



CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

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

REGULAR COUNCIL MEETING #1573

MAY 17, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Bill Sonntag.

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. Receive initial proposal for the Logger Trail – Mark Andreessen.
2. Adopt Resolution 1982 – Join State 457(b) Deferred Compensation Plan.
3. Adopt Agreement with State Public Employees' Retirement Board.
4. Approve all business licenses received to date.
 - a. Cherished Memories, Individual, 2933 Granite Cr. Rd., Personal services.
 - b. Crystal Clean, Individual, 31661 HWY 2, House cleaning.
 - c. Vacation Property Services, LLC, 904 Utah, Cleaning and maintenance on rentals.
 - d. Hello Sunshine, Individual, 507 E. Lincoln Blvd., Mobile airbrush spray tanning.
 - e. K ver Painting, Individual, 193 Farm to Market, Framing, landscaping and painting.

UNFINISHED BUSINESS:

1. IP negotiations.
2. 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 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 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: 05/13/21

Logger Trail



Objectives

- Construct new and improve existing side walk infrastructure
- Provide a safe walking surface separate of vehicle traffic and meets ADA requirements.
- Connect the community (schools, business, churches)
- Healthy exercise for all ages.

Materials

- Paving and curb needs – Approximate Linear Feet: 51,521.1' (9.7 Miles)
Approximate Linear Not paved 10,925.8 (2.0Miles)
Approximate Linear Feet Paved 40,595.3 (7.7Miles)
- Signs – Trail head, waypoints, interpretive

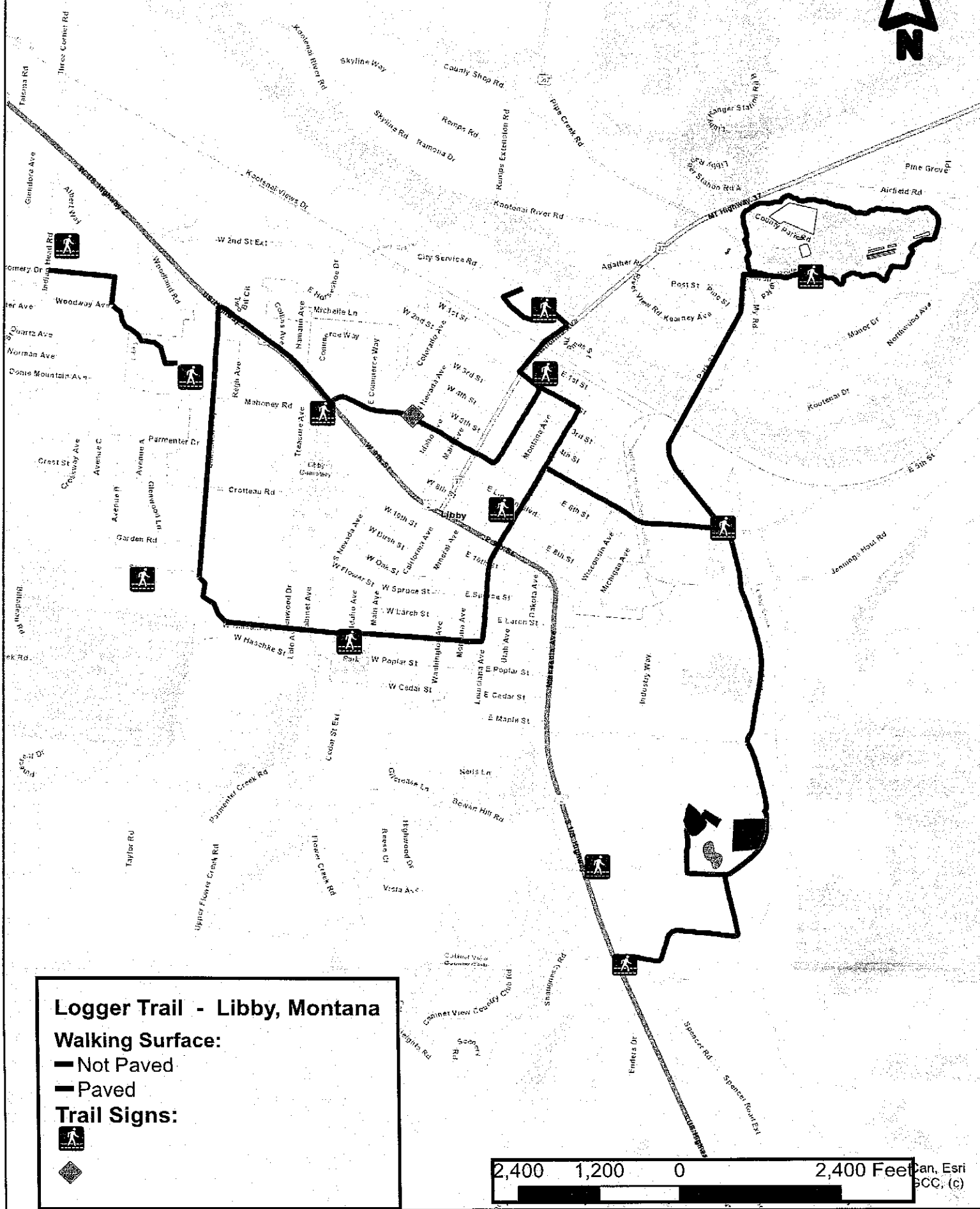
Programs

- Adopt a sidewalk (maintenance – snow and debris removal)
- Community events- Health network get out and walk

Funding/Partners

- Grants
- Local Government (City, county, state)
- Donations
- Adjacent Land Owners

Logger Trail - Libby, Montana



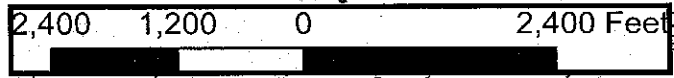
Logger Trail - Libby, Montana

Walking Surface:

- Not Paved
- Paved

Trail Signs:

-
-



Logger Trail



COMMENT	NAME	FEET
Not Paved		
	Balsam	123.3
	High School	344.4
	Balsam	1386.1
	River Side Park	1536.5
	Balsam	1582
	5 th Street	2950
	High School	<u>3003.5</u>
Sum FEET		10,925.8 (Approximately 2.0 Miles)
Paved		
	Balsam	569.8
	Education Way	706.4
	LEMS	855
	Port	1084.8
	Port	1232.3
	California	1365.8
	Port	1400
	Port	1455.3
	Hwy2	2260.3
	Port	3358.7
	Downtown	4059.3
	Port	4751.4
	Louisiana	4765
	Port	4799.2
	J Neils	<u>7,932</u>
Sum FEET		40,595.3 (Approximately 7.7 Miles)
Sum Total FEET		<hr/> 51,521.1 (Approximately 9.7 Miles)

RESOLUTION No. 1982

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA, TO PARTICIPATE IN THE STATE OF MONTANA 457(B) DEFERRED COMPENSATION PLAN ADMINISTERED BY THE MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION (MPERA).

The City of Libby on this 17th day of May 2021, adopts this Resolution to enter into an agreement with the Public Employees' Retirement Board for the voluntary participation by any of the City of Libby's eligible employees in the State of Montana Deferred Compensation (457(b)) Plan.

NOW, THEREFORE, BE IT RESOLVED by The City of Libby ("City")>, that the City become a contracting employer for the purposes of section 19-50-201, MCA, and that the City participate in the State of Montana Deferred Compensation (457(b)) Plan ("Montana Deferred Compensation Plan") administered by the Montana Public Employees' Retirement Board ("Board"). The City shall abide by the terms of the Montana Deferred Compensation Plan, and all applicable provisions of the Montana Code Annotated. Any eligible employee of the City may voluntarily choose to participate in the Deferred Compensation Plan.

BE IT FURTHER RESOLVED that the Montana Deferred Compensation Plan is subject to amendment as permitted by the Plan Document, Title 19, chapter 50 of the Montana Code Annotated, and is eligible under section 457 of the Internal Revenue Code of 1954 (26 U.S.C. 457), as amended or superseded; and complies with regulations of the U.S. Department of the Treasury.

BE IT FURTHER RESOLVED that a participating employee may defer receipt of a part of their compensation and the deferred amount shall be invested in one or more of the investment options provided for in section 19-50-102, MCA. The total amount of compensation deferred may not exceed the amount permitted by the Internal Revenue Code. Compensation deferred pursuant to this Resolution is included as compensation for the purpose of computing retirement or pension benefits, but is not subject to state and federal income tax until properly distributed.

BE IT FURTHER RESOLVED that the City's employees may make contributions to only this Deferred Compensation Plan, not to additional 457 plans sponsored by the City. The City understands that it must choose one of the following with respect to any additional 457 plans sponsored by the City:

- (a) leave existing account balance in the prior 457 plans with all new contributions being made to this Plan;
- (b) do a direct transfer of all funds from the prior plan to this Plan; or
- (c) allow employees to elect to retain existing account balances in the prior 457 plan or to do direct transfers to this Plan. All new contributions will be made to this Plan, regardless of whether employees chose to maintain their prior account balances in the prior 457 plan or transfer such balances to this Plan.

BE IT FURTHER RESOLVED that the Board will hold the deferred compensation funds invested pursuant to this Resolution and contract in trust for the exclusive benefit of the Montana Deferred Compensation Plan participants and their beneficiaries. The Montana Deferred Compensation Plan's administrator may allocate any necessary costs against the assets and interest earnings of each participant.

BE IT FURTHER RESOLVED that neither the Board nor the City shall be financially liable for any investment losses incurred.

BE IT FURTHER RESOLVED that the legislative body of the City is authorized and directed to enter into an Adoption Agreement with the Board that carries out the intent of this Resolution. The contract shall be effective on the 1st, day of July 2021.

AND BE IT FINALLY RESOLVED that in the event subsequent legislative assemblies of the state of Montana amend Title 19, Chapter 50 as to benefits, rights, or deferrals, or the Board amends the Montana Deferred Compensation Plan Document, the contract established pursuant to this Resolution shall be deemed amended to correspond thereto and the legislative amendments and Plan Document amendments shall be made a part of this Resolution and the ensuing contract.
City of Libby

Passed and approved this 17th day of May 2021.

Brent Teske, Mayor

Attest:

Samuel Sikes, City Clerk/Treasurer

City of Libby Deferred Compensation ADOPTION AGREEMENT

THIS AGREEMENT made and entered into this 10th day of June, 2021, by and between the City of Libby (“City”), and the Public Employees’ Retirement Board (“Board”), establishes that the parties mutually covenant and agree that:

1. Effective the later of the first regular employer pay period beginning one month after Board approval, or the 1st day of July, 2021, the rights, benefits, payments, duties, and obligations with respect to membership and participation in the state of Montana’s deferred compensation program (Title 19, chapter 50, MCA), shall be available to the employees of the City upon the terms and conditions set forth in the applicable statutes, regulations, and plan document.

2. The City agrees that the Board is the administrator of the deferred compensation program and agrees to the rules and conditions established by the Board for the proper administration of the plan. Account balances in the City’s previous 457 plan, if any, may be directly transferred from that plan to the state’s program.

3. The City’s payroll officer shall withhold from the compensation of a participating employee (“participant”) the deferral amount specified in that employee’s salary deferral agreement, provided that the employee has signed a participant enrollment form indicating their desire to participate in the deferred compensation program and a salary deferral agreement.

4. The City agrees, within a reasonable time but no later than 5 business days after each pay day, to submit to the Board required participant data and funds for the participant deferrals indicated on each participant's salary deferral agreement.

5. The City further agrees, at the same time the participant data and funds referenced in section 3 above are submitted, to submit to the Board as additional deferral amounts the appropriate employer's contribution, if any, in the amount of \$0.

6. The total amount of compensation deferred in a calendar year, including participant's deferral and employer's contribution, may not exceed the lesser of the amount permitted by the Internal Revenue Code (\$19,500 as of January 1, 2020), or 100% of the participant's includible compensation.

7. The City further agrees that its employees will not be permitted to make contributions to any other 457 plan sponsored by the City. However, this provision does not preclude the City's employees from having existing account balances retained in prior 457 plans.

8. All plan assets, including participant deferrals, employer contributions, and all income attributable to those assets, are held in trust by the Board for the exclusive benefit of the participants and their beneficiaries.

9. The Board agrees to maintain, or have maintained by a service manager, an account for each participant. Each participant's account will be credited with the participant's deferral amount, and any employer contribution, for each pay period upon receipt of the deferral amount from the City.

10. The Board further agrees to invest, or have invested by a third party, a participant's deferral amounts pursuant to instructions on the participant's enrollment form and Title 19, Chapter 50, MCA. The participant's account will be adjusted daily to reflect any distribution to

the participant and all interest, dividends, account charges, and changes in market value resulting from the investment of the participant's deferred amounts. Pursuant to 19-50-204, MCA, neither the Board nor the City are financially liable for any investment losses incurred.

11. The Board further agrees that a written statement of account shall be provided to each participant within thirty (30) days after the end of each quarter of the calendar year. The statement shall show participant deferrals and employer contributions for each payroll period.

12. Benefits will be payable to each participant pursuant to the appropriate plan document. Benefits are normally available following a participant's separation of service, death, or disability, or the occurrence of an unforeseeable emergency. Voluntary in-service distributions are available to participants whose account does not exceed \$5,000 on the date of distribution; who have not previously received an in-service distribution; and who have had no amount deferred under the Plan during the two-year period ending on the date of the in-service distribution. Participants' accounts may also be subject to partial or full distribution, before or following separation from service, pursuant to a Qualified Domestic Relations Order.

13. Any amendments made by the Montana Legislature to the Deferred Compensation Program, Title 19, Chapter 50, MCA, shall apply to and become a part of this Adoption Agreement on the effective date of the amendments, and the Adoption Agreement shall be deemed amended accordingly.

14. Any amendments made to the State of Montana Public Employee Deferred Compensation Plan Document shall apply to and become a part of this Adoption Agreement on the effective date of the amended plan document, and the Adoption Agreement shall be deemed amended accordingly.

15. This Adoption Agreement shall not be cancelled, amended, or abrogated by any act

of the parties except as provided for in the Title 19, Chapter 50, MCA, specifically 19-50-201, MCA.

CITY OF LIBBY

PUBLIC EMPLOYEES' RETIREMENT BOARD

By: _____
Brent Teske, Mayor

By: _____
Sheena Wilson, President

Attest: _____
Samuel Sikes, City Clerk/Treasurer

Attest: _____
Dore Schwinden, Executive Director

Date: _____

Date: _____