



City of Libby Libby Montana

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REGULAR COUNCIL MEETING #1672 MONDAY, MARCH 3, 2025 @ 7:00 PM COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by
- Roll Call
- Welcome/Announcements
- Approve minutes for Regular Council meetings #1671 held February 18, 2025.

REPORTS:

DEPARTMENT HEADS:

- City Administrators Report- Heating/Cooling repairs from Facilities CIP fund
- Streets Supervisor
- Finance
- Police

- **COUNCIL COMMITTEES:**
- Building – Blackburn request
- Cemetery/Parks- Rambo request for memorial plaque in Riverfront Park
- Fire
- Lights/Streets/Sidewalks – Safety Grant/Sooter
- Ordinance
- Water/Sewer
- Wildlife

BOARDS/COMMISSIONS:

- Planning /Zoning

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 Chief Ercanbrack's request to apply to the Mason Moore Foundation safety grant got officer "go bags".
2. Update Council Policy and Procedures with committee procedure (discussion).
3. Approve Ordinance 2053, Distracted Driving.
4. Approve Resolution 2052, authorizing a change to electronic funds transfer for MetLife quarterly dividend disbursements.
5. Approve all claims received to date.
6. Approve all business license applications received to date.
 - a. The Sewing Patch, 513 ½ Mineral Ave., Individual, Alterations, custom sewing, and sewing retail supplies.

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.

- 1.) 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: 2/27/25

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

UNAPPROVED MINUTES

The Libby City Council held regular meeting #1671 on Tuesday, February 18, 2025, in the Council Chamber at Libby City Hall.

Call to Order:

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

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

Announcements: Councilor Ian Smith announced his immediate resignation and said he would be relocating to Troy for his new job.

Mr. Smith left the meeting.

Approve minutes for Regular Council meetings #1670 held February 3, 2025:

Councilor Zimmerman **MADE A MOTION** to approve the meeting minutes 1670, Councilor Berke **SECONDED**.

Councilor Taylor **ABSTAINED**, he was not present.

Councilor Zimmerman realized he was also not present. Mayor Williams explained that would leave us without a quorum to approve the minutes, they could vote as long as they felt the substance of it accurately reflected the meeting.

Mayor Williams noting there are only three voting members who were present to vote for these minutes. Councilors Berke, Burger, and K. Smith voted **FOR**.

MOTION PASSED.

Committee Reports:

Mayor Williams explained the rearrangement on the agenda under the Committee Reports.

Administrator: Administrator Sikes reported 20 building permits were sold in January totaling \$33,061. One permit was sold for 13 buildings for the housing on Commerce Way, 8 roofs, 15 new builds, 1 major remodel, 1 carport, 1 addition, and 1 deck.

The Sewer Department is losing an employee who sought employment elsewhere, the job opening will be posted in the next two weeks.

Police: Chief Ercanbrack introduced new Libby Police Officer, Timothy Steffenson. Chief Ercanbrack swore in Officer Steffenson.

Building: Councilor Taylor announced a meeting will be scheduled in the next couple of weeks for the Blackburn request.

Fire: Councilor Zimmerman reported 9 call were responded to for the month of January, 2 calls in City, 4 calls in Rural Fire District (RFD), 3 calls outside City or RFD. 1 vehicle, 2 structure, 2 mutual aid with LVA, 3 false alarms, and 1 miscellaneous for a total of 9 calls in 2025.

Lights/Streets/Sidewalks: Councilor Zimmerman announced a meeting will be scheduled for Wednesday the 26th at noon to go over information regarding the Sooter's request for land abandonment on City Service Road.

Ordinance: Councilor K. Smith announced a meeting will be scheduled Tuesday the 25th to revisit the Distracted Driving Ordinance at the request of the chief.

Planning/Zoning: Councilor K. Smith announced a meeting will be scheduled Monday the 24th to review some minutes. Ms. Smith informed Mayor William the Board of Heath would not be meeting again until May 13th.

Public Comment on Non- Agenda Items:

None.

Old Business: None

New Business:

Approve 2-year budget for Local Government Study Commission:

Vice Backen, Study Commissioner, presented the template for the Local Government Study Commission budget of \$30,000 and assured Council they anticipate using very little of the funds. Mr. Backen requested a portion of the budget be used to rent an office space at the old high school for \$200 a month and announced the Study Commission is going to be using the Maki Theater for their meetings.

Councilor K. Smith expressed concern about taxpayers, who have voted for the Study Commission, to spend money to rent a space somewhere else when Council Chambers is where city business is conducted and chambers are available to be utilized at least 20 or more days of the month, suggesting it would be very beneficial if the Study Commission set a regular meeting schedule for the public to know, such as, every fourth Wednesday of the month the Local Study Commission will always meet in Council Chambers.

Councilor Zimmerman pointed out the Ponderosa Room is also available, allowing for ample space at City Hall that is free.

Mr. Backen expressed frustration and explained why they feel the Maki Theater would suit them better and explained they would like an office with a locking door, feeling the space that has been provided is inadequate for their needs. Stating they will have private things there, such as interviews, working sessions where they don't need to be disturbed and would not have to disturb anyone at City Hall.

Councilor K. Smith inquired what is the plan for the community engagement they have budgeted \$1000 for. Mr. Backen said he did not have his paperwork with him to answer the questions but would have been able to answer if they had attended the meeting at the Maki Theater.

Councilor Zimmerman explained the time they have chosen to have their meetings is during working hours, so he is unable to make it, but have read the minutes that have been provided but do not cover all of the meetings.

Councilor K. Smith inquired if Council could approve 1 year budget or if it had to be two-year. Mayor Williams explained that the Resolution to fund the Study Commission was for two years at \$30,000.

Mr. Backen explained the documents the Study Commission has been working on.

Councilor K. Smith inquired if the information will be available on the City's website.

Clerk/Treasurer Monigold explained a new City Website is being designed and there will be a page for the Study Commission information to be placed.

Mr. Backen explained where and how they plan to interact with the community and what types of interaction the Study Commission plans on doing along with hearing complaints. Councilor K. Smith highlighted the goal of the Study Commission is to study the form and structure of local government, not to hear complaints.

Councilor K. Smith **MADE A MOTION** to approve 2-year budget for Local Government Study Commission, Councilor Berke **SECONDED**.

Councilor Taylor expressed concerns about transparency, noting the budget went out with the agenda and now the Study Commission is asking for it to be modified without a chance for the public to see the modifications.

Mr. Backen and Council discussed the modifications to the budget and when the Study Commission plans on fine tuning it. Councilor Taylor informed Mr. Backen that council has to approve all expenditures.

Karen Dinkins, formally on the Study Commission, informed Council not all of the minutes have gone out, the meetings are scheduled for the 2nd and 4th Wednesday of every month at 5:30pm at City Hall, and the minutes are going out 48 hours prior with the agenda. She will no longer be taking the minutes for the Study Commission. Ms. Dinkins highlighted what the Study Commission has been discussing and about their timeline.

John Bebee, Vice Chair of Study Commission, explained he has been taking the training and reassured Councilor K. Smith the commission is to study the legislative body and explained the different types of legislative bodies. The Commission has finished the bylaws, they will be going out to the public. Mr. Bebee explained what they have been working on and their plans for public engagement and public participation.

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

MOTION PASSED.

Approve support letter for Montanore permit:

Councilor K. Smith **MADE A MOTION** to approve the support letter for Montanore, Councilor Zimmerman **SECONDED**.

John Bebee expressed his appreciation for the support letter.

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

MOTION PASSED.

Reappoint Roberta McCause for Planning Board/Zoning Board term expiring 2027:

Mayor Williams explained the reappointments were added separately to the agenda because of the different expiring dates on their terms. She is trying to bring the Planning Board and Zoning Board into equal expiration times, that is why one has a two-year appointment, and one has a three-year. Two people on the planning board will be expiring in 2026, two in 2027, and two in 2028 to help get on that rotation.

Councilor Zimmerman **MADE A MOTION** to reappoint Roberta McCause for her term on the Planning/Zoning Board, Councilor K. Smith **SECONDED**.

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

MOTION PASSED.

Reappoint Mark Andreassen for Planning Board/Zoning Board term expiring 2028:

Councilor Zimmerman **MADE A MOTION** to reappoint Mark Andreassen to the Planning/Zoning Board, Councilor Burger **SECONDED**.

Councilors Berke, Burger, 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 Burger **SECONDED**.

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

MOTION PASSED.

Approve all business license applications received to date:

Elite Fire Protection and Wye Delta Solar Inc.

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

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

MOTION PASSED.

Unfinished Business:

Discussion to amend Libby Development Fund Policy and application process:

Council Discussed going over the written policy at the next meeting.

General Comments from Council:

Mayor Williams explained the draft policy handout for committees and council committees was put together to give a better understanding of how committees work and thinks it would be a good addition to the City's Policy and Procedures.

Councilor K. Smith recommended removing a portion that describes what happens once it moves on to the council, feeling it was not necessary. Council agreed to have the draft policy added to the agenda for discussion.

Councilor Zimmerman highlighted the fact, there is now an empty Council seat. Mayor Williams announced the vacancy will be advertised.

ADJOURNMENT:

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

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:41pm.

Mayor Peggy Williams

Attest: _____

Clerk/Treasurer Leann Monigold

2/14/2025

Peggy Williams
Libby, MT Mayor
952 E Spruce ST
Libby, MT 59923

Subject: Senate Bill 59 Memorial Plaque

Hello Mayor Williams,
Senate Bill 59 was signed by Governor Gianforte on January 16th, 2025. Senate Bill 59 is entitled: "AN ACT ESTABLISHING THE STAFF SERGEANT ARTHUR J RAMBO MEMORIAL BRIDGE; AND DIRECTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNS."

In addition to designing and installing appropriate signs on each end of the bridge spanning the Kootenai River, on Highway 37 in Libby, the department will also design and install a memorial plaque near the bridge.

Patty Rambo has identified Riverfront Park as a preferred location for the memorial plaque. I'm writing to you today to acknowledge that the department supports the location identified by Patty and the family.

Please feel free to reach out to me directly if any additional information is needed from the department for you and the City Council to consider this request. Thank you.

Justun Juelfs
MDT Maintenance Chief | Kalispell Division
406-751-2010
jjjuelfs@mt.gov

February 24, 2025

Mayor Peggy Williams
Libby City Hall
952 East Spruce Street, Ste 100
Libby, Montana, 59923

Dear Mayor Williams.

As representative of the Arthur J Rambo family, I am writing to propose a formal request for the City of Libby to consider the following.

Our brother was killed in Vietnam November 26, 1969 in a military firefight. For his actions that night, Arthur was posthumously presented the Silver Star. On January 16, 2025. Senate Bill 59 was signed into law. This bill officially declared that the bridge over the Kootenai River at the northern exit of Libby be named in honor of Staff Sergeant Arthur J Rambo. The State of Montana will place signs on both ends of the bridge as well as create a 2x3 foot historic biographic plaque in his memory.

This is action represents fulfilling a State law and isn't personal but... the State is delaying the process until they receive approval of the site from the City. The family has requested for the Dedication to take place on May 25, 2025. This is a Sunday so as to avoid conflicts with normally scheduled Memorial Day celebrations.

As anyone who has known me for any amount of time knows, my "big brother" was and is very important to me and my family. We have honored and protected his memory for over 55 years. For this bill to be proposed and advanced was not generated by Arthur's family, Of course, the process has been emotional for the family and friends of Artie. To this end, it is important that his memory, life and sacrifices be addressed with the utmost respect.

The only location for his memorial plaque that "feels" right in our heart is in Riverfront Park on the grassy island, near the Fred Brown Pavillion, in sight of the actual bridge. Artie not only had connections to Fred Brown in high school and the baseball fields, he also had personal connections to the river itself.

I have attached a pdf of the proposed historic biographic plaque, a picture of the bridge taken last fall near the boat ramp in Riverfront Park with the proposed site, as well as a rough map. If there are any questions, I will be open to appearing in person to make my request.

Thank you very much for your considerations,

Patty Rambo

P.O. Box 201
Libby, Montana 59923
406-291-5653
prambo2004@yahoo.com



Staff Sergeant
Arthur J Rambo
Memorial Bridge



Staff Sergeant Arthur J Rambo Memorial Bridge

December 15, 1944 ~ November 26, 1969



The Staff Sergeant Arthur J Rambo Memorial Bridge on Highway 37 spanning the Kootenai River on the north edge of Libby, Montana is named in honor and memory of Arthur J Rambo who gave his life in fulfilling an obligation to his country and his fellow servicemen during the Vietnam War.

Art was raised South of Libby by his parents, Howard and Viola and with his siblings – older sister Kathleen and younger sister and brother Patty and Dan. During his youth, Art was an exceptional student, a talented athlete and a gifted singer. He graduated from Libby High School in 1963.

After high school he attended Carroll College, earning a bachelor's degree in mathematics in 1967. While at Carroll he met Helen Ryan when they both were singing in the Carrolleers, Carroll College's "Singing Ambassadors." Artie and Helen married in 1967. They moved to South Bend, Indiana for Art to finish his degree in the 3-2 engineering program. He graduated cum laude from the University of Notre Dame with a degree in chemical engineering in 1968. Shortly after his graduation, Art and Helen welcomed their first daughter, Kerry.

Art was drafted later in 1968. Although he qualified for deferments both due to his occupation as an engineer for Texaco, in Colorado, and a paternal deferment, he enlisted, telling Helen "If he did not go, someone else would have to go in his place."

Art left Libby in September 1968, attending basic and advanced training and then artillery combat leadership courses. After 11 months in the service, he was promoted to the rank of Staff Sergeant, an accomplishment achieved by only one-tenth of one percent of all Army personnel. He shipped out to Vietnam as a member of the 11th Armored Cavalry Regiment, known as the Legendary Blackhorse Regiment, in August 1969. Art was deployed as the Section Chief of an M-109, 155 mm Self-Propelled Howitzer in command of a section.

Arthur J Rambo was killed in combat just three months later while under hostile fire from a mortar attack. He was killed on Thanksgiving Day 1969, just three weeks short of his 25th birthday. For his heroism that day, he was posthumously awarded the Silver Star, Bronze Star, Purple Heart and the Vietnamese Presidential Citation. He left behind his wife, Helen, daughters Kerry and Amy, (who were both under the age of 2), his parents, his siblings and numerous extended family members and close friends.

His loss impacted many and is still felt to this day. Over 20 years after his death his mother stated in a documentary that "Heroes don't always come home." A close family friend wrote these words about him in a poem shortly after hearing of his death,

"I loved him, I mourned him, and now I shall live as he lived.
What greater tribute could we pay him?"





From: policechief@cityoflibby.com
Sent: Wednesday, February 26, 2025 4:08 PM
To: Peggy Williams
Subject: Grant Application

Mayor Williams,

Next council meeting I would like to request to apply for a small safety grant. Its through the Mason Moore Foundation. I am looking to purchase “go bags” for the guys which will include emergency medical supplies and equipment they will be able to grab during an active shooter or officer involved shooting. There are no matching funds. I talked to Leann about adding it to the agenda but I wanted to make sure you knew about it.

<https://masonmoorefoundation.com/>



Chief Cody Ercanbrack | 2901
Libby Police Department
603 Mineral Ave, Libby MT 59923
Tel: (406) 293-5222
Cell: (406) 334-4590
Email: policechief@cityoflibby.com

"WE PRESUME THAT WE WOULD BE READY FOR BATTLE IF CONFRONTED WITH A GREAT CRISIS, BUT IT IS NOT THE CRISIS THAT BUILDS SOMETHING WITHIN US— IT SIMPLY REVEALS WHAT WE ARE MADE OF ALREADY."

—OSWALD CHAMBERS

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City Council committees

Committees of the City Council are a venue to more fully consider and develop ideas concerning selected topics and recommend actions to the City Council body. As such the established rules of the City Council ensure orderly deliberations. Committees will publicly and actively deliberate issues placed in committee promoting public engagement and input.

A. Standing Committees

The standing committees of Libby City Council are as follows:

- Budget
- Fire
- Ordinances
- Lights/Streets/Sidewalks meeting
- Building
- Water/Sewer
- Cemetery/Parks
- Finance
- Wildlife

Special committees may be created by council vote if an item of business is not covered by a standing committee. These special committees exist only as long as it takes to complete the work and report back to council with a recommended action. The creation of a temporary committee should defining the scope of work, defining

B. Conduct of Committee meetings

A majority of members of the committee constitutes a quorum. A quorum is required at properly noticed meetings to conduct committee business.

C. Committee Appointments

At the first meeting in January following a municipal general election, all committee members shall be appointed by the mayor, taking into consideration individual council members' experience and requests.

If a member leaves the council for any reason during their elected term of office, their appointed successor may fill their positions on committees or committee membership may be reorganized at the mayor's discretion.

If a City Council member wishes to be appointed to or removed from a city council committee, the member shall inform the mayor in writing prior to a regular council meeting. The mayor shall officially make the announcement at the Council meeting and use mayor discretion to accommodate the request.

The Clerk shall redistribute the Committee Membership List to City Council Members and committee staff each time it is updated.

D. Selecting committee chairpersons

Committee chairpersons shall be elected by the committee following the first regular meeting of the City Council in January after the general municipal election. Chairperson selection is made by the Committee and is not forwarded to the City Council for approval.

The mayor serves as an ex officio, non-voting member of all committees and subcommittees.

E. Absence from Committee meetings

A committee member's un-notified absence from three consecutive committee meetings shall constitute abandonment of the individual membership on the committee. It is an individual committee member's responsibility to notify the committee chairperson.

F. Placing Items on Committee Agendas

Items brought to the City Council needing more in-depth discussion and gathering of facts before a decision, are sometimes placed with the appropriate committee. The request for placing items on a committee agenda may be made at the request of the council and/or mayor.

When scheduling referrals for committee discussion or consideration, a committee chair selects a date agreeable to committee members and works with the referring person and appropriate staff for any necessary information or scheduling.

G. Committee Minutes and Reports and Recommendations

Each committee shall record minutes of each meeting. Minutes shall include members present, public comments and actions taken (motions and votes) and recommendations that will require council action.

Committee reports for the council shall provide the council and public with a summary of the meetings discussion, actions and recommendations.

H. Committee recommendations and Placing Items on Council Agendas

Committee recommendations shall include action to be taken by the council at a regularly scheduled meeting. Such recommendations shall be submitted in a written memo to the mayor for placement on the next available agenda.

I. Removing agenda items from the committee's schedule

When a committee makes a recommendation to the City Council, the item shall be removed from the committee schedule.

DRAFT



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MEMO

DATE: February 27, 2025
TO: Council Members
FROM: Kristin Smith, Chair, Ordinance Committee
RE: Recommended changes to Title 10 of the Libby Municipal Code – Vehicles and Traffic

The Ordinance Committee met on Wednesday Tuesday February 25th at 6:15pm to revisit the proposed Distracted Driving Ordinance. The committee discussed the proposal last fall and recommended it to Council of the Whole for adoption, but it failed to pass. Upon further information presented by the Chief of Police, the Council agreed to reconsider.

There were 3 members of the public present at the meeting along with the Chief of Police. All committee members were present. Only Mr. Bebee offered comments, none of which pertained to specific language in the draft ordinance. The Chief announced that Montana was the last state to adopt a distracted driving law addressing texting while driving. The committee asked the Chief if there was a roll-out plan to inform the public should it pass. He attested that there would be a public campaign. Mr. Bebee inquired about the order of the infraction. The Chief stated that distracted driving would be a primary offense since it seeks to prevent harm to others, as opposed to the seatbelt law which is a secondary offense as it seeks to prevent harm to oneself.

The committee submits the attached ordinances for consideration and unanimously recommends adoption of the ordinance as a means to prevent vehicular accidents.

This memo serves as a record of the meeting.

Attachments: Memo from Chief Ercanbrack
Distracted Driving Ordinance



Libby Police Department
Libby Montana
Chief Cody Ercanbrack

603 Mineral Ave
Libby MT, 59923
(406) 293-3343

To: Mayor Williams and Council Members

02 December 2024

From: Chief Cody Ercanbrack

Subject: Distracted Driving Ordinance.

Madam Mayor and Council Members,

Distracted driving is a growing safety concern nationwide and in Montana. While state laws address some behaviors resulting from distracted driving, adopting a local ordinance will strengthen our enforcement capabilities, prioritize public safety, and create a safer driving environment for all Libby residents.

- According to the National Highway Traffic Safety Administration (NHTSA), 3,522 people were killed in distracted driving-related crashes in 2021, accounting for approximately 8% of all traffic fatalities.
- The Centers for Disease Control and Prevention (CDC) highlights that distracted driving contributes significantly to crashes involving teens, with about 39% of high school drivers reporting texting or emailing while driving in the past month.
- Distracted driving is not limited to texting; it includes eating, adjusting navigation systems, or interacting with passengers—all activities proven to impair focus and reaction times.
- In Montana, traffic fatalities reached 240 in 2022, with many linked to driver inattention. The Montana Department of Transportation notes that distracted driving is an underreported factor in crashes, making it difficult to gauge its full impact.
- Montana's statewide crash database indicates that distraction-related crashes tend to be severe, as distracted drivers are less likely to take evasive action to avoid collisions.
- Despite these dangers, Montana is one of the few states without a statewide ban on handheld device use for all drivers, leaving many communities vulnerable to preventable tragedies.

While Montana laws such as reckless or careless driving as well as other statutes may address some consequences of distracted driving (e.g., swerving, speeding, or failing to yield), these laws are reactionary. These laws and citations address symptoms of distracted driving and not the actual problem. They only come into play after a dangerous situation or crash has already occurred. A distracted driving ordinance would allow officers to proactively address unsafe behaviors before they escalate into tragedies. This would allow officers to deter the behavior before it becomes dangerous.

The distracted driving ordinance would be considered a primary offense consistent with other almost all other states. Nebraska and South Dakota are the only states who have it as a secondary offense. A primary offense allows an officer to stop a vehicle if they observe a driver texting and driving or doing other activities contrary to the ordinance. Whereas a secondary offense means

that the officer would need to observe a separate violation such as moving violation or an equipment violation to initiate a traffic stop.

While some drivers may feel confident and safe using their phones while driving, research shows this perception is dangerously misleading. Studies from the National Safety Council reveal that even hands-free phone use delays a driver's reaction time to the same extent as having a blood alcohol concentration of 0.08%, the legal limit for impaired driving. Texting or other manual phone use is even more hazardous, increasing the risk of a crash by up to 23 times, according to the Federal Motor Carrier Safety Administration. In Montana, a report from the Montana Department of Transportation found that distracted drivers are 3.6 times more likely to be involved in crashes resulting in injury or death compared to attentive drivers. This underscores the reality that divided attention, no matter how minor it seems, significantly compromises driving ability.

Why Libby Needs This Ordinance

1. **Enhanced Safety:** A local ordinance would help prevent crashes by addressing behaviors that cause driver inattention, thereby reducing the risk to residents and visitors alike.
2. **Community Responsibility:** As a close-knit rural community, Libby can lead by example in promoting responsible driving practices.
3. **Complementing State Laws:** By filling the gaps in state-level enforcement, a local ordinance would provide a more comprehensive safety framework for our roads.
4. **Proven Effectiveness:** Studies show that communities with distracted driving ordinances experience fewer crashes and fatalities than those without them.

Conclusion

Adopting a distracted driving ordinance aligns with Libby's commitment to public safety. This proactive step will save lives, reduce injuries, and demonstrate that Libby prioritizes the well-being of its residents and visitors.

I respectfully recommend that the City Council implement this ordinance to protect our community and reduce the risks associated with distracted driving.

Thank you for your attention and commitment to this important issue. I am available to discuss further and provide additional data as needed.



Cody Ercanbrack
Chief of Police

ORDINANCE NO. 2053 OF THE CITY OF LIBBY, MONTANA

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 10 -VEHICLES AND TRAFFIC ENTITLED “DISTRACTED DRIVING” and ADDING DEFINITIONS TO 10.04.020.

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

SECTION 1

WHEREAS the City of Libby has seen an increase in traffic accidents due to distracted driving related to the use of cell phones; and

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

WHEREAS it is in the public interest to try and reduce traffic accidents.

NOW THEREFORE BE IT RESOLVED, the following new chapter, 44, to Title 10, is hereby adopted:

**New Chapter in Title 10
DISTRACTED DRIVING**

DEFINITIONS:

As used in this chapter, the following terms shall have the meanings indicated herein, unless the context otherwise clearly requires that another meaning is intended:

HANDHELD ELECTRONIC COMMUNICATIONS DEVICE: Includes wireless or cellular phones, personal digital assistants (PDAs), Blackberries, smartphones, laptop and notebook computers utilizing VOIP (voice over internet protocol) technology, wireless and cellular phones utilizing push to talk technology, GPS systems, navigational systems, and any other mobile communications device that uses shortwave analog or digital radio transmissions between the device and a transmitter to permit wireless communications to and from the user of the device.

HANDS FREE DEVICE: An external device that connects to a wireless telephone, wireless communications device or electronic communications device that allows use of the device without touching the telephone or wireless or electronic communications device with one's hands, and includes voice activated technologies that can be utilized without touching the device.

ACTS PROHIBITED:

- A. Use; Possession: No person shall use or have in their immediate physical possession a handheld electronic communications device while operating a motor vehicle, motorcycle,

quadricycle, or a bicycle on a public highway as defined in Montana Code Annotated section 61-1-101(23) within the city limits.

- B. Immediate Physical Possession: "Immediate physical possession" means touching the handheld electronic communications device, or physically holding the device in one's hand or up to one's ear. Simply having the electronic communications device on one's person or in a motor vehicle does not constitute immediate physical possession.
- C. Driving when the driver's view or driving mechanism is obstructed by the number of passengers or load in the front seat as specified in 61-8-360 MCA-Obstruction to driver's view or driving mechanism.
- D. Engaging in any activity that is not necessary for the safe operation of a vehicle, and which impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

EXEMPTIONS:

- 1. This provision shall not apply to any person reporting a health, fire, safety, or police emergency.
- 2. This provision shall not apply to governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other "authorized emergency vehicle" as defined in Montana Code Annotated section 61-8-102(2)(a).
- 3. This provision shall not apply to passengers in a motor vehicle, or persons using a handheld electronic communications device while maintaining a motor vehicle in a stationary position, not in gear, while in a parking lane or space out of moving traffic lanes.
- 4. This provision shall not apply to persons using a "hands free device". Use of a hands free device is permitted while operating a motor vehicle provided the driver does not touch the wireless telephone or wireless or electronic communications device with one's hands while operating a motor vehicle.
- 5. This provision shall not apply to drivers using two-way radios while in the performance and scope of their work-related duties.
- 6. This provision shall not apply to drivers holding a valid amateur radio operator license issued by the federal communications commission while using a two-way radio.

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.

City of Libby Ordinance No. _____

SECTION 2

This ordinance is effective thirty days after final passage.

**FIRST PASSED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA THIS
_____ DAY OF _____, 2025.**

ATTEST:

Leann Monigold, City Clerk

**FINALLY PASSED AND ADOPTED PASSED BY THE COUNCIL OF THE CITY OF
LIBBY, MONTANA THIS _____ DAY OF _____, 2025.**

ATTEST:

Leann Monigold, City Clerk

**APPROVED BY THE MAYOR OF THE CITY OF LIBBY, MONTANA THIS _____
DAY OF _____, 2025**

Peggy Williams, Mayor

RESOLUTION 2052

A RESOLUTION AUTHORIZING A CHANGE TO THE ELECTRONIC FUNDS TRANSFER (EFT) ARRANGEMENT FOR QUARTERLY METLIFE DIVIDEND DISBURSMENTS

WHEREAS, the City of Libby currently utilizes Electronic Funds Transfer (EFT) for quarterly MetLife dividend disbursements; and

WHEREAS, the City of Libby desires to modify its EFT arrangement by changing the bank account from First Montana Bank account; and

WHEREAS, the Clerk/Treasurer has reviewed and proposed changes to the EFT arrangement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Libby, Montana hereby authorizes the EFT arrangement for quarterly MetLife dividend disbursements to be deposited into the City of Libby Glacier Bank account.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA, on this 3rd day of March 2025.

By: _____
Peggy Williams, Mayor

Attest: _____
Leann Monigold, Clerk/Treasurer



Computershare Investor Services
150 Royall Street
Canton Massachusetts 02021
www.computershare.com

CITY OF LIBBY
ATTN: LEANN MONIGOLD
PO BOX 1428
LIBBY MT 59923-1428

January 7, 2025

Company: METLIFE INC
Document I.D.:
Our Reference:

Dear Sir/Madam:

Thank you for contacting Computershare, the transfer agent for MetLife.

Accounts registered in the name of a corporation, organization or club are not eligible to transact online for security purposes. They have view only access on Investor Center.

We have enclosed the directly deposit enrolment form. Please complete the form and mail to the address provided below. The request must be accompanied with corporate resolution or Medallion Signature Guarantee stamp.

If you have any additional questions or concerns, please call our Customer Service Center at 1-800-649-3593 or 1-201-680-6578. Our mailing address is Computershare, P.O. Box 43006, Providence, RI 02940-3006.

Sincerely,

Computershare Investor Services

Enclosure: MetLife Direct Deposit Form(1)