



## CITY OF LIBBY

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### REGULAR COUNCIL MEETING #1565

MARCH 15, 2021 @ 7:00PM

COUNCIL CHAMBERS – CITY HALL

#### CALL TO ORDER:

- Pledge of Allegiance
- Roll Call
- Welcome
- Prayer offered by Marcus Girod
- Approve City Council Meeting Minutes for #1564 dated 1 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 KPFL request to waive Ponderosa Room fee for annual fund raiser.
2. Adopt Resolution 1976 – Approve Budget Amendment for CARES/COVID 19 reimbursement.
3. Adopt Resolution 1977 – Approve establishment of Capital Improvement Projects Fund.
4. Adopt Resolution 1978 – Approve Elected Officials into Employee Benefits Program.

**UNFINISHED BUSINESS:**

1. City of Libby Wildlife Management Plan – Deer
2. Interview and Appoint a member to the Board of Health. (Tabled)
3. IP negotiations.
4. 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: 03/11/21

## UNAPPROVED MINUTES

The City Council held meeting #1564 on Monday, March 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, Mr. Dufficy, Ms. Smith, Mr. Taylor, Mr. Zimmerman, and City Clerk/Treasurer Mr. Sikes. Mr. Beach was absent.

Mayor Teske welcomed all, and the prayer was offered by Leona Mast.

Approve City Council Meeting Minutes for #1563 dated 16 February 2021. Councilor Smith **MADE A MOTION** to approve, and Councilor Zimmerman **SECONDED**.

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

**MOTION PASSED.**

### Announcements:

No announcements were offered.

### Committee Reports:

**City Administrator's Report:** Mayor Teske read over Mr. Hammons report mentioning that spring is almost here while not wanting to jynx it, meaning going through winter without having to plow.

**Fire:** Councilor Zimmerman reported that LVFD responded to 7 calls for service. The calls consisted of 3 for the City, 3 in the Rural District and 1 outside of both. 1 was for a structure, 2 for chimneys, 2 for ambulance assistance, 1 false alarm and 1 for a propane. This brings the total number of calls to 27 for 2021.

**Police:** Police Chief Kessel reported 233 calls for service in February as opposed to 281 last year. Of the calls 11 resulted in arrest and 25 in citations whereas last year it was 16 arrests and 34 citations. The numbers are lower due to receiving less calls for suspicious activity and fewer traffic stops this year.

**Resolution/Ordinances:** None.

**Lights/Streets/Sidewalks:** None

**Building:** None.

**Water/Sewer:** Mayor Teske reported the City is working with the Engineers and DEQ to get the variances approved for the new Bar Screen at the Wastewater Plant. It is hoped that preapproval will streamline the project timeline for a quicker completion date.

**Zoning Commission:** None.

**Cemetery/Parks:** None.

**Finance:** Mr. Sikes reported that there was a lowering in the Workman's Comp rates and that Black Mountain Software was going to be updated. Mr. Sikes also reported that the USDA was really going over the annual report due to submitting that last two years' worth at once adding that thus far the USDA was very pleased with the submissions.

**KRDC:** None.

**City-County Board of Health:** Mayor Teske reported that the City was still accepting applications until the 10<sup>th</sup> of March with interviews and appointment set for the 15<sup>th</sup> of March. Councilor Smith asked if the City had received any applications to which the Mayor answered that the City had not received any to date.

**Park District Manager:** None.

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

Mr. Ben Scott, 252 Woodland Heights Rd., passed out the third draft of the Source Water Delineation and Assessment Report from Kristi Kline with Rural Water. Mr. Scott voiced concerns and disappointment with the entire process and with all parties involved. The frustration comes from the perceived lack of action on the project and supposed lack of communication between the Ski Club and Kristi Kline with Rural Water. Mr. Scott went on to describe the amount of logging and roads within the entire watershed in comparison to the small footprint that the Ski Club is trying to utilize.

Mayor Teske explained that Kristi Kline wants to meet with the Club adding that the draft proposals were inadequate and that the process takes more time than Mr. Scott believes is acceptable due to several steps that must be completed after the assessment phase currently being worked on. Mayor Teske and Mr. Scott had a brief discussion on the various owners of land in the watershed to which the Mayor answered that the City has no control over the USFS or County property adding that the City can only control what it can control.

Councilor Smith asked if there was a completion timeframe to which the Mayor answered no explaining that the draft assessment was only part of the process. The Mayor understands that patience is required and explained that the Council members or concerned citizens can call Ms. Kline adding that communication is the biggest problem right now in the process.

Mr. Scott brought up that tons of sediment are flowing into the reservoir already and the club vehicles were not as destructive as all the logging vehicles to which Mayor Teske stated that the City will not add additional burden onto the area and that the City has no control over the USFS or DEQ.

**New Business:**

**Adopt Resolution 1975 – 2018 International Energy Conservation Code.**

Mayor Teske explained to the Council that a previous Resolution was passed streamlining this process so that the Council simply adopts the International standards that the State publishes.

Councilor Smith **MADE A MOTION** to adopt the 2018 International Energy Conservation Code and Councilor Taylor **SECONDED**.

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

**MOTION PASSED.**

Councilor Dufficy asked if the Resolution intentionally stated “International” to which Mayor Teske responded that the State adopts International Codes and thus requires the City to adopt the same codes.

**Approve all business licenses received to date.**

Mayor Teske read through the applications for: My Hearing Centers, Kootenai Chemical, Rosita’s Mexican Food, and Wildflower Beauty and Boutique.

Councilor Smith **MADE A MOTION** to approve the licenses and Mr. Taylor **SECONDED**.

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

**MOTION PASSED.**

**Approve claims and payroll for February of 2021.**

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

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

**MOTION PASSED.**

**Unfinished Business:**

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

Mayor Teske read over the plan and opened it up for public discussion to which none was offered.

Councilor Smith requested that the Council first go over the Chief of Police's concerns. Mayor Teske read an e-mail from Chief Kessel stating where there were objections in the plan. Councilor Taylor made corrections to the verbiage in the plan which alleviated the problem. Chief Kessel explained that the Libby PD is happy to assist in the plan warning that dispatch calls are designated for Libby PD or FWP and he could only report on the Police calls.

Mayor Teske stated that dispatch codes all calls adding that the codes are limited. Councilor Smith asked how many calls Libby PD receives, and Chief Kessel answered 3 or 4 a week. After discussion between Councilor Smith and Chief Kessel, it was decided that Libby PD would give a monthly report to the Council on calls for the plan omitting the FWP numbers as Mr. Taylor stated that FWP will fulfill that portion.

Mayor Teske and the Council went through the Plan identifying problems in the format and verbiage that Mr. Taylor stated would be cleaned up. Discussion was had to whether the Plan would be an Ordinance or a Resolution which Mr. Chisholm confirmed it could be either settling on sending Mr. Chisholm the cleaned up document for further research.

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

Mayor Teske stated that the Board of Health was still on the Agenda so that it is not lost. Councilor Smith asked Mrs. Kathi Hooper, Health Department, if there was any more information on the Board that could be provided.

Mrs. Hooper, 1031 Louisiana Ave., explained to the Council that normally, by MCA rules, the Board meets quarterly but due to COVID 19 it has been meeting monthly. Usually, the Board completes variances and deals with issues such as septic and excessive dust issues adding that the Board is lacking a connection to the Educational or Mental Health arenas.

Councilor Taylor suggested that the new Board member be a Council member as Mayor Teske stated it had been in the past. A discussion commenced between Mayor Teske, Councilor Smith, and Councilor Zimmerman as to the merits and benefits of having a Councilor on the Board just as the County Commissioners have a Commissioner on the Board. Councilor Williams added to the discussion and it was decided that the Council would wait until the application process was completed to decide on which way to best proceed.

Mayor Teske stated that businessmen had been contacted with none wanting to take the three hour meetings with the heightened tension between the public and the Board. The entire Council agreed to call people that are believed to be a good fit for the Board.

## **IP Negotiations.**

Mayor Teske asked the Council if there were any questions on the Confidential e-mail that was sent out stating that Mr. Payne could give a brief if warranted adding that this seems to be a typical negotiation with all the fighting over such trivial items such as the history of the settlement.

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

Mayor Teske noticed that Mr. Scott had left prior to giving an update on the Agenda item. Mr. Teske informed the Council that Mr. Fraser had been in contact with Mr. Scott and hopefully soon the matter would be resolved.

Mayor Teske stated agreement with Mr. Scott's frustration but added that the process comes in two parts with the assessment and the enforcement of the assessment because the City has unique and specific control and authority on the City's property. Councilor Smith agreed but did not want to overlook concerns over the entire watershed to which Councilor Zimmerman agreed, especially if it effects the water.

Councilor Williams informed the Council that Ms. Kline welcomes and desires comments from the Council and public to which Mayor Teske encouraged everyone to reach out to her. Mrs. Williams stated that Ms. Kline had answered Mr. Scott's questions although not to his satisfaction. Mr. Zimmerman stated that Rural Water is now working the watershed issues which means the City does not have to pay for it but added the process will take longer under State control. The Council decided to contact Ms. Kline to ensure future communication will be sent to the entire Council.

## **General Comments from Council:**

Mr. Zimmerman offered that the Council be forward thinking as it pertains to the sale of the Golf Course land and the City loan repayment asking if the negotiations would be closed to the public. Mayor Teske stated the contract would have to be investigated as the City is not involved except for the first half of the sale price up to 1.54 Million dollars. Mr. Chisholm was unsure of a "due on sale clause" adding that the City would cover any lower offers as a prelitigation issue.

Mayor Teske questioned If the City would have any leverage to which Mr. Chisholm answered the City has leverage. Councilor Smith questioned if the Club would be stuck with the sum and Councilor Dufficy questioned if the City would get the funds in 4 or 5 years to which the Mayor answered that the Club could pay in 100 years via the poorly written contract.

Councilor Smith proudly stated that her personal residence has a vacation rental that has received the first license application to be listed as a tourist home Air BNB through the County Health Department suggesting that the City may want to develop a license in kind. Councilor Dufficy was informed that the County issues the license as the City does not have a Health Department.

**Adjournment:**

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

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

**MOTION PASSED.**

Meeting adjourned at 8:23 pm.

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

Attest; \_\_\_\_\_  
Clerk/Treasurer Samuel Sikes



March 2021

Members of the Libby City Council:

The many volunteers at KPFL have done a remarkable job in reducing the number of feral and abandoned animals on the streets of Libby. Last year we had 43 volunteers who put in 7836 hours of service. They work hard to care for the animals and to make sure they will be adopted out to good homes. The workers clean the shelter, walk the dogs, check on homes for the animals and perform all the work necessary to keep the animals taken care of.

We do not adopt out an animal unless it is spayed or neutered. We offer low cost operations to owners who cannot afford them. Spay and neuter programs help make sure that unwanted animals will not be born.

We work hard to raise the money we need to fund our operations. One of our biggest fund-raisers each year is the Bow Wow Bash, but we were unable to hold it last year because of the pandemic and are feeling the lack of the money we would have raised from that. We have a dedicated list of supporters who contribute each year and we receive a grant from a group in Havre to support our programs. One of our biggest events is the rummage sale we hold in the Ponderosa Room. People know it is coming and save items to donate to us

As you have done several times in the past, we are asking that you waive the fee we pay to use the room. The money we save will be used especially for our spay/neuter program so we can help control the population of unwanted animals. We always leave the room cleaned and ready for someone else to use.

We are very grateful for the support we have received in the past from the city council. We have done a lot to take care of the problem of keeping unwanted animals off of the streets and will continue with your help to keep the numbers down.

Sincerely yours,

Eileen Carney

**RESOLUTION NO. 1976**

**A RESOLUTION OF THE CITY OF LIBBY, MONTANA, PROVIDING FOR THE AMENDMENT OF THE BUDGETS FOR THE FISCAL YEARS 2020 AND 2021.**

**WHEREAS**, the City of Libby, Montana, adopted the Budget for the Fiscal Year of 2020 by Resolution Number 1942, and

**WHEREAS**, the City of Libby, Montana, adopted the Budget for the Fiscal Year of 2021 by Resolution Number 1969, and

**WHEREAS**, the City of Libby, Montana, deems it necessary to amend the budget for fiscal year 2020 to INCREASE the funding for account 2990 331990 CARES/COVID 19 REIMBURSEMENT, and

**WHEREAS**, the City of Libby, Montana, deems it necessary to amend the budget for fiscal year 2021 to INCREASE the funding for account 2990 331990 CARES/COVID 19 REIMBURSEMENT.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA:**

That the budget for Fiscal Year 2020 is amended to provide the following:  
Increase Account 2990-331990 CARES/COVID 19 REIMBURSEMENT.  
\$128,249.08 (C)

That the budget for Fiscal Year 2021 is amended to provide the following:  
Increase Account 2990-331990 CARES/COVID 19 REIMBURSEMENT.  
\$144,124.92 (C)

Passed by the City Council and approved on this 15th day of March 2021.

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

ATTEST:

\_\_\_\_\_  
Samuel Sikes, City Clerk/Treasurer



**MONTANA  
DEPARTMENT OF  
ADMINISTRATION**

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**State Financial Services Division**

Steve Bullock, Governor  
John Lewis, Director

**Date:** April 17, 2020

**To:** County Clerk & Recorders/Finance Officers & County Treasurers  
City/Town Clerk/Treasurers/Finance Directors  
Montana Association of Counties (MACo)  
Montana League of Cities & Towns (MLCT)

**From:** Local Government Services Bureau (LGSB)

**RE:** Updates to the BARS Chart of Accounts

**Revisions have been made to the following section of the BARS Chart of Accounts:  
04-Revenue Accounts (Revised 4/2020)**

A complete copy of the [BARS Chart of Accounts](#) by section is available on the LGSB website.

On April 17, 2020, revisions were made to the Chart of Accounts for reporting and tracking revenues received in response to COVID-19.

**BARS 04 - Revenue Accounts – Revised 4/2020**

**331990-331999 COVID-19/Stimulus Revenues – Federal Sources (P)** – Revenues received from the Federal Government for COVID-19.

**334990-334999 COVID-19/Stimulus Revenues – State Sources (P)** – Revenues received from the State of Montana for COVID-19.

**Expenditures/Expenses related to COVID-19**

The BARS Chart of Accounts allows local governments the flexibility to assign expenditure/expense account and object code numbers to track specific expenditures. LGSB suggests assigning account and object codes specific to COVID-19 to provide reporting and tracking of related payments.

For example: If using object code 220 for operating supplies, consider assigning object code 229 for COVID-19 operating supply purchases.

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**Statewide Accounting  
Bureau**  
Mitchell Bldg, Rm 255  
P.O. Box 200102  
Helena, MT 59620  
406-444-3092

**Financial Services  
Technology Bureau**  
Mitchell Bldg, Rm 295  
P.O. Box 200102  
Helena, MT 59620  
406-444-3092

**Local Government  
Services**  
Mitchell Bldg, Rm 255  
P.O. Box 200547  
Helena, MT 59620  
406-444-9101

**State Procurement  
Bureau**  
Mitchell Bldg, Rm 165  
P.O. Box 200135  
Helena, MT 59620  
406-444-2575

03/01/21  
12:00:02

CITY OF LIBBY  
Account Query  
For the Accounting Periods: 3/21 - 3/21

Page: 1 of 1  
Report ID: L099

Funds 2990-2990

Account Object Fund	Opening Balance	Change	Closing Balance
100000 CASH/INVESTMENTS			
101000 Cash - Operating			
2990 CARES REIMBURSEMENT / COVID 19	128,249.08CR	272,374.00	144,124.92
<b>Account Total:</b>	<b>128,249.08CR</b>	<b>272,374.00</b>	<b>144,124.92</b>
<b>Account Group Total:</b>	<b>128,249.08CR</b>	<b>272,374.00</b>	<b>144,124.92</b>
210000 OTHER SHORT-TERM LIABILITIES			
211000 Interfund Payable			
2990 CARES REIMBURSEMENT / COVID 19	128,249.08DR	0.00	128,249.08DR
<b>Account Total:</b>	<b>128,249.08DR</b>	<b>0.00</b>	<b>128,249.08DR</b>
<b>Account Group Total:</b>	<b>128,249.08DR</b>	<b>0.00</b>	<b>128,249.08DR</b>
330000			
331990 CARES/COVID 19 REIMBURSEMENT			
2990 CARES REIMBURSEMENT / COVID 19	0.00	272,374.00	272,374.00
<b>Account Total:</b>	<b>0.00</b>	<b>272,374.00</b>	<b>272,374.00</b>
<b>Account Group Total:</b>	<b>0.00</b>	<b>272,374.00</b>	<b>272,374.00</b>
<b>Grand Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

*\$ 272,374.00 Deposited 25 FEB 2021*

**RESOLUTION NO. 1977**

**A RESOLUTION OF THE CITY OF LIBBY, MONTANA, PROVIDING FOR THE CREATION OF A CAPITOL IMPROVEMENTS FUND.**

**WHEREAS**, the City of Libby, Montana, deem it necessary to plan for the future replacement, improvement, and acquisition of property, facilities, and equipment in excess of \$5,000 with a life expectancy of 5 years or longer, and

**WHEREAS**, the City of Libby, Montana, deem it necessary to abide by Montana Code Annotated Title 7, Chapter 6, Part 6 allowing for the establishment of Capital Improvement Funds,

**NOW, THEREFORE, BE IT RESOLVED** BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA:

That Fund 4000, Capital Improvement Project Fund, be established.

Passed by the City Council and approved on this 15th day of March 2021.

Brent Teske, Mayor

ATTEST:

Samuel Sikes, City Clerk/Treasurer

TITLE 7. LOCAL GOVERNMENT  
CHAPTER 6. FINANCIAL ADMINISTRATION AND TAXATION  
Part 6. Local Government Accounting

## Capital Improvement Funds

**7-6-616. Capital improvement funds.** (1) A county, municipal, or special district governing body may establish a capital improvement fund for the replacement, to improvement, and acquisition of property, facilities, or equipment that costs in excess of \$5,000 and that has a life expectancy of 5 years or more.

ⓐ A capital improvement plan for the fund must be formally adopted by the county, municipal, or special district governing body.

ⓑ The capital improvement fund may receive money from any source, including funds that have been allocated in any year, but have not been expended or encumbered by the end of the fiscal year.

ⓒ Money in the capital improvement fund must be invested as provided by law, and interest and income from the investment of the capital improvement fund must be credited to the fund.

**RESOLUTION NO. 1978**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA, APPROVING ELECTED OFFICIALS AND CONTRACT PUBLIC OFFICERS INTO THE EMPLOYEE BENEFITS PROGRAM.**

**WHEREAS**, Montana Code Annotated Title 7, § 2-18-702, authorizes cities and towns to enter into group hospitalization, medical health, including long-term disability, accident or group life insurance contracts or plans for the benefit of their officers and employees and their dependents, and

**WHEREAS**, the City of Libby participates in the Employee Benefits Program as provided by Montana Municipal Interlocal Authority, and

**WHEREAS**, during their term in office, City Council Members and the Mayor may opt to participate in the employee benefits program (at their own expense), provided to individual city employees, and

**WHEREAS**, the City Council Member(s) and Mayor may choose the type of coverage plan they wish to participate in of those offered by MMIA, and

**WHEREAS**, the City Council also wish to allow municipal government public officers, identified in Title 7 MCA, performing municipal government services of a nature generally related to municipal government operations, who contract under a service contract with the City of Libby, and

**WHEREAS**, a Contracted Municipal Government Public Officer covered under this Plan shall have the same rights and shall be subject to the same responsibilities and all of the terms and conditions of this Plan in the same manner as an Eligible Employee or Participant,

**NOW THEREFORE BE IT RESOLVED** by the City Council of Libby, Montana the following:

**THE CITY COUNCIL OF THE CITY LIBBY AUTHORIZES THE CITY COUNCIL, MAYOR AND CONTRACTED MUNICIPAL GOVERNMENT PUBLIC OFFICERS TO PARTICIPATE IN THE CITY'S BENEFITS THROUGH THE MMIA EMPLOYEE BENEFITS PROGRAM.**

Passed and approved this 15th day of March 2021.

ATTEST:

Brent Teske, Mayor

Samuel Sikes, City Clerk/Treasurer

# **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.