



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 #1563

FEBRUARY 16, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer by Mr. Lloyd Miller
- Approve City Council Meeting Minutes for #1562 dated 1 February 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. Accept Nominations and Vote on a new member of the Board of Health Committee.
2. Approve Ordinance 1972 – Establish civil fines pertaining to the use, possession, and cultivation of Marijuana. (Second Reading)
3. Approve new business licenses received to date.
 - a. Bee Buzzin Beans, LLC, 609 Wisconsin Ave, Internet Sales of Coffee Beans
 - b. Clear Water Cleaning, Partnership, 215 Frazey Loop, Commercial/Residential Cleaning
 - c. Reve Exteriors LLC DBA DaBella, LLC, Missoula MT, Residential Remodeling
 - d. Sandi Sullivan Insurance, LLC, Troy MT, Health Insurance Broker/Agent
 - e. The Blue Bear, Individual, 110 W. 5th St., Variety Store

UNFINISHED BUSINESS:

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

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: 2/11/21

UNAPPROVED MINUTES

The City Council held meeting #1562 on Monday, February 1, 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, Mrs. Williams (via Zoom), Mr. Beach (via Zoom), Mr. Dufficy, Ms. Smith, Mr. Zimmerman (via Zoom), City Administrator Mr. Hammons, and City Clerk/Treasurer Mr. Sikes. Mr. Taylor was absent.

Mayor Teske welcomed all, and the prayer was offered by Mr. Rajan Zed.

Approve City Council Meeting minutes for #1561 dated 19 January 2021. Councilor Dufficy **MADE A MOTION** to approve and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Announcements:

No announcements were offered.

Committee Reports:

City Administrator's Report: Mr. Hammons reported on the effects from the windstorm that swept through Libby. The City lost 4 trees and the Wastewater Treatment Plant handled the influx of storm water turbidity well, never going out of acceptable levels. Mr. Hammons noted that the City has yet to have plowed this winter. Councilor Dufficy questioned what was meant by turbidity to which Mr. Hammons answered that it was basically dirty water that was coming in from Flower Creek from the freshwater intake.

Fire: Councilor Zimmerman reported that there were 20 calls for service in January of 2021 which consisted of 5 calls within the City, 13 calls in the Rural Fire District, and 2 calls outside the City or RFD. Mr. Zimmerman went on to inform the Council of the deteriorated condition of the apron in front of the Fire Department and explained that the Lincoln County Rural Fire District was again requesting for a Grant to replace the SCBA's (breathing apparatuses). Mr. Zimmerman also informed the council that if the Grant were not successful, the City and Rural Fire Department would be responsible for half of the \$200,000 total replacement costs each.

Councilor Smith asked Councilor Zimmerman to confirm the amount that the City would be responsible for to which Mr. Zimmerman answered \$100,000.

Police: Libby Police Chief Kessel reported 267 calls for service in January as opposed to 299 last year. Of the calls 13 resulted in arrest and 40 in citations whereas last year it was 25 arrests and 47 citations. Chief Kessel again stated that the numbers of arrests are still lower due to the jail only accepting violent offenders. Councilor Smith asked Chief Kessel if the people being released were being given monitors to track their location to which Chief answered no, adding that until the court date the person would not be seen again.

Chief Kessel continued with the example of a person being picked up for a DUI. He explained that upon someone being arrested for a DUI they would be booked, no bond would be posted, and then the person would be released to a responsible person. There is not a stop gap measure and there is also nothing stopping the “buddy” of the person from dropping them off at the vehicle and driving off. Chief said that the Police do not have control over that.

Councilor Dufficy asked Chief Kessel what the fine was for a first offense of open container, referring to an alcoholic beverage, to which Chief answered around \$50. Councilor Dufficy asked if the person ticketed could just pay the fine and Chief Kessel answered that the fine could either be paid or be brought before the court asking Councilor Dufficy if this question were pertaining to the Ordinance that would be discussed later in the meeting. Mr. Dufficy responded that this question had nothing to do with Ordinance 1972 and that it was just a question.

Mr. Dean Chisholm joined the conversation adding that the citation, and corresponding fine, could be either paid or taken to court and that the amount of the fine would depend on multiple factors such as how many offenses the ticketed person had in the past. Mr. Chisholm added that some jurisdictions have the option to log into a website and pay the fine. Chief Kessel added that Libby does not have that ability and Mr. Dufficy commented that the understanding is that fines are paid in open court just like a speeding ticket.

Resolution/Ordinances: Mrs. Williams announced nothing except for Ordinance 1972 which is on the Agenda.

Lights/Streets/Sidewalks: None

Building: None.

Water/Sewer: None.

Zoning Commission: Councilor Smith reported that the Committee met last Monday to work on Residential District and was looking into how other towns handled zoning issues adding that the next meeting would be on the 22nd. Ms. Smith informed the Council that Planning had also met and were continuing to pursue another application to be on the Committee. Mayor Teske asked Mr. Hammons if he was working on the application to which Jim answered yes.

Cemetery/Parks: None.

Finance: Mr. Sikes informed the Council that the Alcohol and Coin Operated Licenses were completed, except for Rosita’s and The Quick Stop. All would be sent out on the 2nd of February.

KRDC: Councilor Smith reported that the Committee had met with the Port Authority to discuss the trail system announcing that the KRDC was going to contribute to the improvements to lower the costs.

City-County Board of Health: Mayor Teske reported that the City had received one application to date for the open position then confirmed with Mr. Hammons that the application deadline was Friday adding that he hoped that more names would be submitted.

Park District Manager: Mayor Teske reported that Mr. Petrusha called asking what requirements were needed for the vault toilet to which the Mayor pointed him to Mr. Fraser for the engineering.

Public Comment on Non- Agenda Items:

DC Orr, 1117 Nevada, commented that he had been watching the minutes from the Council meetings noticing that the 1.4 Million dollars loaned to the Golf Course never came up. Mayor Teske stated that the topic was still being discussed and was not let go. Mr. Orr stated that the Golf Course was still selling lots and had the money to sub-divide adding that if the sub-division was not approved that fraud charges should be investigated.

Mayor Teske stated that contact would be made with Mr. Mercer. Mr. Zimmerman informed the Council that Mr. Mercer has been raising money for the required \$48,000 in engineering costs adding that the Golf Club was also attempting to sell all the land, for just under 3 Million, to let the buyer complete the development and repay the City loan.

New Business:

Approve Ordinance 1972 – Establish civil fines pertaining to the use, possession, and cultivation of Marijuana.

Mayor Teske read over the Ordinance and asked Councilor Williams to explain the recommendations. Councilor Williams explained that in November of 2020 the people of Montana voted to approve I-190 on Marijuana adding that the language in the new law is what is contained within Ordinance 1972. Mrs. Williams stated that the exact language is currently being settled by State Legislatures and the Courts adding that this Ordinance is only an interim fix until the law is finalized.

Mr. Dean Chisholm added that the Marijuana Initiative was lengthy. The State is trying to figure out how to decriminalize personal growth and use of the drug, not to mention, how to tax and regulate it starting 1 January 2022. Mr. Chisholm stated that no rules on Marijuana have been codified anywhere so the language in this ordinance was taken directly from the Initiative adding that 50 to 60 marijuana bills were currently pending in Montana at the State level. Mr. Chisholm explained that this Ordinance will allow the police to regulate the use until the Laws are passed.

Councilor Williams informed the Council that this ordinance focused on what the definition of a “public place” is. Mr. Chisholm added that, since the law did not define a public place, the Ordinance Committee

and City Attorney crafted Ord. 1972 to avoid confusion by labeling public places as any City owned areas and any public parking lots.

Councilor Zimmerman **MADE A MOTION** to adopt Ordinance 1972 and Mr. Beach **SECONDED**.

Councilor Dufficy asked Mr. Chisholm about civil fines, questioning if there was a sliding scale up to the \$200 maximum fine or if there was just the maximum fine. Mr. Chisholm explained that fines depend on the language of the Initiative, adding that a majority of civil and criminal laws cite a maximum fine or jail sentence leaving the actual punishment up to the courts.

Councilor Dufficy questioned, if someone were cited, if the requirement was to go to the court or could the fine just be paid. Mr. Chisholm responded that punishment would be up to the discretion of each court adding that the judge would decide on appearing before the court or just paying a fine. Mr. Chisholm explained that, in general, once a ticket is issued the offender will make an initial appearance where the rights are read, and a plea is made. Once the plea is made, if pleading guilty, one can then simply pay at the desk.

Chief Kessel, using the example of receiving a ticket for an open container, explained that the law states that no fine shall exceed \$300 adding that Libby writes the ticket for \$50 and the judge raises or lowers the amount when the offender goes to the court.

Councilor Dufficy questioned if marijuana use was a misdemeanor and Mr. Chisholm answered that it was not adding that marijuana was now a civil penalty whereas a misdemeanor includes a criminal penalty. Councilor Dufficy asked what fine the Chief would charge under the marijuana ordinance which Chief answered \$50. Chief Kessel went on to explain that last year only 3 tickets were given for open container.

Chief Kessel went on to explain that the Libby Police Department has the overall goal to educate first rather than to punish by fines adding that Libby's Police want to educate the public that marijuana cannot be used in public places or areas. Councilor Dufficy stated that his earlier questions were a lead in to this Ordinance.

Mrs. Williams, Mr. Dufficy, Ms. Smith, and Mr. Zimmerman voted **FOR**, Mr. Beach was absent as his internet connection was lost at 7:31 pm and Mr. Taylor was absent.

MOTION PASSED (FIRST READING).

Approve all business licenses received to date.

Mayor Teske read through the applications for; Cook Clean and Care home Services, Fuller Elektrik, and Morozzo Plumbing and Heating. Councilor Smith **MADE A MOTION** to approve the licenses and Mr. Dufficy **SECONDED**.

Mrs. Williams, Mr. Dufficy, Ms. Smith, and Mr. Zimmerman voted **FOR**. Mr. Beach was absent as the internet connection was lost at 7:31 pm and Mr. Taylor was absent.

MOTION PASSED.

Approve claims and payroll for January of 2021.

Councilor Zimmerman **MADE A MOTION** to approve and Ms. Smith **SECONDED**.

Mrs. Williams, Mr. Dufficy, Ms. Smith, and Mr. Zimmerman voted **FOR**. Mr. Beach was absent as the internet connection was lost at 7:31 pm and Mr. Taylor was absent.

MOTION PASSED.

Approve all liquor licenses received to date.

Mayor Teske read through the license for Cabinet View Golf Club. Councilor Smith **MADE A MOTION** to approve and Mr. Dufficy **SECONDED**.

Mrs. Williams, Mr. Dufficy, Ms. Smith, and Mr. Zimmerman voted **FOR**. Mr. Beach was absent as the internet connection was lost at 7:31 pm and Mr. Taylor was absent.

MOTION PASSED.

Unfinished Business:

City of Libby Wildlife Management Plan.

Councilor Dufficy informed the Council that the committee is still waiting to receive the accepted draft from the FWP adding that "40 something" deer have been harvested to date with the 14 that were confirmed CWD negative awaiting butchering at the Food Bank.

Mayor Teske asked if the deer were being trapped to which Mr. Dufficy answered yes and the Mayor stated the deer trapping was Phase I and turkeys were Phase II.

IP Negotiations.

Mayor Teske stated that the Councilors were sent a Confidential e-mail and asked if there were any questions to which none were offered.

Mr. DC Orr, 1117 Nevada, voiced his agreement in receiving revenue and protecting what the City has but questioned as to the reasoning why the e-mail was not publicly posted. Mayor Teske responded that it was not posted as it concerns ongoing sensitive litigation and thus, confidential.

Mr. Orr went on to offer his opinions towards Mr. Payne as they relate to past dealings with the City, former Council Members and Mayors. Mr. Orr finished, as Councilor Zimmerman pointed out the 3 minute rule, that the City should publicly post all IP negotiations or hire another person for Mr. Payne's position.

Approve (tabled) location for vault toilet at the Cross-Country Ski Course.

Mayor Teske reported that Mr. Petrusha called asking what requirements were needed for the vault toilet to which the Mayor pointed him to Mr. Fraser for the engineering.

General Comments from Council:

Councilor Beach rejoined the meeting via zoom with a phone at 7:38 pm.

Mr. Dean Chisholm, speaking to Mr. Orr's comments, suggested that the Mayor and Council preserve the Attorney-Client privilege adding that parts of the litigation could be released while still maintaining privileged information.

Adjournment:

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

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

MOTION PASSED.

Meeting adjourned at 7:43 pm.

Mayor Brent Teske

Attest; _____

Clerk/Treasurer Samuel Sikes

CITY OF LIBBY
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 2 / 21

1000 GENERAL

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
410000 GENERAL GOVERNMENT						
410200 Executive Services(council)	32.83	23,862.37	50,520.00	50,520.00	26,657.63	47 %
410360 City Court	0.00	75.00	33,012.00	33,012.00	32,937.00	0 %
410500 Financial Services	0.00	25,460.13	51,626.00	51,626.00	26,165.87	49 %
410600 Elections	0.00	0.00	3,000.00	3,000.00	3,000.00	0 %
411030 Planning	0.00	1,510.00	10,000.00	10,000.00	8,490.00	15 %
411100 Legal Services	3,157.13	25,257.04	38,886.00	38,886.00	13,628.96	65 %
411200 Facilities Administration(city hall)	1,550.96	38,268.58	105,230.00	105,230.00	66,961.42	36 %
411240 Facilities Improvements-City Hall	0.00	0.00	7,410.00	7,410.00	7,410.00	0 %
Account Group Total:	4,740.92	114,433.12	299,684.00	299,684.00	185,250.88	38 %
420000 PUBLIC SAFETY						
420100 Law Enforcement Services	-557.92	261,083.17	561,762.00	561,762.00	300,678.83	46 %
420400 Fire Protection & Control	3,472.58	57,552.51	117,684.00	117,684.00	60,131.49	49 %
420402 Fire hall roof loan intercap	0.00	3,063.33	5,694.00	5,694.00	2,630.67	54 %
420500 Building Inspector	0.00	13,001.31	43,604.00	43,604.00	30,602.69	30 %
Account Group Total:	2,914.66	334,700.32	728,744.00	728,744.00	394,043.68	46 %
430000 Public Works						
430200 Road & Street Services	5,850.03	78,923.86	165,514.00	165,514.00	86,590.14	48 %
430262 SIDEWALKS & CURBS	0.00	28,950.05	50,000.00	50,000.00	21,049.95	58 %
430500 Water Operating	-9.99	-9.99	0.00	0.00	9.99	*** %
430900 Cemetary Services	56.07	16,351.68	33,718.00	33,718.00	17,366.32	48 %
Account Group Total:	5,896.11	124,215.60	249,232.00	249,232.00	125,016.40	50 %
440000 PUBLIC HEALTH						
440600 Animal Control Services	0.00	0.00	12,000.00	12,000.00	12,000.00	0 %
Account Group Total:	0.00	0.00	12,000.00	12,000.00	12,000.00	0 %
460000 CULTURE AND RECREATION						
460430 Parks	126.41	18,812.03	43,221.00	43,221.00	24,408.97	44 %
460437 FORESTRY & NURSERY	0.00	0.00	2,000.00	2,000.00	2,000.00	0 %
460438 DNRC - ARBOR DAY GRANT	0.00	0.00	750.00	750.00	750.00	0 %
Account Group Total:	126.41	18,812.03	45,971.00	45,971.00	27,158.97	41 %
510000 MISCELLANEOUS						
510300 Other Unallocated Costs	0.00	33,037.09	54,326.00	54,326.00	21,288.91	61 %
Account Group Total:	0.00	33,037.09	54,326.00	54,326.00	21,288.91	61 %
Fund Total:	13,678.10	625,198.16	1,389,957.00	1,389,957.00	764,758.84	45 %

2386 IP SETTLEMENT

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
480000 CONSERVATION OF NATURAL RESOURCES						
480200 IP Money	0.00	33,072.85	284,517.00	284,517.00	251,444.15	12 %
Account Group Total:	0.00	33,072.85	284,517.00	284,517.00	251,444.15	12 %
Fund Total:	0.00	33,072.85	284,517.00	284,517.00	251,444.15	12 %

2410 Lighting Maint.

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430263 Utilities	130.14	23,374.97	59,000.00	59,000.00	35,625.03	40 %
Account Group Total:	130.14	23,374.97	59,000.00	59,000.00	35,625.03	40 %
Fund Total:	130.14	23,374.97	59,000.00	59,000.00	35,625.03	40 %

02/11/21
11:04:52

CITY OF LIBBY
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 2 / 21

Page: 4 of 10
Report ID: B100ZA

2510 STREET MAINTENANCE

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430200 Road & Street Services	0.00	171,763.28	277,256.00	277,256.00	105,492.72	62 %
Account Group Total:	0.00	171,763.28	277,256.00	277,256.00	105,492.72	62 %
Fund Total:	0.00	171,763.28	277,256.00	277,256.00	105,492.72	62 %

2820 Gas Tax

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430200 Road & Street Services	0.00	19,930.99	56,315.00	56,315.00	36,384.01	35 %
Account Group Total:	0.00	19,930.99	56,315.00	56,315.00	36,384.01	35 %
Fund Total:	0.00	19,930.99	56,315.00	56,315.00	36,384.01	35 %

2821 GAS TAX HB 473

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430200 Road & Street Services	0.00	33,179.48	25,000.00	25,000.00	-8,179.48	133 %
Account Group Total:	0.00	33,179.48	25,000.00	25,000.00	-8,179.48	133 %
Fund Total:	0.00	33,179.48	25,000.00	25,000.00	-8,179.48	133 %

2959 Community Development Fund

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
470000 Housing and Community Development						
470300 Economic Development	0.00	0.00	19,500.00	19,500.00	19,500.00	0 %
Account Group Total:	0.00	0.00	19,500.00	19,500.00	19,500.00	0 %
Fund Total:	0.00	0.00	19,500.00	19,500.00	19,500.00	0 %

3200 MINERAL AVE. SID PROJECT

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
490000 DEBT SERVICE						
490504 SID LOAN PAYBACK TO LADC FUND	0.00	0.00	2,146.00	2,146.00	2,146.00	0 %
Account Group Total:	0.00	0.00	2,146.00	2,146.00	2,146.00	0 %
Fund Total:	0.00	0.00	2,146.00	2,146.00	2,146.00	0 %

02/11/21
11:04:52

CITY OF LIBBY
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 2 / 21

Page: 9 of 10
Report ID: B1002A

5210 WATER UTILITY

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430500 Water Operating	7,270.78	477,567.60	1,278,320.00	1,278,320.00	800,752.40	37 %
430591 Water System Improvements	0.00	1,726.60	1,325,000.00	1,325,000.00	1,323,273.40	0 %
Account Group Total:	7,270.78	479,294.20	2,603,320.00	2,603,320.00	2,124,025.80	18 %
490000 DEBT SERVICE						
490200 RD LOAN FOR WATER DISTRIBUTION	0.00	37,425.00	89,821.00	89,821.00	52,396.00	42 %
490201 DNRC COAL SEVERANCE WATER BOND H2O	0.00	8,462.98	16,927.00	16,927.00	8,464.02	50 %
490202 DNRC WRF - 14298 WATER BOND LOAN	0.00	64,762.50	129,975.00	129,975.00	65,212.50	50 %
490203 DNRC LOAN \$800,000 FOR DAM	0.00	26,741.68	53,484.00	53,484.00	26,742.32	50 %
490204 RD BOND FLOWER CREEK	0.00	53,920.00	129,409.00	129,409.00	75,489.00	42 %
490205 RD BOND FLOWER CREEK	0.00	8,260.00	19,824.00	19,824.00	11,564.00	42 %
Account Group Total:	0.00	199,572.16	439,440.00	439,440.00	239,867.84	45 %
Fund Total:	7,270.78	678,866.36	3,042,760.00	3,042,760.00	2,363,893.64	22 %

5310 SEWER UTILITY

Account	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
430000 Public Works						
430600 Sewer Operating	3,521.11	255,955.00	534,014.00	534,014.00	278,059.00	48 %
Account Group Total:	3,521.11	255,955.00	534,014.00	534,014.00	278,059.00	48 %
490000 DEBT SERVICE						
490210 USDA-RD BOND LOAN PAYMENT CABINET	0.00	27,660.00	66,385.00	66,385.00	38,725.00	42 %
490220 USDA-RD BOND WASTE-WATER PLANT	0.00	12,140.00	29,137.00	29,137.00	16,997.00	42 %
490503 LADC ADVANCE LOAN TO WATER & SEWER	0.00	0.00	15,512.00	15,512.00	15,512.00	0 %
Account Group Total:	0.00	39,800.00	111,034.00	111,034.00	71,234.00	36 %
Fund Total:	3,521.11	295,755.00	645,048.00	645,048.00	349,293.00	46 %
Grand Total:	24,600.13	1,881,141.09	5,801,499.00	5,801,499.00	3,920,357.91	32 %

ORDINANCE 1972

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA ESTABLISHING CIVIL FINES PERTAINING TO THE USE, POSSESSION AND CULTIVATION OF MARIJUANA

WHEREAS the voters of the State of Montana approved Initiative I-190 and which decriminalized certain activities related to the use, possession and cultivation of marijuana, but also provided for the implementation of civil fines for the same,

NOW, THEREFORE, be it ordained by the City Council of the City of Libby, Montana that the following Ordinance be enacted effective March 18, 2021.

Restrictions on activities related to the use, possession and cultivation of Marijuana Title 9.57.00

9.57.10 For purposes of this chapter "public places" means all sidewalks, streets, avenues, alleys, publicly owned parking lots and privately owned parking lots open to the public for parking in the city, to include city parks and all city property.

9.57.20 The following activities related to the use, possession and cultivation of marijuana are hereby prohibited and unless otherwise specifically provided, any person or found in violation thereof is guilty of a municipal infraction and shall have imposed a civil fine or penalty as set forth herein and may be enforced by the City in the manner set forth in this Code:

9.57.30 A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place in violation of subsection is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

9.57.40 A person who cultivates marijuana plants or stores marijuana outside of a locked space is subject to a civil fine not exceeding \$250 and forfeiture of the marijuana.

9.57.50 A person who smokes marijuana in a public place, other than in an area licensed for that activity by the city or other agency with authority to do so, is subject to a civil fine not exceeding \$50.

9.57.60 For a person who is under 21 years of age and is not a registered cardholder, possession, use, ingestion, inhalation, transportation, delivery without consideration, or distribution without consideration of 1 ounce or less of marijuana is punishable by forfeiture of the marijuana and the underage person's choice between:

- A. a civil fine not to exceed \$100; or
- B. up to 4 hours of drug education or counseling in lieu of the fine.

9.57.70 For a person who is under 18 years of age and is not a registered cardholder,

possession, use, transportation, delivery without consideration, or distribution without consideration of marijuana paraphernalia is punishable by forfeiture of the marijuana paraphernalia and the underage person's choice between:

- A. a civil fine not to exceed \$100; or
- B. up to 4 hours of drug education or counseling in lieu of the fine.

9.57.80 Unless otherwise permitted under the provisions of Title 50, chapter 46, part 3, the possession, production, delivery without consideration to a person 21 years of age or older, or possession with intent to deliver more than 1 ounce but less than 2 ounces of marijuana or more than 8 grams but less than 16 grams of marijuana in a concentrated form is punishable by forfeiture of the marijuana and:

- A. for a first violation, the person's choice between a civil fine not exceeding \$200 or completing up to 4 hours of community service in lieu of the fine;
- B. for a second violation, the person's choice between a civil fine not exceeding \$300 or completing up to 6 hours of community service in lieu of the fine;
- C. for a third or subsequent violation, the person's choice between a civil fine not exceeding \$500 or completing up to 8 hours of community service in lieu of the fine; and
- D. for a person under 21 years of age, the person's choice between a civil fine not to exceed \$200 or attending up to 8 hours of drug education or counseling in lieu of the fine.

Brent Teske, Mayor

ATTEST:

Samuel Sikes, City Clerk/Treasurer