

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 #1608

JULY 5, 2022 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Matthew Coblentz
- Roll Call
- Welcome
- Approve Public Hearing and City Council Minutes #1607 dated 20 June 2022.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

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

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

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

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

1. Approve Resolution #2003, Discontinuing and vacating Millwest Road and a portion of Millwood Loop Road.
2. Approve Mayor to sign task order for Cabinet Heights water main replacement.
3. Approve CityServiceValcon propane and Moore Oil fuel bids.
4. Approve Faser Management & Consulting retainer contract.
5. Approve Animal Control contract renewal with Lincoln County.
6. Approve all claims received to date.
7. Approve all business license applications received to date.
 - a. Alex's Super Clean Services, 82 Airstrip Rd., Individual, House Cleaning Services.
 - b. Kaiju Bar & Grill, 419 E. 9th St., LLC, Full Service Restaurant and Bar.
 - c. Kingdom Body Mechanic, 1016 Minnesota Ave, Individual, Massage, Body Work, Personal Training, Life Coaching and Ministry.

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. IP negotiations.

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: 6/30/22

UNAPPROVED MINUTES

City of Libby City Council, meeting as Board of Adjustments, held a public hearing on Monday, June 20, 2022, at 6:00pm in Council Chambers at City Hall to obtain public comment regarding variance request at 620 Utah Ave.

CALL TO ORDER:

Mayor Williams called the meeting to order at 6:00 pm.

The Pledge of Allegiance was completed and Roll Call commenced. Present were Mayor Williams, Councilors Melissa Berke, Zach McNew, Kristin Smith, Administrator Samuel Sikes, City Clerk-Treasurer Leann Monigold, and (via Zoom) Councilor Brian Zimmerman, City Attorney Dean Chisholm. Councilors Gary Beach and Hugh Taylor were not in attendance.

Mayor Williams outlined the history of the Board of Adjustments, when City Council formed it, and its responsibilities. Mayor Williams explained the Board of Adjustment has gathered to hear a variance request for a side yard setback and obtain public comment for 620 Utah Avenue. Requirements for zoning are a 7 ft. setback from a property line with a combined two-property setback of 16 ft. Said property is 37 inches shy of that setback.

Randy Hutchinson explained the variance request is a 10 ft. addition, for a bathroom, that is in line with the current house structure. The roof line slopes toward the street and will have no impact on the neighboring house. Mr. Hutchinson said a foundation had already been poured, at no fault of the home owner, because the homeowner was putting sidewalks in and entry ways and Mr. Hutchinson suggested putting in a foundation for a bathroom. Mr. Hutchinson stated he didn't get information from the City regarding the addition and didn't know who to ask about it, so he took it for granted by staying back from the neighboring property line. He anticipated no problems.

Mr. Hutchinson referred to pictures he had submitted to explain the layout of the current structure. Stating the house was built in 1942 with a small bathroom and the homeowner would eventually need a bathroom that was more accessible.

Mayor Williams said no one from the public had shown up to speak, but a neighbor had submitted a letter objecting to the variance request. Mayor William asked Water Snyder, City Building Inspector to provide information on Code 17.36.070, 8 points that need to be looked at for approval. .

Mayor Williams read the 8 points from M.C.A. 17.36.070 and Walter Snyder, City Building Inspector, answered each point. A.) No, should not affect it. B.) Dwelling already exists in an area that is closer to what is now the current setback. C.) Circumstances are related to the actions of the applicant. D.) Granting a variance would create a special circumstance for applicant. E.) It would be detrimental allowing others to feel they could violate that setback in the future. F.) The reasons to not justify the variance. G.) Other neighbors would feel they could build close to their neighbors and ignore any setbacks. H.) Property value should not

be taken into consideration when an owner is doing something in violation of the code. Council Smith concurred with Mr. Snyder's assessment.

As City Building Inspector, Mr. Snyder stated by granting this variance it sets the example of citizens asking for forgiveness instead of permission. Homeowner started the work before getting the proper permits, understanding the circumstances of COVID and respectfully being a disabled veteran, still violates the city code. A request for permits before work started would have been denied due to city code setbacks.

Attorney Chisholm stated after rereading the ordinance for Board of Adjustments a decision can be made instead of a recommendation to Council. Mr. Chisholm recommended the Board of Adjustment make its own decision allowing the homeowner to appeal to the Council if desired at a later date.

Councilor Smith **MADE A MOTION** to **DENY Variance Request**, and Councilor Berke **SECONDED**.

Councilors Berke, McNew, Smith, and Taylor voted to **DENY**. Councilor Zimmerman voted to **APPROVE**.

MOTION PASSED.

ADJOURNMENT:

Mayor Williams adjourned the meeting at 6:40 pm.

Mayor, Peggy Williams

Clerk-Treasurer, Leann Monigold

UNAPPROVED MINUTES

The City Council held Council Meeting # 1607 on Monday, June 6, 2022, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was completed, prayer was led by Jeff O'Connell, and roll call commenced. Present were Mayor Peggy Williams, Councilors Melissa Berke, Zachariah McNew, Kristin Smith, City Administrator Sam Sikes, Clerk/Treasurer Leann Monigold. (Via Zoom) were Councilors Hugh Taylor, Brian Zimmerman, and Attorney Dean Chisholm. Councilor Gary Beach was not in attendance.

Mayor Williams welcomed all present.

Approve City Council Minutes #1604 dated May 2, 2022 and #1606 dated June 6, 2022.

Councilor Zimmerman **MADE A MOTION** to approve **City Council Minutes #1604 and #1606**, and Councilor McNew **SECONDED**.

Councilors Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Announcements: None.

Committee Reports:

Building Inspector: Administrator Sikes reported 10 residential building permits sold in May 2022 for a total of \$10,694, bringing the total for the year to 53 building permits sold to \$47,524.

Fire: Councilor Zimmerman reported LVFD responded to 10 calls in May 2022; of those calls, 5 city, 4 rural, and 1 outside of city-rural. 2 structural fires, 2 ambulance/mutual aids, 3 false alarms, 1 power line, 1 electrical, and 1 miscellaneous for a total of 46 calls for the year. Starting July 11 TCI will be starting the concrete project at the Fire Department and will take approximately 2 weeks.

Zoning/Planning: Councilor Smith announced a Planning Board meeting for Monday, June 27th with an update and document on the Growth Policy. Mayor Williams distributed a copy of the existing conditions received during the focus group meetings the previous week. Councilor Smith explained the existing conditions are a building block to help create the Growth Policy around.

Budget: Mayor Williams announced a meeting will be held Friday, June 24th at noon.

Public Comment on Non-Agenda Items: None

Old Business: None

New Business:

Decision regarding request for variance at 620 Utah Ave: Taken care of during the Public Hearing prior to the Council meeting.

Approve all business license applications received to date:

Cabinet Mountain Property Management, Clear Vision Window Cleaning, Mackenzie & Ethan Huributt Wallace, Place Consecution, and Westlund Lawn Care.

Councilor McNew **MADE A MOTION** to approve **all business license applications received to date**, and Councilor Smith **SECONDED**.

Councilors Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Unfinished Business:

IP negotiations: Mayor Williams announced the meeting with EPA and possibly DEQ is still planned for August 15th.

Public Comments: None

General Comments from the Council: Mayor Williams commented on the poor condition of the ash trees on Lincoln Blvd. and has reached out to people with knowledge of trees. Vicky Lawrence said, in the past, she treated them for aphids in the fall. Tom Horlick, previously experienced working with the city's trees, will reach out to a tree expert in Kalispell to find out if they are having similar issues and if so, how they are being treated. Mr. Horlick will also survey our city trees for aphids and have them sprayed. Monoculture is a problem when the same types of trees are planted too close together, if one gets sick, they all get sick. It has been recommended that all future tree planting be interspersed with different species of trees.

Councilor McNew said the playground equipment for Fireman's Park has arrived. A meeting was held June 17th and had met with Zero to Five and will contribute an additional \$15000 to purchase small children playground equipment for the project.

Councilor McNew commented on the appearance and unsafe conditions of the old Libby High School, enquiring if something could be done. Councilor Taylor said Attorney Chisholm had suggested a few avenues to approach the issue and Walter Snyder, new Building Inspector, was tasked with the issue but there has not been an update yet. Councilor Zimmerman mentioned former Building Inspector Ron Higgins and Chief Lauer had sent a certified letter back in 2017 and recently, Chief Lauer spoke with Mr. Curry, who said something was supposed to be done in May or June, but that time has elapsed, so he will speak with Chief Lauer to see if there is an update.

Adjournment:

Councilor Berke **MADE A MOTION** to **Adjourn**, and Councilor McNew **SECONDED**.

Councilors Berke, McNew, Smith, Taylor, and Zimmerman voted **FOR**.

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:17 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold

RESOLUTION NO. 2003

**A RESOLUTION OF THE CITY OF LIBBY, A MUNICIPAL CORPORATION,
DISCONTINUING AND VACATING MILLWEST ROAD AND A PORTION OF
MILLWOOD LOOP**

WHEREAS, a proper petition was filed with the City Council of the City of Libby, Montana, requesting discontinuance and vacation of Millwest Road from U.S. Highway 2 to Millwood Loop Road and Millwood Loop Road from the Northeast corner of Lot 2 to the end of Millwood Loop Road at the Northern edge of the utility easement of Lot 1, particularly identified on the attached Exhibit A, Millwork West Subdivision Plat No. 6717RB;and

WHEREAS, a public hearing was properly noticed and held as required by law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Libby that;

1. **PUBLIC INTEREST.** The discontinuance of the above-described Millwest Road from U.S. Highway 2 to Millwood Loop Road, and a portion of Millwood Loop Road from the Northeast corner of Lot 2 to the end of Millwood Loop Road at the Northern edge of the utility easement of Lot 1, is in the best interest of the public and can be done without any public detriment.
2. **DISCONTINUANCE.** Pursuant to Sections 7-14-4114 and 7-14-4115, MCA that Millwest Road from U.S. Highway 2 to Millwood Loop Road, and portion of Millwood Loop Road from the Northeast corner of Lot 2 to the end of Millwood Loop Road at the Northern edge of the utility easement of Lot 1, is hereby discontinued.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,
MONTANA**, on this 5th day of July 2022.

By: _____
Peggy Williams, Mayor

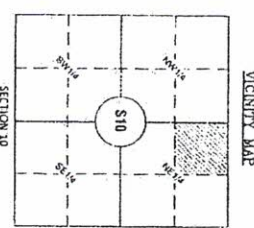
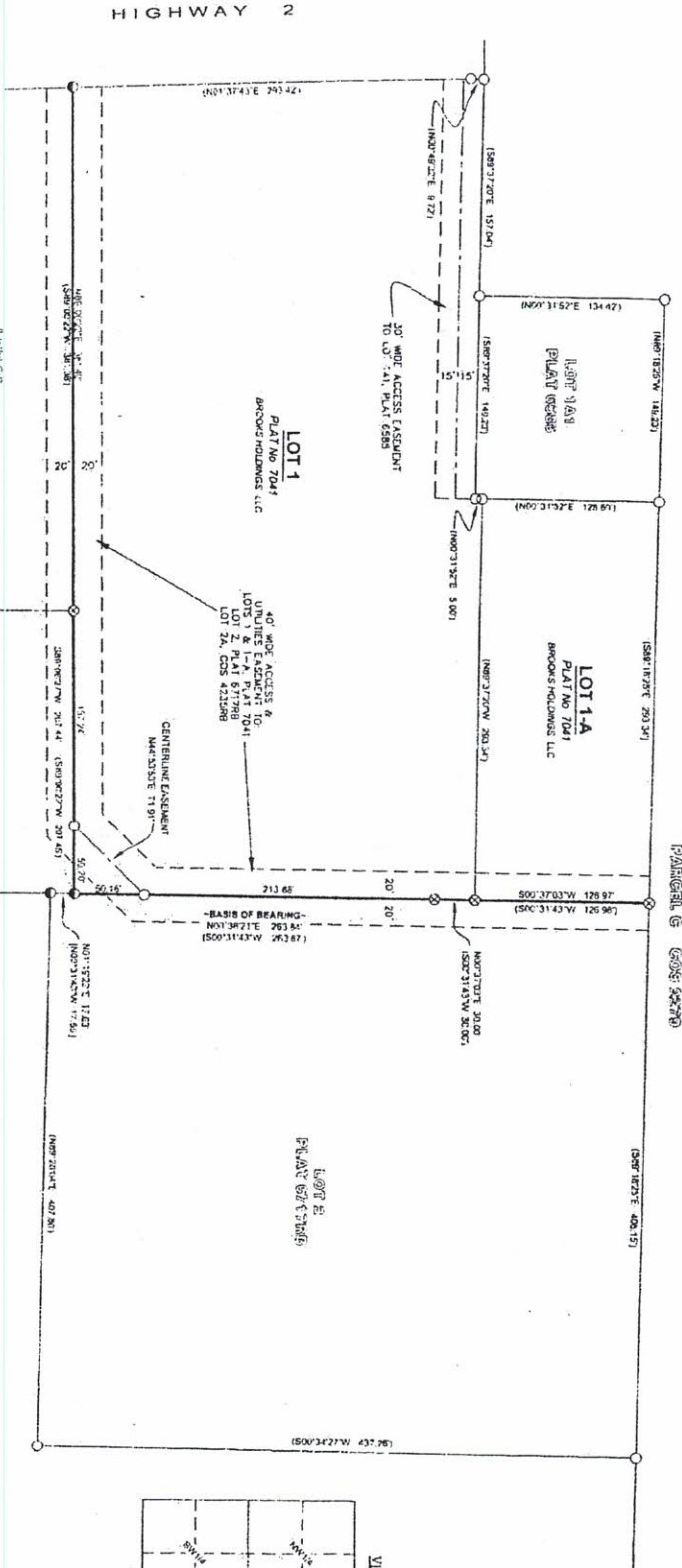
Attest: _____
Leann Monigold, Clerk/Treasurer

CERTIFICATE OF SURVEY

PARTIAL RETRACEMENT & EASEMENT EXHIBIT

SOUTH AND EAST BOUNDARIES OF LOT 1 AND EAST BOUNDARY OF LOT 1A, PLAT 7041 NW1/4 NE1/4, SECTION 10, T.30N., R.31W., P.M.MT., LINCOLN COUNTY, MONTANA

FOR: BROOKS HOLDINGS, LLC DATE: OCTOBER, 2021



METHOD OF SURVEY
A portion of the above & below plat was surveyed by GPS using a Trimble R2S receiver and a Trimble SPP receiver. The remaining portion was surveyed by a total station.

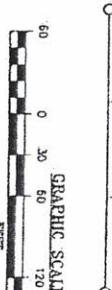
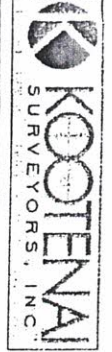
DATE OF SURVEY
The above plat was surveyed on 10/27/21.

REFERENCE SURVEYS
1. Plat No. 7041, recorded in Lincoln County, Montana, 2021.
2. Plat No. 6388, recorded in Lincoln County, Montana, 2021.

SURVEYOR'S EASEMENT NOTES
The surveyor hereby certifies that the survey was conducted in accordance with the provisions of the Montana Surveying Act and the rules and regulations of the Board of Surveyors.

LEGEND

- UNMARKED 3/4" NON-DIAMETER REBAR
- 1/4" NON-DIAMETER REBAR WITH PLASTIC CAP
- MARKED 3/4" NON-DIAMETER REBAR
- CORNER POINT
- REMOVED BOUNDARY
- ADJACENT BOUNDARY LINES
- ADJACENT LOTS
- EASEMENT
- DIMENSION LINE
- () RECORD PLAT NO. 7041
- () RECORD COB NO. 422588



PURPOSE OF SURVEY
The purpose of this survey is the retracement of the south and east boundaries of Lot 1 and the east boundary of Lot 1A, Plat No. 7041, NW1/4 NE1/4, Section 10, T.30N., R.31W., P.M.Mt., Lincoln County, Montana, for Brooks Holdings, LLC.

LAND SURVEYOR'S CERTIFICATION
I, the undersigned, being a duly licensed land surveyor in the State of Montana, do hereby certify that I am the author of this survey and that I am a duly licensed land surveyor in the State of Montana.

EXAMINING LAND SURVEYOR'S CERTIFICATION
I, the undersigned, being a duly licensed land surveyor in the State of Montana, do hereby certify that I have examined the above survey and find it to be correct and in accordance with the provisions of the Montana Surveying Act and the rules and regulations of the Board of Surveyors.

CLIENT AND RECORDER'S CERTIFICATION
I, the undersigned, being a duly licensed land surveyor in the State of Montana, do hereby certify that I am the author of this survey and that I am a duly licensed land surveyor in the State of Montana.

CERTIFICATE OF SURVEY No. 1635
 State of Montana, County of Lincoln, filed this 14th day of December, 2021, at 1:05 p.m.
 Signed and sworn to before me by Lincoln County Clerk

 Clerk of Lincoln County, Montana

Task Order No. P10074-2022-001

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated January 19, 2021 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- a. Effective Date of Task Order: _____
- b. Owner: City of Libby, Montana
- c. Engineer: Advanced Engineering and Environmental Services, LLC
- d. Specific Project (title): P10074-2022-001 Cabinet Heights Watermain Replacement
- e. Specific Project (description): The work is described in Attachment A-2: Scope Definition and Fee Summary.

2. Services of Engineer

2.1 The specific services to be provided or furnished by Engineer under this Task Order are the services (and related terms and conditions) set forth in the following sections of Exhibit A, as attached to the Agreement referred to above, such sections being hereby incorporated by reference:

- Final Design Phase (Exhibit A, Paragraph A1.03)
- Bidding or Negotiating Services (Exhibit A, Paragraph A1.04)
- Construction Phase Services (Exhibit A, Paragraph A1.05)
 - Including Resident Project Representative (RPR) services (A1.05.A.2) – Exhibit D of the Agreement is expressly incorporated in this Task Order by reference.
- Post-Construction Phase Services (Exhibit A, Paragraph A1.06)

2.2 Other Services

Engineer shall also provide the following services:

Work is described in the Scope Definition attached to this Task Order No. P10074-2022-001 as Attachment A-2.

2.3 All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services - None

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B.

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

- See respective “Phase Schedules” in Attachment A-2.

6. Payments to Engineer

6.1 Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Amount	Basis of Compensation
1. Basic Services		
a. Phase 030 – Data Collection & Review	\$11,120	Standard Hourly Rates
b. Phase 040 – Final Design	\$50,534	Standard Hourly Rates
c. Phase 050 – Bidding	\$11,476	Standard Hourly Rates
d. Phase 060/070 – Construction & Post-Construction Services	\$45,210	Standard Hourly Rates
TOTAL	\$118,340	Standard Hourly Rates

Compensation items and totals based in whole or in part on Hourly Rates are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer’s labor, overhead, profit, reimbursable expenses (if any), and Consultants’ charges, if any. Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered. Engineer shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

6.2 The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order:

N/A

8. Other Modifications to Agreement and Exhibits:

N/A

9. Attachments:

Attachment A-2: Scope Definition and Fee Summary

10. Other Documents Incorporated by Reference:

N/A

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is _____.

OWNER:

ENGINEER:

By: _____

By: _____

Print Name: _____

Print Name: Brian Bergantine

Title: _____

Title: Operations Director

Date: _____

Date: _____

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: _____

Name: Alan Wendt, PE

Title: _____

Title: Project Manager

Address: _____

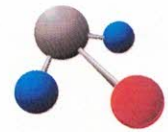
Address: 690 N Meridian Rd., Ste 218
Kalispell, MT 59901

E-Mail Address: _____

E-Mail Address: Alan.Wendt@ae2s.com

Phone: _____

Phone: 406-257-8990



Libby, Montana Cabinet Heights Watermain Replacement

AE2S PROJECT NO.: P10074-2022-001

Attachment A-2: Scope Definition and Fee Summary

Libby Water System Preliminary Engineering Report 2022

This is Attachment A-2, referred to in and part of Task Order No. P10074-2022-001 dated _____, 2022 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated January 19, 2021.

Phase 030 – Data Collection & Review

- Record drawings will be reviewed for the Cabinet Heights area
- Field survey will be conducted along the watermain alignment (topographic and existing utilities)
- Existing conditions CAD model will be developed
- Initial agency coordination (utilities, MDEQ)

Phase 030 Schedule:

- Field survey will be completed by end of July 2022
- Existing conditions CAD model will be completed by August 15, 2022

Phase 040 – Final Design

- Develop 60% Plans (title sheet, legend, plan & profile sheets, details)
- Develop 60% engineer's estimate of probable cost (submit Plans and Cost estimate to City for review)
- Develop 90% Plans and Specifications and update cost estimate
- Submit 90% Bid Documents to MDEQ for Review
- Incorporate MDEQ comments and prepare Final Bid Documents

Phase 040 Schedule:

- Complete 60% Plans and Cost Estimate by September 15, 2022

- Submit deliverable to MDEQ by October 15, 2022
- Timing of final Bidding Documents contingent on MDEQ response

Phase 050 – Bidding Services

- Facilitate pre-bid conference
- Respond to bidder questions
- Prepare potential addenda
- Review bids and develop award recommendation
- Prepare executed contract documents

Phase 050 Schedule:

- Contingent on previous phase schedule

Phase 060/070 – Construction and Post-Construction Services

- Facilitate pre-construction conference
- Review submittals/shop drawings
- Change order review
- Pay application review
- Construction progress documentation/observation logs
- Construction oversight not to exceed 160 hours
- Project close-out documentation and record drawing development

Phase 060 Schedule:

- Contingent on previous phase schedule

Fee Summary

Phase	AE2S Labor (Hours)	Total Fee
Data Collection & Review	42	\$ 11,120 [†]
Final Design	303	\$ 50,534
Bidding	67	\$ 11,476
Construction & Post-Construction	248	\$ 45,210
TOTAL		\$ 118,340

[†]Data collection & review phase fee includes survey subconsultant

CABINET VIEW WATER MAIN REPLACEMENT Revised 27 June 2022

PROJECT COST ESTIMATE- May 2022

Item	Description	Est.Quan./Unit	Unit Price	Total Price
1.	Mobilization, Demob, Insurance & Bonding	1	Lump Sum	\$60,500.00
2.	Construction Surveying	1	Lump Sum	\$10,000.00
3.	12" PVC DR 18 water main in place	3,000 LF.	\$100.00	300,000.00
4.	Connect to Existing water main	4 ea.	5,000.00	20,000.00
5.	12" valve and valve box	7 ea.	6,000.00	42,000.00
6.	Fittings in place	2,000 lbs.	20.00	40,000.00
7.	Fire Hydrant assembly	4 ea.	7,500.00	30,000.00
8.	Asphalt Pavement Replacement	4,250 SY	75.00	318,750.00
9.	Traffic Control	1	Lump Sum	15,000.00
10.	Top Soil and Seeding	1	Lump Sum	15,000.00
	Subtotal			\$790,750.00
	Contingency 20%			158,150.00
	Design, Construction Engineering & Admin			120,000.00
	Total Estimated Project Cost			\$1,068,900.00



Your bids for the Propane, Unleaded Gasoline and Diesel Fuel must disclose the following:

	Unleaded	Diesel	Propane
Supply Rack	_____	_____	Waterton _____
Posted Price	_____	_____	1.29 _____
Discount (if any)	_____	_____	N/A _____
Freight to Libby	_____	_____	Included in rack _____
State Tax	_____	_____	_____
DST Fee/Super Fund Fee	_____	_____	_____
Subtotal	_____	_____	_____
Minimum Mark up at 7%	_____	_____	_____
Additional Margin	_____	_____	.25 _____
Total Bid	_____	_____	1.54 _____

Please quote your bid for prices effective on July 1, 2022 through June 30, 2023 and include a copy of the OPTS posting for the supply rack involved.

Jim Woody
CityServiceValcon
36205 Highway 2
Libby, MT 59923
P- 406-293-5042
F- 406-293-3476

MISSOULA, MT. TO LIBBY, MT.

TAXES

	GAS	OXY 10%	DIESEL	DYED DIESEL
FEDERAL EXCISE	0.18400	0.18400	0.24400	0.00100
MT CLEAN UP	0.00750	0.00750	0.00750	0.00750
MT STATE EXCISE	0.32500	0.32500	0.29550	
OIL SPILL FEE	0.00214	0.00192	0.00214	0.00214
TOTAL TAX	0.51864	0.51842	0.54914	0.01064

Libby Bulk Plant Pricing

80/10 EXXON white column

25/10 Rack Price

80/10

25/10 Rack Price

CONOCO PRICE

Exxon

CONOCO PRICE

	SUL	UNL-OXY	DIES #2 EFFICIENT	DIES #2 W/STAR	DIES #2 DYED EFFICIENT	DIES #2 DYED	DIES #2 DYED W/STAR	DIES #2 DYED W/STAR
6/15/2022								
Rack	4.9348	4.2962	5.1493	N/A	5.1543	5.1456	N/A	N/A
Discount	-0.0220	-0.0220	-0.0550	-0.0550	-0.0550	-0.0550	-0.0550	-0.0550
Markup	0.0050	0.0050	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Freight	0.1130	0.1130	0.1320	0.1320	0.1320	0.1320	0.1320	0.1320
Taxes	0.51864	0.51842	0.54914	0.54914	0.01064	0.01064	0.01064	0.01064
Price Per Gallon	5.5494	4.9106	5.7754	#VALUE!	5.2419	5.2332	#VALUE!	#VALUE!

11am PRICE CHANGE

1-406-827-4791

Moore Oil

Your bids for the Propane, Unleaded Gasoline and Diesel Fuel must disclose the following:

	Unleaded Gasoline	Diesel Fuel	Propane
Supply Rack	<u>Missoula</u>	<u>Missoula</u>	_____
Posted price	<u>4.2962</u>	<u>5.1493</u>	_____
Discount (if any)	- <u>0.0220</u>	- <u>0.0550</u>	_____
Freight to Libby	<u>0.1130</u>	<u>0.1320</u>	_____
State Tax	<u>0.32800</u>	<u>0.29550</u>	_____
DST Fee/Super Fund Fee	<u>0.0075</u>	<u>0.0075</u>	_____
Subtotal	<u>4.7197</u>	<u>5.5298</u>	_____
Minimum Mark up at 7%	_____	_____	_____
Additional margin	<u>.10</u>	<u>.10</u>	_____
Total Bid	<u>48197</u>	<u>56298</u>	_____

Moore Oil

P.O. Box 564

Libby MT 59923

406-293-3947

July 1 2022
to

June 30 2023

**FRASER MANAGEMENT & CONSULTING, PLLC.
690 NORTH MERIDIAN, SUITE 103
KALISPELL, MT. 59901**

Samuel Sikes, City Administrator
City of Libby
PO Box 1428
Libby, MT. 59923

June 16, 2022

Re: Retainer- Amendment #12

Dear Sam;

This Agreement Amends the Retainer Agreement of November 29, 2021.

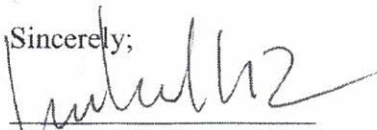
Fraser Management & Consulting, PLLC. will provide general consulting services for one year, July 1 thru June 30, 2023, for \$250.00 per month. The retainer fee will provide unlimited access for consultation by either phone or email.

Additional services will be provided Libby as authorized by the Mayor or City Administrator. All services would be provided by Michael W. Fraser, PE. at an hourly rate of \$225.00. Only time greater than ½ hour will be recorded and invoiced. Charges for travel, mileage and time are not invoiced. Travel expenses, mileage for meeting outside northwest Montana are invoiced at the Federal rate.

Additional services such as attending meetings, preparation of studies, applications or plan reviews would be provided with authorization. Attached is Exhibit A the general conditions of service.

Please review with the Mayor. With approval have the Mayor sign and return a copy of this letter as the basis of the agreement.

Sincerely;



Michael W. Fraser, PE.

The City of Libby accepts this proposal for General Consulting Services for one year at a rate of \$250.00 per month.

Peggy Williams, Mayor

Date

ANIMAL CONTROL AGREEMENT 2022 - 2023

PARAGRAPH I. A CONTRACT FOR SERVICES ENTERED INTO BETWEEN THE COUNTY OF LINCOLN AND LIBBY, A DULY INCORPORATED CITY SITUATED WITHIN THE BOUNDARIES OF LINCOLN COUNTY.

PARAGRAPH II. LINCOLN COUNTY AND THE CITY OF LIBBY AGREE TO SHARE IN THE ENFORCEMENT OF DOG CONTROL ORDINANCES WITHIN SAID CITY AND WITHIN THE BOUNDARIES OF THE LIBBY RURAL FIRE DISTRICT. THIS SHARED ENFORCEMENT SHALL INCLUDE ROUTINE PATROLING, IMPOUNDMENT OF UNLICENSED AND STRAY DOGS, CITATION FOR VIOLATIONS, AND SUCH OTHER SERVICES AS MAY BE REQUIRED BY ORDINANCE.

PARAGRAPH III. LINCOLN COUNTY AGREES TO PROVIDE EQUIPMENT AND ASSISTANCE TO LIBBY RESIDENTS FOR THE HUMANE TRAPPING OF CATS. A FULLY REFUNDABLE DEPOSIT MAY BE REQUIRED FOR USE OF A LIVE TRAP AND TRAPS WILL BE PROVIDED BASED ON AVAILABILITY.

PARAGRAPH IV. IN CONSIDERATION FOR RECEIPT OF SERVICES RENDERED THROUGH THIS CONTRACT, THE CITY OF LIBBY AGREES TO PAY INTO THE GENERAL FUND OF LINCOLN COUNTY THE SUM OF \$12,000.00 IN MONTHLY INSTALLMENTS, OR IN A LUMP SUM BY JUNE 2023.

PARAGRAPH V. THE COUNTY OF LINCOLN AGREES TO SELL ALL DOG LICENSES AND TAGS REQUIRED WITHIN THE JURISDICTION OF THE APPROPRIATE ORDINANCES. TAG AND LICENSE RECEIPTS SHALL INCLUDE THE FOLLOWING INFORMATION:

- | | | | |
|----|----------------------|----|-------------------------------------|
| A. | ANIMAL'S DESCRIPTION | D. | OWNER'S NAME |
| B. | ANIMAL'S NAME | E. | OWNER'S ADDRESS & PHONE NUMBER |
| C. | TAG NUMBER | F. | PROOF OF CURRENT RABIES VACCINATION |

PARAGRAPH VI. PERSONS SHALL BE HIRED AND DESIGNATED AS ANIMAL CONTROL OFFICERS AND SHALL BE RESPONSIBLE FOR THE DUTIES AND RESPONSIBILITIES DESCRIBED HEREIN AND SHALL BE GIVEN AUTHORITY TO ENFORCE THE ORDINANCES.

PARAGRAPH VII. IN ADDITION TO THE DUTIES OF ENFORCEMENT, LINCOLN COUNTY SHALL BE RESPONSIBLE FOR THE CARE OF IMPOUNDED ANIMALS AND CLEANUP OF THE FACILITY ON A REGULAR SCHEDULE. THESE DUTIES MAY BE PROVIDED BY A THIRD PARTY THROUGH CONTRACT WITH LINCOLN COUNTY.

PARAGRAPH VIII. ADMINISTRATION OF THE CONTROL PROGRAM SHALL BE PROVIDED BY LINCOLN COUNTY. CITY OF LIBBY SHALL DESIGNATE AN OFFICIAL TO SERVE AS A CONTACT, AND WHO WILL BE RESPONSIBLE FOR DISCUSSING CONCERNS OF THE CITY, AS THEY RELATE TO THE PERFORMANCE OF THIS CONTRACT.

PARAGRAPH IX. ALL MONIES RECEIVED THROUGH THE SALE OF LICENSES AND IMPOUND FEES SHALL BE RETURNED TO THE TREASURER OF LINCOLN COUNTY FOR SUPPORT OF THE PROGRAM DURING THE DURATION OF THIS AGREEMENT.

PARAGRAPH X. RENEWAL OR REVISION OF THIS AGREEMENT MUST BE ACCOMPLISHED NOT LATER THAN 30 DAYS AFTER THE EXPIRATION DATE SET FORTH BELOW.

PARAGRAPH XI. EITHER PARTY MAY CANCEL THIS AGREEMENT 30 DAYS AFTER SUBMISSION OF WRITTEN NOTICE TO THE OTHER PARTY.

EFFECTIVE DATE OF THIS CONTRACT: 7-01-2022

EXPIRATION DATE OF THIS CONTRACT: 6-30-2023

LINCOLN COUNTY, MONTANA

CITY OF LIBBY

BY: _____

BY: _____

DATE: _____

DATE: _____