



## CITY OF LIBBY

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### REGULAR COUNCIL MEETING #1567

APRIL 5, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

#### CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Elvie Miller.
- Approve City Council Meeting Minutes for #1565 dated 15 March 2021.

#### ANNOUNCEMENTS:

#### COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- KRDC
- 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.**

**NEW BUSINESS:** Each new agenda item will be introduced by the Mayor (or assigned liaison) with a description of the item and explanation for the recommended action. Following council discussion on each item will be an opportunity for public comment prior to any action taken. **Public comment is limited to 3 minutes concerning the agenda item being discussed only.**

1. Approve offer from Cabinet View Golf Club on loan repayment.
2. Adopt Resolution 1979 – Schedule of fees for specified water services.
3. Adopt Resolution 1980 – Schedule of fees for specified sewer services.
4. Approve Land Solutions to upgrade the City Growth Policy. Total not to exceed \$50,000.
5. Approve all business licenses received to date.
  - a. Jones Services, LLC, 305 W. 4<sup>th</sup> St., Appliance installation and Handyman.
  - b. Pats Tree Service, 398 Spencer Rd., Tree trimming, Lawn care, Landscaping.
6. Approve payroll and claims for March 2021.

#### **UNFINISHED BUSINESS:**

1. City of Libby Wildlife Management Plan – Deer
2. IP negotiations.
3. Approve location for vault toilet at the Cross-Country Ski Course. (Tabled)

#### **GENERAL COMMENTS FROM COUNCIL:**

#### **ADJOURNMENT:**

##### Notes:

##### 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.
- No personal remarks shall be addressed to the Council as a body and not to any member of the Council or Staff.
- 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 by 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: 04/1/21

## UNAPPROVED MINUTES

The City Council held meeting #1565 on Monday, March 15, 2021, in the Council Chambers at City Hall.

### Call to Order:

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

The Pledge of Allegiance was completed, and Roll Call commenced. Present were Mayor Teske, Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, Mr. Zimmerman, City Administrator Mr. Hammons, and City Clerk/Treasurer Mr. Sikes.

Mayor Teske welcomed all, prayer was offered by Marcus Girod.

Approve City Council Meeting Minutes for #1564 dated 1 March 2021. Councilor Smith **MADE A MOTION** to approve with minor corrections, and Councilor Zimmerman **SECONDED**.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

**MOTION PASSED.**

### Announcements:

Councilor Smith wished everyone a Happy St. Patrick's Day.

### Committee Reports:

**City Administrator's Report:** Mr. Hammons reported that with the weather being so nice, the City crew was patching potholes. Mr. Hammons was excited to let Council know that the City had received the vacuum truck and that the City Crew was getting lessons and training on it today. Mayor Teske mentioned that it was indeed a good looking truck.

Councilor Williams asked how the Planning Grant for the Growth Policy was going with the due date being the first of March. Mr. Hammons informed the Council that out of the four requests that were sent only one was returned, thus cutting down the options for who will be hired to complete the project.

**Fire:** None.

**Police:** None.

**Resolution/Ordinances:** None.

**Lights/Streets/Sidewalks:** None

**Building:** None.

**Water/Sewer:** None.

**Zoning Commission:** Councilor Smith reported that the next Zoning Meeting would be on the 29<sup>th</sup> of March at 6 pm in the City Council Chambers of City Hall.

**Cemetery/Parks:** None.

**Finance:** Mr. Sikes reported that the Insurance Policies for the City were being renewed including Environmental Coverage that is updated every three years.

**KRDC:** None.

**City-County Board of Health:** Mayor Teske reported that the City had received four more applications. Interviews and appointment would occur later in the meeting.

**Park District Manager:** None.

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

Mr. George Mercer, 406 Willow Rd., treasurer for the Cabinet View Country Club, reported to the Council concerning the \$1.54 Million dollar loan the City made from the Economic Development Fund to the Club for the construction of the back 9 holes in November of 2004. Mr. Mercer explained that the original agreement was to repay the Fund with the half of the money raised from the sale of lots around the course up to 1.54 Million dollars.

Mr. Mercer, apologizing for the late notice, reported that an offer was received from reliable source and was here today to offer the City \$878,875 to be paid at closing as payment in full, and asked for loan forgiveness of \$662,125 owed to the City. Mayor Teske stated that the best way to make an offer is to be scheduled for the next Council Meeting and Councilor Smith informed Mr. Mercer that the City would be seeking advice from the City Attorney.

Councilor Beach asked how fast the City needed to answer. Mr. Mercer answered that the Club has been trying to sell the property for 21 years adding that the Club would not be speaking today if the offer were not the best option. The point was made that a similar offer was made years ago that slipped away which not been beneficial to either party. Mayor Teske asked if the offer could wait until the 5<sup>th</sup> of April or if it had to be answered now.

Mr. Chisholm gave advice that the City needed to receive a written proposal that could be looked at for the next couple days to figure the bonafidies of the buyer adding that it would take no more than two weeks to determine the worthiness of the offer once the buy-sell was received. Mayor Teske asked Mr. Mercer if the paperwork could be received by close of business tomorrow to which Mr. Mercer answered yes.

Councilor Smith questioned why the City had to make the decision right now instead of waiting until after the property was sold. Mr. Mercer answered that the contract had become a failed endeavor years ago adding that the Club would only move forward contingent on the agreement between Libby and the Club.

Mr. Chisholm informed the Council that the agreement is a lien on the property that the buyer would want extinguished prior to the purchase adding that the City is a party to the negotiations. Mayor Teske requested that Mr. Mercer get the information to the City. Mr. Mercer agreed adding that a special meeting was requested if possible, as to not let this deal slip by.

**New Business:**

**Approve KPFL request to waive Ponderosa Room fee for annual fundraiser.**

KPFL requested a fee waiver for the Ponderosa Room explaining that the waiver is an annual item that has been approved in the past.

Mrs. Eileen Carney, 2233 Farm to Market Road, explained to the Council the workings and benefits of KPFL to the community adding that last year the fund raiser was cancelled due to COVID-19.

Councilor Dufficy **MADE A MOTION** to waive the rental fee for KPFL and Councilor Smith **SECONDED**.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve Resolution 1976 – Approve Budget Amendment for CARES/COVID reimbursement.**

Mayor Teske read the Resolution and explained that the funds were already received. The Resolution was required to clean up the books.

Councilor Beach **MADE A MOTION** to approve the Resolution and Ms. Williams **SECONDED**.

Mr. DC Orr, 1117 Nevada Avenue, asked where the money came from commenting that the money was not earned. Mr. Sikes fielded the question by informing the Council and public that the funds were a reimbursement for Law Enforcement and Fire Protection wages and contributions. The funds were received as reimbursement from 12 March 2020 through 30 October 2020 and had to be accounted for in the fiscal year to which it was reimbursed.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve Resolution 1977 – Approve establishment of Capital Improvements Projects Fund.**

Mayor Teske read the Resolution explaining that it was beginning of a larger financial plan to withhold revenue for future capital expenditures.

Councilor Beach **MADE A MOTION** to approve the Resolution and Ms. Smith **SECONDED**.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve Resolution 1979 – Approve Elected Officials into Employee Benefits Program.**

Mayor Teske read the Resolution explaining that it was discussed in 2004 but not been completed adding that Mr. Sikes found the discrepancy while doing “housekeeping.”

Councilor Smith **MADE A MOTION** to approve the Resolution and Mr. Zimmerman **SECONDED**.

Councilor Dufficy asked Mr. Sikes if Councilors had to opt in or out and who paid for the coverage. Mr. Sikes answered that Councilors were authorized to opt in having to pay 100% of the costs for any coverage they requested.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

**MOTION PASSED.**

**Unfinished Business:**

**City of Libby Wildlife Management Plan - Deer.**

Mayor Teske explained that the Council had gone through the plan last meeting adding that Councilor Taylor and Mr. Sikes had made the requested changes to clean the Plan up.

Mr. Chisholm added that the integrated changes still needed to be looked at in order to label the plan as a Resolution, Ordinance, or Plan. Mr. Chisholm requested more time to which Mayor Teske, hearing no objections, continued the tabled status. Mr. Chisholm asked Councilor Taylor who to communicate with at the FWP to which Mr. Taylor answered Mr. Neil Anderson from the Flathead or Tanya adding that the contact information would be forwarded. Councilor Taylor then informed the Council that FWP was not going to move forward with the Turkey Management Plan until a new officer was hired.

**Interview and Appoint a member to the Board of Health. (Tabled)**

Mayor Teske stated that four additional applications had been received for the Board of Health position.

Ann German, Melissa Berke, Amy Fantozzi, Tracy McNew, Ken Crandell, Matthew Backen, and DC Orr were brought from the Mayor’s office individually where each candidate explained their qualifications and why they were interested in being on the Board. The Councilors asked questions about each candidate’s qualifications, experience, and thoughts towards the position and actions of the Board of Health.

Mayor Teske opened the meeting to the public asking that anyone wishing to be heard to approach the mic giving their name, address and who they were for or against.

Katrina Newton, outside City limits, explained that the people want more diversity such as from a business owner adding that the Board can broaden it’s horizons by not adding any more Team 56 members or lawyers who will not support Trump supporters throwing support to Mr. Ken Crandell first and Mr. DC Orr second.

Toni-Lynn Backen, 809 Dakota Ave., expressed her support for Matthew Backen stating the importance of younger generations becoming involved.

Jan Ivers, 99 Indian Head, stated her appreciation of such a good pool of candidates adding that the by-laws of the Board expresses preference for health care professionals.

Wheatly Ryan, 1309 Washington, stated that the interviews had swayed his opinion from the letter that was previously submitted. A challenge was issued to the Council to hear the undertones of the citizens voice due to underrepresentation causing anger.

Marcus Girod, 1620 Swede Mtn. Rd., stated that he was a roofer who wanted the Board to believe in freedom of speech and choice. The belief was shared that if all Board members have a medical background that the backbone of the community, the working class, would not be considered adding that small checks, due to the shutdown, just don't cut it.

Joe Coblenz, 38 Jehovah Dr., stated that he was a hardworking man who wants freedom and liberty and agrees with Marcus Girod, also expressing that when the people hear Dr. Black's name their guards go up.

Jim Newton, out of City limits, expressed his support for Ken Crandell or DC Orr due to DC's knowledge. With experience in the Gulf War and 18 years in Law Enforcement it was Mr. Newton's belief that the Board was too reliant on medical personnel and needed to put in a business owner.

Abigal Coblenz, 38 Jehovah Dr., believed that the Board decisions effected the whole County offering the opinion that a lawyer was not wanted on the Board. Mrs. Crismore's resignation was mentioned as it requested a replacement without medical background to create diversity with someone like a business owner. Abigale's support went to Ken Crandell or DC Orr.

Mayor Teske mentioned that a common theme kept coming up that was concerning. Mr. Teske made it clear the Health Board appointment effected the whole County and expressed desire to hear from everyone whether they lived in the City or not.

Rachel Coblenz, 38 Jehovah Dr., was grateful to God for not seeing a Doctor in 28 years but believed that the Board of Health needed a business owner supporting Ken Crandell or DC Orr.

Mayor Teske opened the floor for nominations. Councilor Smith stated that she appreciated all the comments and applications submitted to the Council adding that she, herself, was a business owner continuing to state that COVID-19 negatively affected businesses not the Board of Health. Ms. Smith mentioned that science is used to make well informed decisions adding that the Board would not be as effective without the member having medical or legal background asking the citizens to read the Board of Health mission statement. Councilor Smith expressed frustration with the citizens for being so negative and for attacking the candidates.

Councilor Smith nominated Ann German.

Councilor Williams nominated Tracy McNew.

Councilor Dufficy nominated DC Orr.

Councilor Smith nominated Amy Fantozzi. Councilor Williams stated that the rules allow for a Councilor to only nominate as many names as positions that are open, and the second nomination was withdrawn.

Councilor Zimmerman nominated Ken Crandell.

Councilor Beach nominated Amy Fantozzi.

Nominations were closed.

Mayor Teske opened the voting by informing the Council that each Council member had to vote either up or down on each nominee.

Ann German. Councilors Taylor, Williams, and Smith voted **FOR**. Councilors Zimmerman, Beach, and Dufficy voted **OPPOSED**. 3 - 3

Tracy McNew. Councilors Williams, Smith, and Beach voted **FOR**. Councilors Zimmerman, Taylor, and Dufficy voted **OPPOSED**. 3 - 3

DC Orr. Councilors Taylor and Dufficy voted **FOR**. Councilors Zimmerman, Beach, and Williams and Smith voted **OPPOSED**. 2 - 4

Ken Crandell. Councilors Taylor, Beach, Zimmerman, and Dufficy voted **FOR**. Councilors Williams and Smith voted **OPPOSED**. 4 - 2

Amy Fantozzi. Councilors Beach, Zimmerman, Taylor, Williams, and Smith voted **FOR**. Councilor Dufficy voted **OPPOSED**. 5 - 1

Mayor Teske closed the voting declaring Amy Fantozzi the newly appointed member of the Board of Health requiring that a monthly report be the bare minimum requirement for the position. Mayor Teske and Councilor Smith thanked everyone for coming.

#### **IP Negotiations.**

Mayor Teske had not heard from Mr. Payne concerning the reply to IP's non-reply.

#### **Approve location for vault toilet at the Cross-Country Ski Course. (Tabled)**

Mayor Teske reported progress was stalled with Dr. Scott and the engineer.

#### **General Comments from Council:**

Mayor Teske was livid over the damage caused to the grass and headstones in the cemetery by city employees. Mr. Teske went on to explain that the smaller backhoe had broken down and the mats, designed to spread the weight of a tractor, were not used when a grave was dug during the COVID shutdown. It was explained that the issue was being dealt with internal discipline. The Mayor formally apologized to all the citizens for the disrespectful actions.

Councilor Smith agreed asking if the person in charge was in trouble to which the Mayor responded that in the future there will be more spot checking and expressed frustration that the damage was not reported when it occurred.



Councilor Beach stated that the damage was extensive rutting and Mayor Teske stated that excuses are not tolerated and that things could have been done better adding that the Council should go look at the damage. Councilor Beach asked about the equipment, the Mayor stated that the City was currently looking at a new tractor better suited to the job.

**Adjournment:**

Councilor Dufficy **MADE A MOTION** to adjourn, and Councilor Williams **SECONDED**.

Ms. Williams, Mr. Beach, Mr. Dufficy, Ms. Smith, Mr. Taylor, and Mr. Zimmerman voted **FOR**.

**MOTION PASSED.**

Meeting adjourned at 8:43 pm.

\_\_\_\_\_

Mayor Brent Teske

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

Clerk/Treasurer Samuel Sikes

Cabinet View Golf Club (CVGC) offers the City of Libby to make a payment on the loan and also request forgiveness of the unpaid remaining debt.

Sale details:

Purchase Price	\$1,912,500
Expenses	<u>\$154,750</u>
Net proceeds	\$1,757,750

- Promissory note (see attachment A) shows loan amount to be \$1,541,000. CVGC is offering to pay \$878,875. ( $\$1,757,750 * .5 = \$878,875$ ) CVGC is then requesting forgiveness in the amount of \$662,125. ( $\$1,541,000 - \$878,875 = \$662,125$ ). The loan payment and forgiveness will then satisfy the mortgage dated November 18<sup>th</sup> 2004. (see attachment B & attachment C for details)
- Source of loan funds originally were economic development funds granted to the City by the Economic Development Administration under H.R. 4425-45; section 2406.
- The repayment of \$878,875 will be available to be reinvested back into the Economic Development Funds for the Community.
- Out of the \$8 million Economic Development Funds CVGC was the only business or entity that received funds and in conjunction with those funds immediately saw an increase in their real property taxes which directly benefited the City of Libby itself. The total property taxes paid since increase is \$291,467.07, which places CVGC as one of the top property tax payers in the City of Libby. (see attachment D)

#### **Best Interest of the City of Libby:**

- The sale of the land to the current purchaser is in the best interest of the City of Libby, CVGC and the entire community. Below is a list of future benefits to the City of Libby.
  - 1) 70 to 80 future lots in the planned subdivision, what's the value to the City for this?
  - 2) Water and sewer hookup fees on future lots. What's the value to the City for this?
  - 3) Monthly water and sewer fees collected by the City from future lots. What's the value to the City for this?
  - 4) Future City of Libby taxes to be received from future lots and homes. What's the value to the City for this?
  - 5) Property tax values in a new subdivision will be taxed at a higher rate due to value of homes. What's the value to the City for this?

What does CVGC offer to the community:

- 18 hole golf course that is a staple to the Community.
- 7 annual tournaments one of which is a main fundraising event for Cabinet Peaks Medical Foundation which provides funds for equipment for our local hospital. Another large tournament provides scholarships for graduating High School Seniors.

- One of the larger tourist attraction features in the County.
- Tournament participants require over night lodging, food and further entertainment.

**History:**

15 years ago CVGC had 3 land developers fly into town to take a site tour and physically inspect the land to be sold and developed. There were offers on the table when an additional \$750,000 was presented by the Mayor of the City to be paid by CVGC, that amount was not disclosed prior and ended the deal on the spot when the investors then pulled their offers. While this has been rectified mutually by the City of Libby and CVGC it did in fact stop the sale from happening and has caused this past 15 year delay. CVGC wants to move forward in a positive manner with benefits to all.

**Summary:**

- 1) Many do not know that CVGC is a non profit run by a group of volunteer board of Directors with countless hour of volunteering from other Community members. The course survives from volunteering from the Community.
- 2) CVGC has accepted the offer from the buyer contingent upon The City of Libby coming to a mutual agreement with CVGC on loan forgiveness. It is Community knowledge that many grants were given and multiple dollars were forgiven 100%, can CVGC have funds forgiven as well? Said differently without acceptance by City of the Libby of our offer without changes the sale of the land does not close.
- 3) The future revenue stream to the benefit of the City of Libby is substantial.
- 4) CVGC has waited 15 years since the earlier offers in 2006, we do not want to wait another 15 years.
- 5) CVGC wants to move forward in a positive manor with benefits to all.
- 6) Agreeance by the City of Libby to CVGC's offer will allow both parties to move forward and prosper with the results.

**RESOLUTION NO. 1979**

**A RESOLUTION OF THE CITY OF LIBBY, A MUNICIPAL CORPORATION OF MONTANA, ADOPTING A SCHEDULE OF FEES FOR CERTAIN ADMINISTRATIVE SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE, AND PROVIDING FOR THE EFFECTIVE DATE OF ALL FEES.**

**WHEREAS**, On March 15, 2018, the City of Libby adopted a resolution changing certain provisions of Title 13, Chapter 13.54, Water Rates and Regulations.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Libby adopts the following fee schedule for planned mobile home development licenses:

**Water**

If the proposed connection is for a planned mobile home development with 20 or more connections, and the owner of the project furnishes and installs all connections, including mains, secondary lines, metering pits, and water meters according to City and State regulations and under the supervision and approval of the City, the per unit connection fee is \$500.00.

A new, vacant unit that is not equipped with a water meter shall not be charged the monthly base rate fee. The City shall be allowed to supervise the subsequent installation of water meters in those units.

Established units that become vacant will be subject to the base rate fee and other provisions of Chapter 13.54 of the Libby Municipal Code.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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Brent Teske, Mayor

ATTEST:

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Samuel Sikes, City Clerk

**RESOLUTION NO. 1980**

**A RESOLUTION OF THE CITY OF LIBBY, A MUNICIPAL CORPORATION OF MONTANA, ADOPTING A SCHEDULE OF FEES FOR CERTAIN ADMINISTRATIVE SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE, AND PROVIDING FOR THE EFFECTIVE DATE OF ALL FEES.**

**WHEREAS**, On March 15, 2018, the City of Libby adopted a resolution changing certain provisions of Title 13, Chapter 13.02, Comprehensive Sewer Regulations.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Libby adopts the following fee schedule for planned mobile home development licenses.

**Sewer**

If the proposed connection is for a planned mobile home development with 20 or more connections, and the owner of the project furnishes and installs all connections, including mains and secondary lines, according to City and State regulations and under the supervision and approval of the City, the per unit connection fee is \$500.00.

A new, vacant unit that is not equipped with a water meter shall not be charged the monthly sewer base rate fee.

Established units that become vacant will be subject to the base rate fee and other provisions of Chapter 13.02 of the Libby Municipal Code.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Brent Teske, Mayor

ATTEST:

\_\_\_\_\_  
Samuel Sikes, City Clerk

# Resolution/Ordinance/Policy

## Deer Management Action Plan

15 March 2021

### Overview

A healthy wild deer population is important to the citizens of Libby. Wildlife viewing is an aesthetic value which will be preserved. Deer hunting in areas surrounding Libby is of high value to area residents and visiting hunters. It further brings economic value to our local businesses.

Our tradition and state law recognize the importance of Montana's public wildlife legacy. Minor or occasional property damage caused by wild deer is a consequence of their presence that city residents must accept.

However, generations of both resident and nonresident deer in high numbers within the city can create situations that threaten human safety, property damage, and destruction of the city's natural vegetation as well as deer health.

Chronic Wasting Disease (CWD) has been detected in Libby deer populations complicating deer management and raising concern for maintaining health populations.

### History

Over the years, Libby residents have complained that the risk posed by deer to human safety, and increased levels of property damage, have grown to unacceptable levels.

### Action Plan: Purpose and Scope

1. To reduce the negative impacts to people and property caused by the deer in the city limits of Libby.
2. To work with Montana Fish, Wildlife and Parks personnel to manage our deer population in the city.
3. Integrate the Libby Deer Management Plan with the FWP Libby CWD Management Plan to achieve common goals.

### Specific goals

1. To eliminate individual deer that are aggressive and threaten safety
2. To eliminate specific deer which appear sickly
3. To reduce damage to property and native vegetation by lowering the deer numbers in the city
4. Through an education program, make a concerted effort to stop citizens of Libby from feeding deer (pursuant to MCA 87-3-130 it is a misdemeanor to feed deer)
5. Through an education program, inform citizens of Libby about proper carcass disposal in landfills

### Deer Population

The deer population has two components:

- A. Deer that are generational and year-round Libby residents

- B. Transient deer which generally inhabit land immediately adjacent to the City of Libby boundaries, but move in and out of town using residential, business and industrial areas.

### Deer Management Procedures

The City of Libby deer management Plan will be implemented using the following strategies:

Achieve Libby deer management goals by integrating the Libby City Deer Management Plan with the FWP CWD Management Plan. FWP has authority to manage deer populations utilizing hunting and deer culling efforts when CWD prevalence is above 5%. Surveys conducted during 2019-2020 estimated CWD prevalence within Libby City boundaries to be approximately 13%. Libby City has authority to manage deer within city limits pending a Fish and Wildlife Commission approved plan.

1. Citizens who find dead deer in town or on their city property should notify City Hall and report their address. The City Road Department will remove the carcass and properly dispose of it at the land fill. No citizens are permitted to discharge a firearm to kill any deer in the city limits!
2. Libby City Staff will assist FWP in conducting surveys to assess Libby's deer numbers.
  - a. Utilize City staff and volunteers to conduct transects.
3. Pending approval and funding of the FWP CWD Management Plan, FWP will be responsible for trapping and removing deer within the urban area in and around Libby.
  - a. Trapping efforts will occur from December through February.
  - b. Deer trapped will not be relocated due to high stress for the animal and high mortality rates after release.
  - c. FWP policy does not allow for relocating deer due to CWD and other disease concerns.
  - d. Sharp-shooting of deer may be considered where it is acceptable and can be done safely and effectively.
  - e. City and County staff will assist as available and appropriate.
4. Libby City Staff and FWP Staff will be responsible to obtain permission slips to set traps on private property.
  - a. Libby City staff will help to identify deer removal locations and obtain permission.
  - b. Libby City Police may assist FWP with trapping efforts or if sharp-shooting should be conducted.
  - c. Libby City Police, in conjunction with FWP wardens, will determine if sharp-shooting can be done in a safe location.
5. Libby City Police will work collaboratively with FWP staff to remove and test sick and injured deer
  - a. Libby City Police have the training and capacity to safely shoot deer within urban settings.
  - b. Libby City Police will work with the FWP Libby area biologist and wardens to ensure CWD testing and proper disposal of carcasses.
6. Libby City Staff will work with FWP and the local food bank to distribute meat from CWD negative deer removed by FWP.
  - a. FWP will track test results and determine meat that is suitable for distribution.
  - b. Libby City Staff will coordinate with FWP staff to distribute meat in compliance with game transfer laws.

7. FWP will provide, maintain and house a freezer used to store carcasses for the duration of the FWP and City operated plan in the future.
8. Libby City Police and FWP will work collaboratively to conduct educational activities to eliminate supplemental feeding and reduce “natural” attractants.
  - a. Libby City Police will notify anyone observed feeding deer of state laws, encourage them to stop feeding and provide educational material
  - b. Libby City Police will provide information to FWP wardens on feeding activities.
  - c. FWP will determine if feeding justifies further action (e.g., citation, etc.).
9. Deer killed by vehicle accident in the city will be removed by the City Road crew and those killed by vehicle accident on a state highway within the city limits will be removed by the State Highway Dept. All dead roadkill carcasses will be disposed of at the landfill.
10. In the event that the goals of prevalence is met or CWD management plan is discontinued, FWP will assist The City of Libby in identifying costs, funding sources and determine if a City operated plan is sustainable in the future.
  - a. The FWP CWD Management Plan goal is to reduce CWD prevalence to below 5%. It will be evaluated after 5 years.
  - b. The Libby City Deer Management Plan will be reviewed and revised as needed and based on Commission recommendations

#### Monitoring and responsibilities

The City of Libby and Montana Fish, Wildlife & Parks will jointly monitor the effectiveness of this action plan and keep annual statistics.

The Lincoln County Sherriff's Office Dispatch will accept all deer complaint calls within the city limits and notify the appropriate agency to respond: City Police, Sherriff's Office, and FWP Wardens. No citizens are permitted to discharge a firearm to kill any deer in the city limits!

There could be situations in which the public may not be open to management actions to remove deer on their property. Questions and concerns can be forwarded to FWP to discuss alternative strategies like fencing.

#### Program Longevity

This program action plan for deer reduction within the Libby city limits will be effective upon authorization from Montana FWP and the Montana Fish and Wildlife Commission. The program will remain in effect until modified or terminated by City of Libby, Montana FWP, or the Montana Fish and Wildlife Commission.

#### Overall authority and direction

FWP under 87-1-201 of the Montana Code Annotated (MCA) has the authority to “supervise all the wildlife, fish, game and non-game birds, waterfowl and game and fur-bearing animals of the state and may implement voluntary programs specifically”

As for FWP authority for granting permission to the city to implement their plans. 7-3-1105 MCA states “A city or town may adopt a plan to control, remove and restrict game animals as defined in 87-2-101 MCA within the boundaries of the city or town limits for public health and safety purposes. The plan



from the city or town will be approved by FWP and the state game commission and any conditions of the same plan will apply.

FWP has the authority per 87-1-226 MCA to allow the city to distribute the meat to their food bank or other charitable institutions or persons as deemed by the city.