quarter at \$4564 and the amount just received was around \$10,342. Councilor Berke pointed out it will always show a zero in the current month on the budget during the quarterly report.

**Approve all claims received to date:**

Councilor Zimmerman **MADE A MOTION** to approve all claims received to date and Councilor I. Smith **SECONDED**.

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

**MOTION PASSED.**

**Unfinished Business:**

**Discussion to amend Libby development Fund Policy and application process:**

Mayor Williams stated an email was sent to inform the Council she had touched base with Christy Dawson from Montana West Economic Development and will have a special workshop meeting on November 4<sup>th</sup> to detail what they do. It is informational only and no decisions will be made.



**General Comments from Council:**

Mayor Williams reminded Council Dan Clark is scheduled for Council Training on October 29<sup>th</sup> at 6:00 pm and she has arranged something to eat prior to the training.

**ADJOURNMENT:**

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

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

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:51pm.

\_\_\_\_\_

Mayor Peggy Williams

Attest: \_\_\_\_\_

Clerk/Treasurer Leann Monigold

# LEASE

**THIS AGREEMENT** is made and entered into this 2<sup>nd</sup> day of December 2024, by and between the Lessee City of Libby, P.O. Box 1428, Libby, MT 59923, (hereinafter called “City”); and Lessor Pure North, INC, a Montana Corporation DBA: Montana Athletic Club-Libby, 952 East Spruce, Libby, MT 59923, (hereinafter called “MAC”).

## WITNESSETH:

**WHEREAS**, City owns a building known as the City Hall located on Tracts A, B, and C, Health Care Tracts, Libby, Montana, together with described land area; and,

**WHEREAS**, MAC desires to lease a portion of the premises;

**NOW, THEREFORE**, in consideration of the rent to be paid and covenants to be performed, all as more particularly hereinafter set forth, the parties agree as follows:

### 1. DESCRIPTION OF LEASED PREMISES

City has demised, leased and let, and by these presents does demise, lease and let, unto MAC the property herein after described located in Lincoln County, Montana:

That portion of the City Hall building designated on attached Exhibit A, a part of the City Hall building.

**TO HAVE AND TO HOLD** the premises unto MAC, its successors and assigns, for the term of this lease, including renewals, if any, as hereinafter set forth.

### 2. TERM

The primary term of this lease shall begin on the 1<sup>st</sup> day of January 2025 and end on the 31<sup>st</sup> day of December 2026.

### 3. OPTION TO RENEW LEASE

MAC shall have the option to renew this lease for three (3) two-year terms. MAC may do so by giving written notice of the intent to exercise the option no more than nine (9) months nor less than six (6) months prior to the expiration of this lease. Each such renewal shall include a 5% increase in the rental payment.

### 4. RENTAL

MAC is leasing the portion of the building in order to operate an athletic club, with related activities. MAC shall pay as rent for the leased premises the sum of One Thousand Sixty-four and 09/100 Dollars (\$1,064.09) per month, payable on the 1<sup>st</sup> day of each month starting January 1, 2025.

**5. PARKING**

MAC shall have the right to use the existing parking facilities at City Hall for its business, provided, however, that MAC shall make all efforts not to disrupt or interfere with the parking rights of other tenants of the building.

**6. INSURANCE AND DESTRUCTION OF THE PREMISES**

City shall maintain fire and extended coverage insurance upon the premises and contents herein demised. MAC shall maintain its own insurance on the contents of the building and for the protection of its own property if MAC desires such additional coverage. Notwithstanding any provisions hereof, in the event the demised premises are substantially destroyed by fire or the elements, City shall have the option of determining whether or not to repair and refurbish the said premises and restore them to substantially the original condition. If City chooses not to repair or refurbish the building, then this lease shall automatically and forthwith be terminated.

MAC shall maintain a policy of Comprehensive General Liability Insurance, including the City as a named insured thereon, and providing for insurance against claims arising out of injury or death to members of the general public up to Two Million Dollars (\$2,000,000.00) per person, Two Million Dollars (\$2,000,000) per accident, and up to Two Million Dollars (\$2,000,000) for damage to the property of others as the result of or by reason of any claimed injury, act or neglect on or about the premises.

**7. UTILITY EXPENSES AND TAXES**

MAC shall pay \$200.00 per month for sewer and water utility use. MAC shall pay 40% of the total electric bill for the City Hall building. MAC shall pay the costs of all telephone services, including installation and wiring costs, if MAC desires telephone service. MAC shall pay for all janitorial services which it might use.

MAC shall pay all taxes applicable to its business or this lease.

**8. USE AND CONDITION OF PREMISES**

MAC contemplates using the demised premises for an athletic club and related activities. No other use of the premises shall be permitted without the prior written consent of City. MAC shall not cause or permit objectionable conduct on or around the premises. Objectionable conduct means behavior which interferes with the right of others to properly and peacefully enjoy the area, or causes conditions that are dangerous, hazardous, unsanitary and detrimental to other occupants of City Hall or its invitees.

**9. MAINTENANCE**

City shall at its own expense maintain the building. However, if damage occurs to the building so as to ordinarily require repair or maintenance by City, but such damage is caused by the negligence or fault of MAC, MAC shall repair the same in as good, satisfactory and workmanlike manner at MAC's expense. MAC shall surrender the leased premises to City upon

termination of this lease in as good a condition as it now is, reasonable wear and tear alone excepted.

**10. IMPROVEMENTS, ALTERATIONS, FIXTURES AND SIGNS**

MAC is specifically authorized to make tenant improvements upon the premises herein demised, but only upon receiving the written consent of City. MAC is specifically authorized to install equipment for use in its business. Such improvements, if any, shall be made in good and workmanlike manner and shall be made with due regard for the basic structure and condition of the premises. All such installations shall remain the property of MAC, and upon termination of this lease MAC shall have the right to remove such installations as are owned by it. Such removal shall be accomplished in the manner reasonably calculated to do the least damage to the demised premises, and MAC shall be obliged to restore the premises to substantially their original condition, reasonable wear and tear alone excepted. All costs of such removal and restoration shall be borne by MAC. Any of MAC's property or installations remaining in the premises after the termination of this lease may, but need not be, deemed to be abandoned if City so elects.

**11. SAVE HARMLESS**

MAC shall save City harmless from any and all liability, damages, or claims of damages of any nature or description for injuries arising out of or in connection with the operation of MAC's business, or any other business upon the demised premises.

**12. SUBLETTING OR SUBLEASING**

MAC may not sublet the premises or assign this lease without the prior written consent of City.

**13. DEFAULT**

In the event the MAC shall commit or suffer any waste to be committed in or upon said premises, or if default shall be made by MAC in the performance or observance of any other covenant or agreement or condition of this lease, or if MAC shall be dispossessed, or if MAC shall at any time make general assignment for the benefit of creditors, or if MAC shall make an insolvent assignment, or if MAC shall file a voluntary petition in bankruptcy or be adjudged a bankrupt, and in the event that such default or condition, or any of them, shall exist for a period of thirty (30) days, then City may give MAC written notice of such default. Said notice shall be deemed delivered when deposited in the United States mail, properly sealed, stamped and addressed to MAC at the address set forth for MAC at the beginning of this lease.

In the event the default or defaults are not cured in their entirety within thirty (30) days after the delivery of the notice, the City, its successor or assigns, may reenter the demised premises and take and hold full and complete possession thereof without such reentry working a forfeiture of the rents to be paid or the covenants to be performed. Thereafter, City may recover from MAC such damages as City may have suffered by reason of such default, together with attorney fees and other costs. City agrees, however, to take all reasonable steps to minimize the damages.

In the event the above default or defaults are not cured within the thirty (30) day period, City may, also at its option, without any further notice, reenter the demised premises and cancel and terminate this lease.

MAC expressly waives any notice of proceedings required by law to be given or taken preliminary to reentry by City in the event of default, save and except for the thirty (30) day notice hereinabove described.

**14. TIME OF ESSENCE**

Time shall be of the essence of this lease and all the terms, covenants and conditions hereof shall be performed at or before the times herein set forth. Any forbearance on the part of City in the enforcement of the terms and conditions of this lease shall in no way be construed as a waiver of default thereof or waiver of the obligatory effect of such provision.

**15. ATTORNEY FEES**

If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and necessary disbursements in addition to any other relief to which such party may be entitled.

**16. CONSTRUCTION AND BINDING EFFECT**

This lease shall be construed under the laws of the State of Montana and shall be binding upon and inure to the benefit of the respective parties, their heirs, executors, successors and assigns.

**IN WITNESS WHEREOF**, the City and MAC have caused their proper offices and agents to execute this lease on the day and year first above written.

**LESSEE  
CITY OF LIBBY**

By: \_\_\_\_\_  
Peggy Williams, Mayor

Attest: \_\_\_\_\_  
Leann Monigold, City Clerk

**LESSOR  
MONTANA ATHLETIC CLUB – LIBBY**

By: \_\_\_\_\_  
Ericka Hartley, Director

**ADDENDUM TO LEASE  
MONTANA ATHLETIC CLUB**

The City of Libby agrees to grant to the Montana Athletic Club first rights of refusal should the City Hall facility ever be offered for sale in the future.

Dated this \_\_\_\_\_ day of December 2024.

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

\_\_\_\_\_  
Leann Monigold, City Clerk

\_\_\_\_\_  
Ericka Hartley, Director, MAC

## **2025 Road to Zero Community Traffic Safety Grants**

Ends on Fri, Jan 17, 2025, 11:00 PM

Application deadline is **January 17, 2025, at 11:59 pm Eastern**

### **2025 Road to Zero Community Traffic Safety Grants**

**Road to Zero Coalition:** Launched in 2016 as a partnership between the U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) and the National Safety Council (NSC), the Road to Zero Coalition has the goal of ending fatalities on our nation's roads by 2050. Tens of thousands of people die on U.S. roads in preventable crashes each year, with record high numbers of deaths for pedestrians and cyclists seen in recent years. To address this devastating reality and work towards a safer future, the Road to Zero Coalition, made up of over 1,800 member organizations, brings a cross-sector approach to implementing proven techniques. RTZ shares innovative research and actionable information, and advances the conversation around transportation safety through its three-pillar, multi-modal framework focused on:

- Doubling down on what works through proven, evidence-based strategies
- Advancing life-saving technology in vehicles and infrastructure
- Prioritizing safety by adopting a [Safe System Approach](#) and creating a positive safety culture

**Road to Zero Grant Program:** The Road to Zero Community Traffic Safety Grant Program is focused on supporting innovative and promising approaches for implementing evidence-based countermeasures, supporting a Safe System approach, and performing necessary research to address traffic fatalities and serious injuries, and disparities in mobility safety and access. [Learn more about the Road to Zero Grant Program](#) and the work of previous grantees.

- Proposals should demonstrate the promising nature of the countermeasure by describing the innovative implementation approach, citing the evidence of effectiveness or identifying how effectiveness will be evaluated, and/or discussing how the project fills a gap or addresses existing disparities in traffic safety.
- Proposed projects should have measurable objectives and generalizable results. That is, projects should demonstrate innovative approaches that could be replicated in other locations or scaled up to a broader level.
- The scope of work should be realistically achievable within a one-year time frame; funded extensions are not available.
- Proposals from past Road to Zero grantees are acceptable. They may be for new projects or for additional innovations on the previous project (i.e. phase #2) but not a continuation of any current or previous project.

### **Eligibility**

- Applicant must be a [Road to Zero Coalition Member](#)
- Applicant must be a non-profit organization or other entity. Individuals cannot apply.

- Government Entities (cities, states, counties, governors' safety offices, etc.) also qualify.
- Proposed programs must operate within the United States.
- Federally recognized Indian Tribes, Tribal Organizations, and Urban Indian Organizations are also eligible.

### **Funding**

- Organizations may apply for a one-year grant.
- Supplanting is prohibited. "Supplanting" is defined as the "Use of Federal funds to support personnel or an activity that is already supported (paid for) by any other funds".
- Proposals selected will be reimbursed for mutually agreed grant expenses.
- Awarded grants are contingent upon the availability of funds; awards may be given in the range of \$50,000 - \$200,000.

### **Timeline**

- **Grant applications are due by January 17, 2025 at 11:59 pm Eastern. This deadline is firm and cannot be extended.**
- Grants will be awarded beginning in Spring 2025.
- Grant work will have an expected completion date of on or before one year after the date of the award.



**RESOLUTION NO. 2050**

**AUTHORIZATION TO SUBMIT MCEP INFRASTRUCTURE PLANNING GRANT APPLICATION**

**WHEREAS**, the City of Libby is applying to the Montana Department of Commerce for financial assistance from the Montana Coal Endowment Program (MCEP) to prepare a Preliminary Engineering Report for the Wastewater System; and

**WHEREAS**, the City of Libby agrees to comply with all State laws and regulations and the requirements described in the MCEP Administrative Guidelines & Application for Infrastructure Planning Grants specifically, and those that will be described in the MCEP Project Administration Manual generally; and

**WHEREAS**, the City of Libby commits to provide the amount of matching funds as proposed in the MCEP application; and

**WHEREAS**, the City of Libby commits to provide any funding from other grant sources listed in the application budget if not awarded by those grant sources.

**NOW THEREFORE, BE IT RESOLVED**, that Peggy Williams, Mayor, is authorized to submit this application to the Montana Department of Commerce, on behalf of the City of Libby, to act on its behalf and to provide such additional information as may be required.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY** this 2nd day of December 2024.

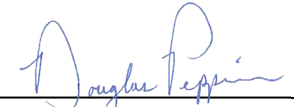
Attest:

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

\_\_\_\_\_  
Leann Monigold, Clerk/Treasurer

**BID TABULATION**

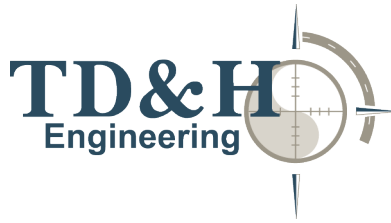
BID SCHEDULE 1				ENGINEER'S ESTIMATE		THOMPSON CONTRACTING		NOBLE EXCAVATING	
ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
101	Mobilization (5%)	1	LS	\$ 12,300.00	\$ 12,300.00	\$ 8,000.00	\$ 8,000.00	\$ 13,500.00	\$ 13,500.00
102	Traffic Control	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00
103	Consturction Surveying	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 9,500.00	\$ 9,500.00	\$ 12,000.00	\$ 12,000.00
104	Demolition	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 19,000.00	\$ 19,000.00	\$ 12,000.00	\$ 12,000.00
105	Erosion and Sediment Control	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 3,500.00	\$ 3,500.00	\$ 1,500.00	\$ 1,500.00
106	Paint Striping and Signage	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 5,750.00	\$ 5,750.00	\$ 530.00	\$ 530.00
107	Roadway Excavation	1,265	CY	\$ 25.00	\$ 31,625.00	\$ 13.00	\$ 16,445.00	\$ 10.00	\$ 12,650.00
108	Recycled Subbase Material (6" depth)	330	CY	\$ 37.50	\$ 12,375.00	\$ 28.00	\$ 9,240.00	\$ 42.00	\$ 13,860.00
109	Geotextile Separation Fabric	1,980	SY	\$ 2.50	\$ 4,950.00	\$ 2.00	\$ 3,960.00	\$ 2.00	\$ 3,960.00
110	Imported 3" Subbase (9" depth) - Roadway	495	CY	\$ 50.00	\$ 24,750.00	\$ 45.00	\$ 22,275.00	\$ 42.00	\$ 20,790.00
111	Imporated 3/4" Minus Crushed Base (6" Depth) - Roadway	330	CY	\$ 60.00	\$ 19,800.00	\$ 49.00	\$ 16,170.00	\$ 45.00	\$ 14,850.00
112	Asphalt Concrete Pavement (4" Depth)	1,637	SY	\$ 22.50	\$ 36,832.50	\$ 35.00	\$ 57,295.00	\$ 31.00	\$ 50,747.00
113	Imporated 3/4" Minus Crushed Base (6" Depth) - Sidewalk	49	CY	\$ 60.00	\$ 2,940.00	\$ 160.00	\$ 7,840.00	\$ 38.50	\$ 1,886.50
114	Standard Sidewalk (4" Depth)	291	SY	\$ 75.00	\$ 21,825.00	\$ 78.00	\$ 22,698.00	\$ 87.45	\$ 25,447.95
115	Concrete Approach	23	SY	\$ 110.00	\$ 2,530.00	\$ 150.00	\$ 3,450.00	\$ 159.50	\$ 3,668.50
116	Curb and Gutter	960	LF	\$ 45.00	\$ 43,200.00	\$ 40.00	\$ 38,400.00	\$ 49.50	\$ 47,520.00
117	Standard Curb	36	LF	\$ 45.00	\$ 1,620.00	\$ 40.00	\$ 1,440.00	\$ 49.50	\$ 1,782.00
118	8" Storm Drain Pipe	24	LF	\$ 65.00	\$ 1,560.00	\$ 150.00	\$ 3,600.00	\$ 80.00	\$ 1,920.00
119	12" Storm Drain Pipe	35	LF	\$ 75.00	\$ 2,625.00	\$ 160.00	\$ 5,600.00	\$ 90.00	\$ 3,150.00
120	Storm Drain Inlet	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 2,500.00	\$ 5,000.00	\$ 7,000.00	\$ 14,000.00
121	Connect to Existing Storm Drain Manhole	2	EA	\$ 500.00	\$ 1,000.00	\$ 900.00	\$ 1,800.00	\$ 1,033.00	\$ 2,066.00
122	ADA Tactile Warning Strips	2	EA	\$ 400.00	\$ 800.00	\$ 1,500.00	\$ 3,000.00	\$ 660.00	\$ 1,320.00
123	Adjust Existing Valve Box Rim Elevations	1	EA	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 361.00	\$ 361.00
124	Adjust Existing Manhole Elevations	2	EA	\$ 750.00	\$ 1,500.00	\$ 750.00	\$ 1,500.00	\$ 520.00	\$ 1,040.00
125	Replace Existing Inlet Apron	1	EA	\$ 1,500.00	\$ 1,500.00	\$ 2,500.00	\$ 2,500.00	\$ 715.00	\$ 715.00
				<b>SUBTOTAL =</b>	<b>\$ 258,232.50</b>		<b>\$ 278,463.00</b>		<b>\$ 276,263.95</b>

Prepared By:   
 TD&H Engineering - Douglas Peppmeier, PE

Date: Wednesday, November 27, 2024



450 Corporate Drive  
Suite 101  
Kalispell, MT 59901



406.751.5246  
tdhengineering.com

November 27, 2024

**City of Libby**

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

**RE: LIBBY 2024 SPRUCE STREET RECONSTRUCTION  
AWARD RECOMMENDATION**  
TD&H ENGINEERING JOB NO. K24-036

Dear Samuel,

As required when a municipality is seeking competitive bids for a construction contract of more than \$80,000, an invitation to bid the Libby 2024 Spruce Street Reconstruction project was advertised in compliance with state guidelines. TD&H has determined the bids submitted by Thompson Contracting, Inc. and Noble Excavating Inc. to be responsible and complete bids.

Our evaluation of the experience, reputation, and financial condition of Noble Excavating Inc. indicates that they can complete the work required. Therefore, we recommend the City of Libby award the contract for construction of the Libby 2024 Spruce Street Reconstruction project to Noble Excavating Inc. in the amount of **\$276,263.95**

Sincerely,

A handwritten signature in blue ink that reads "Douglas Peppmeier".

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

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**City of Libby**  
**Libby Montana**  
www.cityoflibby.com

PO Box 1428  
952 E. Spruce Street  
Libby MT, 59923  
(406) 293-2731  
Fax (406) 293-4090

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## Memo

Date: November 25, 2024

TO: City of Libby council members

From: Peggy Williams, Mayor

RE: Recommended for Mineral Avenue regarding items discussed by Streets Committee

Based on comments from council members and the public during the November 18<sup>th</sup> council meeting, the December 2<sup>nd</sup> agenda will have the following items:

1. Approve the Streets committee recommendation for reduction of speed on Mineral Avenue from 25mph to 20 mph beginning at 8<sup>th</sup> Street and continuing to 1<sup>st</sup> Street
2. Approve stop sign placement at 4<sup>th</sup> and Mineral
3. Approve stop sign placement at 6<sup>th</sup> and Mineral
4. LOR offer to grant fund crosswalk flags for Mineral Avenue-update

It was mentioned that the city might need to conduct a traffic study to facilitate the speed reduction on Mineral. Municipalities can control the speed on city streets without a study. The recommendation was made to begin at 8<sup>th</sup> Street verses Highway 2 as the committee could not identify a clear location for posting a speed limit sign before 8<sup>th</sup> Street,

Comments seemed to be approval for a stop sign at 4<sup>th</sup> street, I did not get a sense of clear direction regarding 6<sup>th</sup> street so that is a separate item.

I have spoken with Tabitha at LOR, she is willing to fund the crosswalk flags up to \$10,000. I am currently looking for a vender.



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## Memo

Date: November 25, 2024

TO: City of Libby council members

From: Peggy Williams, Mayor

RE: Recommended changes to Title 9 and 10 of Libby Municipal code

Based on comments from council members and the public during the November 18<sup>th</sup> council meeting, the December 2<sup>nd</sup> agenda will reflect the following for first reading (no changes were made by council):

- Ordinance #2045 (Urinating and Defecating in Public Places)
- #2046 (Aggressive Solicitation)
- #2047 (Camping)
- #2048 (Parking Violations)

There was a request during discussion that the Parking Violations (Ordinance #2048) double the proposed handicapped fine. However, it cannot be changed due to statutory restrictions. MCA **49-4-30** states:

*Penalty. A person who parks a motor vehicle or motorcycle in violation of **49-4-302(2)** is guilty of a misdemeanor and is punishable by a fine of \$100. However, a person charged with violating **49-4-302(2)** may not be convicted if within 3 business days the person produces in court or the office of the arresting officer a disability parking permit that was previously issued to the person and that is valid at the time of arrest.*

The proposed Distracted Driving and Prohibited Operation of Loud Sound Amplification Systems ordinances will not move forward unless requested by council vote.

**ORDINANCE NO. 2045 OF THE CITY OF LIBBY, MONTANA**

**AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 9 -PUBLIC PEACE MORALS AND SAFETY - ENTITLED “AGGRESSIVE SOLICITATION” and ADDING DEFINITIONS TO SAME.**

**WHEREAS**, the city deems it necessary to find solutions which make it easier for people to remain in public places peacefully rather than be excluded from them to make it easier for the city’s diverse residents and visitors to share public areas with less conflict; and

**WHEREAS**, the city deems it necessary to find solutions to encourage courteous behavior of people to promote greater tolerance and civility towards each other while narrowly defining unacceptable behaviors; and

**WHEREAS**, there has been an increase in the number of persons aggressively soliciting, or while soliciting, interfering with, obstructing, harassing, threatening and intimidating other pedestrians, or impeding vehicles and pedestrians in traffic on city streets in recent years. This conduct has been either related to obstruction of pedestrian passage or soliciting of pedestrians; and

**WHEREAS**, the police department and county law enforcement have received an increase in complaints from citizens and or businesses where aggressive solicitors have made people and or customers afraid to walk near the aggressive solicitors in downtown city streets and other public areas due to the aggressive, intimidating conduct of persons soliciting and/or conduct of persons harassing, intimidating, interfering with, obstructing or accosting pedestrians or people in public places; and

**WHEREAS**, the city deems it necessary to protect the rights of its citizens and visitors to move openly and freely on the city streets, sidewalks, walkways, parks and other public places without fear of being aggressively solicited, harassed, interfered with, obstructed, accosted, intimidated, injured or robbed by aggressive individuals soliciting them or interfering with their passage; and

**WHEREAS**, the city deems it necessary to protect pedestrians, in public places on public property from obstruction, interference, intimidation, harassment, damage or injury caused or partially attributable to being aggressively solicited, accosted, harassed, interfered with or obstructed by any person, especially someone with a weapon; and

**WHEREAS**, the city deems it necessary to protect citizens in vehicles from solicitation in general to protect and preserve the welfare and safety of citizens in vehicles and pedestrians on city streets.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA**, the following new chapter to Title 9 V., is hereby adopted:

**New Chapter in Title 9 V.  
AGGRESSIVE SOLICITATION**

**DEFINITIONS:**

The following definitions shall apply to the provisions of this chapter.

*AGGRESSIVE MANNER* shall mean:

1. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other things of value;
2. Continuing to solicit from a person after the person has given a negative response to such soliciting;
3. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
4. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
5. Using violent or threatening gestures towards a person solicited;
6. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
7. Following the person being solicited, with the intent of asking that person for money or things of value.

*HARASS* means words, conduct, or actions directed toward another which would reasonably be expected to annoy, alarm, or cause emotional distress.

*INTIMIDATE* means to engage in conduct which would make a reasonable person fearful of imminent harm to his person or property or feel threatened.

*KNOWINGLY*" means a person acts knowingly with respect to conduct or to a circumstance described by an ordinance defining an offense when he is aware of his conduct or that the circumstance exists. A person acts knowingly with respect to the result of conduct described by an ordinance defining an offense when he is aware that it is highly probable that such result will be caused by his conduct. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person is aware of a high probability of its existence. Equivalent terms such as "knowing" or "with knowledge" have the same meaning.

*PUBLIC PLACE* means a place to which the public or a substantial group of people has access.

*PURPOSELY* means a person acts purposely with respect to a result or to conduct described by an ordinance defining an offense if it is his conscious object to engage in that conduct or to cause that result. When a particular purpose is an element of an offense, the element is established although such purpose is conditional, unless the condition negates the harm or evil sought to be prevented by the law defining the offense. Equivalent terms such as "purpose" and "with the purpose" have the same meaning.

*SOLICITING* shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time and at that place. Soliciting shall include using the spoken, written or printed word, bodily gestures, signs or other means for the purpose of urging, requesting, commanding or obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

## **PURPOSE**

The purpose of this chapter is to protect the health, safety and welfare of the citizens of and visitors to the city by prohibiting acts of aggression or interference towards pedestrians as allowed by Section 7-32-4304 of the Montana Code Annotated. This includes prohibiting aggressive soliciting actions that threaten, harass, intimidate or cause fear of bodily injury in pedestrians; general soliciting in places where pedestrians and citizens are more open to threats of aggression or harm; general soliciting that poses a threat of harm to pedestrians and vehicle traffic; and false or misleading soliciting actions. The following prohibitions are necessary and desirable for the following reasons:

### **Aggressive Soliciting**

No person shall solicit in an aggressive manner in any public place.

### **Soliciting in Certain Places.**

It shall be unlawful for any person to solicit within twenty-five (25) feet of the following places\*:

- A. Banks and ATM's. Any entrance or exit of any check cashing business or bank, or any automated teller machine. Provided, however, that when an automated teller machine is located within a building or facility, such distance shall be measured from the entrance or exit of the facility.
- B. Motor Vehicles and Parking Lots. Any public transportation vehicle, bus or bus station or stop, or in any public or private parking lot or structure.
- C. A commercial building in the City of Libby's central business districts located on Mineral Ave., California St., and or on 9<sup>th</sup>. St.
- D. Any outdoor patio or sidewalk café where food or drink is served.
- E. Any vendor's location when the vendor has a valid permit.
- F. The entrance to or exit from any public toilet facility, which includes any temporary use site (port-a-toilet).
- G. Any entrance/exit to, any pedestrian foot bridge or pedestrian tunnel
- H. Private or residential property after having been asked to leave or asked to refrain from soliciting by the owner or other person lawfully in possession of such property.

\*Exemption. An event that has obtained a Special Events Permit issued by the city may be provided an exemption to the provisions of this section.



**False or Misleading Soliciting.**

It shall be unlawful for any person to knowingly make any false or misleading representation while soliciting a donation. False or misleading representations include, but are not limited to, the following:

- A. Stating that the solicitor is from out of town and stranded when such is not true.
- B. Stating or suggesting falsely that the solicitor is either a present or former member of the armed service.
- C. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated.
- D. Stating the solicitor is homeless, when he or she is not.

**VIOLATION-PENALTY:**

Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be fined as set forth in [Section 1.28.010](#) with a minimum fine of \$85.

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 2<sup>nd</sup> day of December 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA** on this 16<sup>th</sup> day of December 2024.

Attest:

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Peggy Williams, Mayor

---

Leann Monigold, Clerk/Treasurer

**ORDINANCE NO. 2046 OF THE CITY OF LIBBY, MONTANA**

**AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 9 -PUBLIC PEACE  
MORALS AND SAFETY - ENTITLED “URINATING AND DEFECATING IN PUBLIC  
PLACES”**

**WHEREAS**, the City of Libby has seen an increase in incidents of public urination defecation;  
and

**WHEREAS**, the City of Libby municipal code is lacking specific language to deter such  
behavior; and

**WHEREAS**, for the sake of protecting public health and safety, the City desires to reduce this  
behavior.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
LIBBY, MONTANA**, the following new chapter to Title 9 V., is hereby adopted:

**New Chapter in Title 9V.**

**URINATING AND DEFECATING IN PUBLIC PLACES**

**Acts Prohibited:**

It shall be unlawful for any person to deposit or cause to be deposited, any human waste material on any public street, sidewalk, parking lot, alley, park, or other public place or any private property upon which the public is admitted by easement or license (other than in a public toilet or restroom designed to receive waste material), or in any place exposed to public view.

**Human Waste Material Defined:**

For the purposes of this chapter “human waste material” means human urine or human fecal matter discharged from the body.

**Exemptions.**

1. Persons who violate this ordinance due to verified medical conditions shall be exempt from the enforcement provisions of this ordinance.
2. If the act of urinating is on private property not open to public view.

**VIOLATION-PENALTY:**

Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be fined as set forth in [Section 1.28.010](#) with a minimum fine of \$185.

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 2<sup>nd</sup> day of December 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA** on this 16<sup>th</sup> day of December 2024.

Attest:

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

\_\_\_\_\_  
Leann Monigold, Clerk/Treasurer

**ORDINANCE NO. 2047 OF THE CITY OF LIBBY, MONTANA**

**AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 9 -PUBLIC PEACE MORALS AND SAFETY- ENTITLED “CAMPING, SLEEPING, MOTOR VEHICLES AND STORAGE OF PERSONAL PROPERTY” and ADDING DEFINITIONS TO SAME.**

**WHEREAS**, the streets, public areas, and private areas within the City of Libby, and along the Kootenai River, need to be readily accessible and available to residents and the public at large. The use of these areas for camping, sleeping or living in vehicles, and for the storage of personal property interferes with the rights of others to use these areas for which they were intended. Such activities can also constitute a public health and safety hazard, which adversely impacts other members of the public, neighborhoods and commercial areas; and

**WHEREAS**, the purpose of this Chapter is to maintain public and private lands, streets, sidewalks, alleys, ways, creeks, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public and private areas within the City, in a clean, sanitary and accessible condition; and

**WHEREAS**, further, the purpose of this Chapter is to protect the health, safety and welfare of the community, while recognizing that subject to reasonable conditions, camping associated with special events can be beneficial to the cultural and educational wellbeing of City residents.

**WHEREAS**, nothing in this Chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property; and

**WHEREAS**, camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the City; and

**WHEREAS**, the unauthorized or inappropriate use of outdoor cooking equipment, open flame, fires or stoves of any sort typically associated with camping creates a major fire threat to life, safety and property, including public and private property, open lands, and hillsides. Illegal campsites are typically located in areas where high levels of combustible vegetation are located (e.g., wooded areas), which creates an increased risk of fire; and

**WHEREAS**, further, camping adjacent to, within, or below the top of banks of any river, canal or stream poses a health and safety risk from potential flooding, proximity to unstable banks with slippage potential, health risks from human waste entering into rivers, streams or other waterways and the risk of damage to environmentally sensitive habitat and species known to exist in some portions of the City, such as rivers, streams, waterways, and wetlands.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA**, the following new chapter in Title 9, section V., is hereby adopted:

**New Chapter in Title 9.V.**

**CAMPING, SLEEPING IN MOTOR VEHICLES, AND STORAGE OF PERSONAL PROPERTY**

**DEFINITIONS:**

The following words shall have the following meanings when used in this Chapter, unless the context clearly indicates otherwise:

- A. "Along the Kootenai River" means that area that extends from the incorporated City limits along the bed of the Kootenai River to a distance of three hundred (300) feet away from the bank of the river.
- B. "Camp" or "Camping" means use of public property or private property for living accommodation purposes such as: sleeping activities between the hours of sunset to sunrise, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) between the hours of sunset to sunrise; storing personal belongings; making any fire; using tents, shelter, or other structures or vehicles for sleeping; digging or earth breaking; or carrying on cooking activities. Such activities constitute camping when it reasonably appears, in light of all the circumstances that the participants are using the area as a living accommodation, regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.
- C. "Camp facilities" include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.
- D. "Camp paraphernalia" includes but is not limited to: bedrolls; blankets; tarpaulins; cots; beds; sleeping bags; tents; hammocks; non-City designated cooking facilities; open flames; fire stoves; or any other equipment used to "camp."
- E. "City" means the City of Libby, including any officers, officials, agents, employees, volunteers, or representatives of the City of Libby.
- F. "City Administrator" means the City Administrator or designee.
- G. "Overnight" means any time between the hours of sunset and sunrise.
- H. "Park" means and includes any park, parkway, plaza, greenbelt, garden, lake, river, and any other property owned by the City, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term "park" also includes all off street parking areas which are used or intended to be used in connection therewith. The term "owned" includes any property interest under which the City operates, maintains, or controls said property. The term also includes any property owned or kept by the City as open space, including undeveloped sites for future parks.
- I. "Private property" means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.
- J. "Public property" means all public property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land and parks.

- K. “Store” means to put aside or accumulate for use when needed, to put for safekeeping and to place or leave in a location.
- L. “Street” or “public streets” means avenues, highways, lanes, alleys, ways, crossings or intersections, co-routes and cul-de-sacs that have been dedicated and accepted according to law, or which have been in common and undisputed use by the public for a period of not less than five years from the effective date of the ordinance enacting this Chapter. “Streets” and “public streets” does not include privately owned streets unless the context clearly provides otherwise.

**Unlawful Camping.**

It is unlawful and a public nuisance for any person to Camp, occupy Camp facilities, or use Camp Paraphernalia in the following areas:

- A. Any Public Property; or
- B. Any Private Property.

This prohibition does not apply to:

- 1. Overnight Camping on private residential property with the consent of the property owner or a person in lawful possession of the property, provided the camping does not pose a threat to the public’s health, safety, and welfare or otherwise create a public nuisance or private nuisance and so long as the overnight camping does not contradict other provisions of the Libby Municipal Code.
- 2. Camping on Public or Private Property in connection with a special event, when authorized pursuant to the Libby Municipal Code; and
- 3. Day use for lawful activities on Public Property where authorized.

**Special Events Permit.**

The City may issue a permit pursuant to this Section authorizing Overnight Camping on Public or Private Property for a special event, provided the community and City administrator, or his/her designee, finds that the event will not cause a public or private nuisance when conducted in accordance with reasonable conditions intended to avoid nuisance impacts. “Special event,” as used herein, means an event sponsored by the City or a nonprofit or community-based organization which is conducted for the purpose of promoting sports, education, or other charitable activities.

- A. The sponsoring organization must agree in writing to abide by the reasonable conditions imposed in connection with the issuance of a permit which shall include, at a minimum:
  - 1. Special event insurance with coverage and policy limits determined to be adequate by the City in consultation with its liability insurer;
  - 2. An agreement to indemnify and defend the City against any claims arising out the event;
  - 3. Provision for adequate sanitation and trash collection facilities; and
  - 4. Measures to control noise and other conditions which could disturb the peace and quiet enjoyment of neighboring properties.

- B. Any failure to comply with a condition imposed on a sponsoring organization shall be considered a violation of this Chapter and shall entitle the City administrator or his or her designee to deny a future application by such organization and shall be subject to any other remedies authorized by this code or other provisions of law.

**Sleeping In Motor Vehicles.**

Unless otherwise permitted by law, it is unlawful for a person to occupy for the purpose of sleeping or as a living accommodation any parked trailer, camper shell, motor home, or any motor vehicle as defined by the Montana Code Annotated located in any of the following areas overnight:

- A. Any Public Property, improved or unimproved, including but not limited to public streets and sidewalks, open space, and other property, including spaces in off street parking facilities owned or operated by the City; or
- B. Any Private Property.
- C. For the purpose of this Section “occupy for the purpose of sleeping or as a living accommodation” shall include but not be limited to acts of sleeping, living in, occupying as a dwelling or any other sojourn or stay within the vehicle not directly related to driving the vehicle.

This prohibition does not apply to:

- 1. Occupying a vehicle for the purpose of sleeping or as a living accommodation on private property with the consent of the owner or person in lawful possession of the property, provided that such use of the vehicle does not pose a threat to the public’s health, safety, or welfare or otherwise create a public nuisance or private nuisance and so long as such use of the vehicle does not contradict other provisions of the Libby Municipal Code.
- 2. Mobile home parks and special occupancy parks.

**Storage of Personal Property.**

It is unlawful and a public nuisance for any person to Store Camp Paraphernalia in the following areas:

- A. Any Public Property; or
- B. Outside a structure on any Private Property without the prior written consent of the owner. Any storage on Private Property shall be subject to all local and state regulatory controls.

**Confiscation of Unattended Property.**

The City shall have the right to confiscate any personal property stored in violation of this Chapter.

- A. The City shall make a good faith effort to locate the owner(s) of the personal property and to provide him or her with an opportunity to collect the personal property before seizing the items, by providing written notice of the intent to seize the personal property seventy-two (72) hours before seizing the items.

- B. Prior to removing any personal property, the City shall create a written inventory and take photos of the items.
- C. Upon removing any personal property, the City shall leave a written notice at the location of the confiscation confirming that a seizure has occurred pursuant to this Chapter and providing instructions for how to claim the items.
- D. The City shall store all items confiscated pursuant to this Chapter for ninety (90) days and shall, to the extent reasonably practical and without any duty to investigate the recommended storage parameters, properly store perishable items such as medication.
- E. The City shall comply with the provisions of the Montana Code Annotated in selling any items confiscated pursuant to this Chapter and in collecting the costs thereof.

**General penalty—Municipal infraction.**

Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in [Section 1.28.010](#).

A person violating the provisions of this code is guilty of a separate offense for each day during any portion of which any violation of this code is committed, continued, or permitted to be committed with the first offense starting at \$25 and increasing to \$50 for the second offense; \$75 for the third offense and \$100 for the fourth offense.

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 2<sup>nd</sup> day of December 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA** on this 16<sup>th</sup> day of December 2024.

Attest:

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Peggy Williams, Mayor

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Leann Monigold, Clerk/Treasurer



**ORDINANCE NO. 2048 OF THE CITY OF LIBBY, MONTANA**

**AN ORDINANCE AMENDING 1.28.020 PARKING VIOLATIONS DECLASSIFIED AS MISDEMEANORS**

**WHEREAS**, the City of Libby currently has no graduated fine schedule associated with parking violations; and

**WHEREAS**, the City of Libby currently leaves determination of fine schedule to officers making the parking citation; and

**WHEREAS**, the City of Libby law enforcement feels a need for clarification of fine schedule by first, second, third and fourth violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA**, the following amendment of 1.28.020 Parking violations declassified as misdemeanors is hereby adopted:

**1.28.020 Parking violations declassified as misdemeanors.**

Violations of the following sections, or portions thereof, shall be declassified as misdemeanors and maximum fines of one hundred dollars (\$100.00) shall be set as penalties for violations of such sections:

No parking—Certain times	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.52.010
No parking—All times	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.52.020
No parking—Customer parking	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.52.030
No parking—Fifteen (15) minutes	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.52.031
No parking—Emergency	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.52.032
No parking—General	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> 75, 4 <sup>th</sup> and subsequent \$100	10.52.035
No parking—Stop, stand, park	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.030
No parking—Curbs/signs	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.040
Improper parking—Unattended	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.060
Parking too long on street	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.070

Parking on private property	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.080
Parking—Obstructing traffic	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.090
Parking in alleys	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.100
Parking large vehicles	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.110
Parking—Tank trucks	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.120
Parking—Loading zone	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.140
Parking—Freight loading zone	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.150
Parking of buses prohibited	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.180
Parking—Bus and taxicab stands	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.190
Parking—Miscellaneous	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.24.200
Parking- Handicap only	\$100	MCA 49-4-307
Parking during snow removal	1 <sup>st</sup> offense \$25, 2 <sup>nd</sup> \$50, 3 <sup>rd</sup> \$75, 4 <sup>th</sup> and subsequent \$100	10.88.010

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 2<sup>nd</sup> day of December 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA** on this 16<sup>th</sup> day of December 2024.

Attest:

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

\_\_\_\_\_  
Leann Monigold, Clerk/Treasurer

**ORDINANCE NO. 2049 OF THE CITY OF LIBBY, MONTANA**

**AN ORDINANCE AMENDING TITLE 17, CHAPTERS 12, 16, 17 and 20 ENTITLED  
“RESIDENTIAL A, RESIDENTIAL B, RESIDENTIAL C AND BUSINESS  
RESIDENTIAL” RESPECTIVELY**

**WHEREAS** the City’s zoning code has not been updated since its adoption in 1987; and

**WHEREAS** the City of Libby has sought to modernize its residential zoning code considering many changes that have taken place since 1987; and

**WHEREAS** there have been several instances in our growing community wherein different interpretations of the zoning codes have resulted in conflicting outcomes; and

**WHEREAS** the City of Libby seeks to maintain a harmonious community, to prevent blight, to protect property values, to prevent neighbor conflicts and to provide clarity to property owners, staff and contractors.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA**, the attached changes to the language of Title 17, Chapters 12, 16, 17 and 20 are hereby adopted:

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 2<sup>nd</sup> day of December 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA** on this 16<sup>th</sup> day of December 2024.

Attest:

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

\_\_\_\_\_  
Leann Monigold, Clerk/Treasurer