



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 #1603

APRIL 18, 2022 @ 7:00PM
COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Cornelius Girod
- Roll Call
- Welcome
- Approve City Council Minutes #1601 dated 21 March 2022.

ANNOUNCEMENTS:

1. New Electronic Billing and Payment Services.
2. Arbor Day April 29th, 4pm, South Courthouse Lawn.

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 Bid and Authorize Mayor's Signature for Notice of Award, IPS Auxiliary Bar Screen.
2. Approve all business license applications received to date.
 - a. Adex Roofing, 193 Notta Rd, LLC, Residential and Commercial Roofing.
 - b. Libby Tech by Andrew, 213 Norman Ave., LLC, Technology Services and Repair.

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: 4/14/22

UNAPPROVED MINUTES

The City Council held Council Meeting # 1601 on Monday, March 21, 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 Mark Smith, and Roll Call commenced. Present were Mayor Peggy Williams, Councilors Gary Beach, Melissa Berke, Zachariah McNew, Kristin Smith, Hugh Taylor, City Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) Attorney Dean Chisholm. Councilor Zimmerman was not in attendance.

Mayor Williams welcomed all present.

Approve City Council Minutes #1599 dated Monday, February 22, 2022.

Councilor Beach **MADE A MOTION** to approve, and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Approve City Council Minutes #1600 dated Monday, March 7, 2022.

Councilor Smith **MADE A MOTION** to approve, and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Mayor Willimas stated the CDBG Public Hearing minutes approval was removed from the agenda because the County's minutes would be sufficient.

Announcements: None

Committee Reports:

Administrator: Administrator Sikes reported the health advisory for the drinking water may be lifted by Thursday depending on water testing results.

Public Comment on Non-Agenda Items:

Tanya Chilton, 385 Fish Hatchery Rd., with Fish, Wildlife, and Parks discussed the City needs to take the lead on a Turkey Management plan to control the turkey population in town. Ms. Chilton recommended City Council adopt a 2 prong approach plan that would include information and education for the public as well as turkey removal plans.

Ms. Chilton gave an update on the deer CWD results. 99 deer were captured, 6% were positive for CWD compared to last year which was 7%. This year 92 deer were given to the food bank compared to 89 last year. The deer tested were captured inside and outside city limits.

Old Business: None

New Business:

Approve Libby Area Business Association's request for Crazy Days road closure; from (Sears) 6th St. to 2nd St. from 10am-5pm, Saturday, August 27th:

Gail Burger, 302 California Ave., requested a road closure for Crazy Days and reported currently there are 46 vendors registered, eight food trucks, and more bathrooms available, and explained the setup.

Councilor Smith **MADE A MOTION** to approve Crazy Days road closure request, and Councilor Beach **SECONDED**.

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

MOTION PASSED.

Approve updated In-State Travel Reimbursement Claim Form:

Mayor Williams announced Council does not have to approve an update for a new In-State Travel Reimbursement Claim which will become an informational item only. The current State requirements will be implemented.

Approve \$75,000 from Community Development toward purchases of playground equipment for Fireman's Park:

Councilor McNew reported the Cemetery/Parks Committee met March 17th to discuss upgrading older playground equipment which would cost about \$100,000. A commitment of \$15,000 and an additional verbal commitment of \$10,000 has been donated towards the purchase of new playground equipment. Asking Council to approve \$75,000 towards the purchase of new playground equipment from the Community Development fund.

Councilor Beach inquired about estimates. Councilor McNew stated several designs have been looked at and with 35% off the price will be roughly \$50,000 for the equipment, being community built, with another larger cost going towards 5,000 square feet of 12" ground covering material for fall protection.

Administrator Sikes stated, currently, the Community Development fund is just over \$2 million with \$541,000 to be expended in August or September for the golf course.

Councilor Smith **MADE A MOTION** to approve spending \$75,000 from the Community Development fund for playground equipment, and Councilor Beach **SECONDED**.

Public Comment: Jenny Wood, 296 Barren Creek Rd., had a fundraiser for a Carol and Chance Hilliard Memorial expression swing, raising \$4233 along with gravel and cement donated for installation. Ms. Wood would like to ask the city to have the swing installed at Fireman's Park to go along with the new playground equipment project. Mayor Williams suggested working with Councilor McNew to implement a new swing into the Fireman's Park project.

Jennifer Nelson, 1026 Washington, had concerns about rubber mulch being used as a ground softening agent due to the possible toxins found in recycled tire rubber mulch and asked to consider looking into a more natural safety ground cover.

Bruce Weatherby, 1006 W. 9th St., President of the Rotary Club informed Council a \$15,000 contribution had been approved by the Rotary board of directors to go towards the new playground project and announced Sherpa Trailers would match dollar for dollar up to \$5000 for any other contributions that came in.

Councilor Smith amended the motion to include exploration of non-rubber safety ground cover.

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

MOTION PASSED.

Approval of Resolution #1999, fee increase for City Streets Opening:

Mayor Williams read the Resolution and explained the changes. Council discussed the changes and fees.

Councilor Smith **MADE A MOTION** to approve Resolution #1999, and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Approve all business license applications received to date:

Handiman to the Rescue, Mountain Girl Services, and Uncle Paul's Family Fun.

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

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

MOTION PASSED.

Unfinished Business:

IP negotiations: Mayor Williams stated the EPA has responded to the City's letter requesting a meeting and are agreeable to a meeting. There have been discussions with Allen Payne on how to approach that meeting.

Public Comments: None

General Comments from the Council: Mayor Williams announced a Rotarian has asked if a free public library stand could be put in Fireman's Park. Council agreed to have it put into Parks Committee.

Mayor Williams announced an Arbor Day Celebration will be held April 29th.

Adjournment:

Councilor Taylor **MADE A MOTION** to adjourn and Councilor Smith **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:36 PM.

Mayor Peggy Williams

Clerk/Treasurer Leann Monigold

CITY OF LIBBY
 PO BOX 1428
 LIBBY MT 59923
 (406) 293-2731

Billing Address: [REDACTED]
 LIBBY, MT 59923

Service Address: [REDACTED]

Billing Date: 04/05/2022

Account Number	Web ID	Current Charges	Past Due Amount	Last Payment Amount	Total Amount Due	Amount Due If Late
00077-00	9420	\$108.32	\$96.37	\$95.00	\$204.69	\$214.69
					Due Date	04/06/2022

CURRENT CHARGES	AMOUNT
WATER	60.22
SEWER	34.66
HYDRANT	2.00
LATE FEE	10.00
INTEREST-WATER	0.93
INTEREST-SEWER	0.51
PAST DUE AMOUNT	96.37
PAY THIS AMOUNT	\$204.69

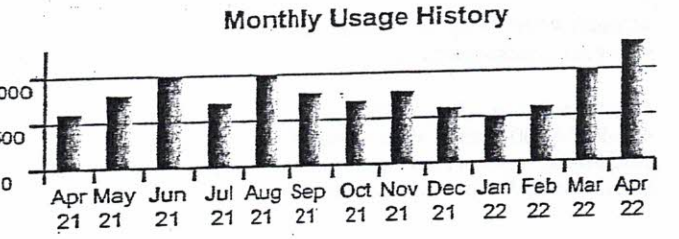
IMPORTANT MESSAGES

[REDACTED]

[REDACTED]

[REDACTED]

METER READING	
PREVIOUS	35600 on 02/01/2022
PRESENT	36900 on 03/01/2022
USAGE	1300 Gallons



PLEASE RETURN BOTTOM PORTION WITH YOUR PAYMENT

CITY OF LIBBY
 PO BOX 1428
 LIBBY MT 59923
 (406) 293-2731

Total Amount Due: \$204.69
 This bill is due and payable upon receipt

Amount Paid:		
Web ID	Account Number	Amount Due If Late
9420-	00077-00	\$214.69

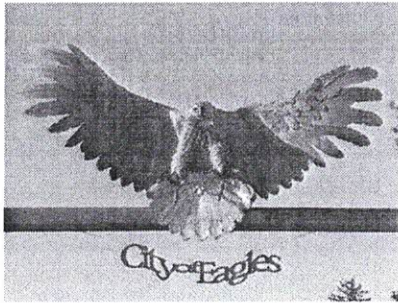


Due Date: 04/06/2022
 Billing Date: 04/05/2022

Service Address: [REDACTED]

[REDACTED]
 LIBBY, MT. 59923

CITY OF LIBBY
 PO BOX 1428
 LIBBY, MT 59923



City of Libby Montana

Introducing New Electronic Billing and Payment Services

From City of Libby

EFFECTIVE

April 28, 2022

The new payment website will be available.

The City of Libby has made it easier than ever to pay your water bill online.



One-Time Payment - make a one-time payment using your major credit/debit card (Visa/ Discover/ Master Card/ American Express) or bank account routing number.



Autopay - Establish a recurring monthly payment using your major credit/debit card (Visa/ Discover/ Master Card/ American Express) or bank account routing number.



eStatements - Sign up for paperless billing. You will receive an email or text that your bill is available to view online.



Statement History - Electronic copies of your bill will be retained and available for reprint. There is no additional charge for this service



eCheck/ACH - Pay your water bill with your checking account.



Over the Phone - By calling 406-946-5300 using your major credit/debit card (Visa/ Discover/ Master Card/ American Express)



If you have questions regarding these new online features, please contact **Customer Service** at (406) 293-2731 Ext. 1
Monday - Friday 8:00AM - 4:30PM

What you need to know:

- You can setup your account at <https://libby.billingdoc.net>
- The new website will take one-time payments without having to login and setup a customer profile.
- If you are set up for automatic recurring payments currently, you will need to resign up on the new website after you have created your profile.

Celebrate Arbor Day and Libby's 29th Year as a Tree City!

Friday, April 29th on the lawn at the south end of the Lincoln County Courthouse

Schedule of Events

3:30 to 4:00 Meet family and friends, and enjoy a fresh apple, pick up a tree to plant at your home. Compliments of the City of Libby and Stimson Lumber Company

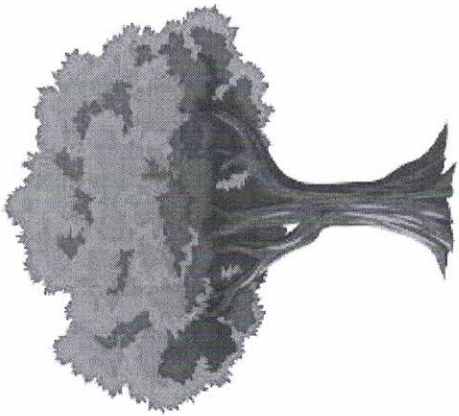
4:00 to 4:15 The Arbor Day proclamation and recognition of the people that have helped make and keep Libby a Tree City. Officiated by Libby Mayor Peggy Williams

4:15 to 5:00 Children's craft time – make pinecone critters! Sponsored by Lincoln County Library and Zero to Five Lincoln County

4:15 to 6:00 Children's Self-Guided Story Walk starting on the 1000 block of Louisiana Avenue. Sponsored by Lincoln County Library

4:15 to 6:00 Tree Identification and Self-Guided Interpretive Trail Walk at J. Neils Park. Sponsored by the Libby Chapter of the Society of American Foresters

Enjoy the celebration of our beautiful trees



"Someone's sitting in the shade today because someone planted a tree a long time ago." — Warren Buffett

Recreation Manager of Projects
First Quarter Summary
Cabinet Country Consulting LLC
April 6, 2022

Pool – met in December and voted to stay the course and continue to evaluate pool options. Confident in the template prepared and that it will have value for a project in the future

LORA – has standing as a registered entity with Montana State and as a tax-exempt charitable organization under 501 (c)(3). Working on an active list of stakeholders and community engagement programs.

The LORA directors meet remotely each month to manage the organization, and there is an additional monthly meeting of the Flower Creek trail development team.

Creating a project list based on the Greater Libby Area Trails Plan, this will help to guide program. Continue to develop the Flower Creek Rec Dev Plan, it is the key a coherent long-range plan for projects and funding.

LORA/KRDC pursued a grant with the Recreational Trails Program (RTP) from the MT FWP and were rejected for failing to submit country of origin certification for steel. Still looking for grants to purchase bridge railing steel.

Flower Creek Road is upgraded, paving to be completed in mid-July, with funding from a RAC grant and county roads.

Report presented to:
Park Board Meeting 6 April
City Council Meeting 18 April
County Commissioner meeting 20 April



April 8, 2022

Mr. Samuel Sikes
City Administrator
Libby City Hall
952 East Spruce Street
Libby, MT 59923
sam.sikes@cityoflibby.com

Re: Recommendation of Award for Libby IPS Auxiliary Bar Screen

Dear Mr. Sikes:

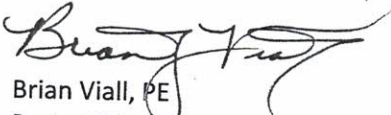
AE2S recommends awarding the **Libby Influent Pump Station Auxiliary Bar Screen; Contract No. 1 – General Construction** to *Thompson Contracting, Inc. (TCI)* for the Base Bid, plus Alternates A and B, for a total Lump Sum of \$694,000.00.

A tabulation of the bids submitted and opened on April 4, 2022, shows TCI is the lowest responsive bidder. TCI supplied with their Bid a qualifications package demonstrating their familiarity with Work on municipal water and wastewater systems of comparable size. Additionally, considering TCI's history of successful work for the City of Libby, the Bidder seems to be a responsible and qualified Contractor.

If acceptable to the City of Libby, please execute the Notice of Award (NOA) enclosed with this letter and return a signed copy of it to AE2S. With the NOA in hand, the Contractor will begin the process of executing the Agreement, securities, and other Contract Documents. AE2S will conduct a cursory review of the Contract Documents and deliver to the City of Libby for a final legal review and execution.

AE2S appreciates the opportunity to provide you with professional services for this project. We hope we have satisfied your expectations to date. If you have questions prior to issuing this NOA, please do not hesitate to contact me: (e) brian.viall@ae2s.com; (m) 406-579-5104; (o) 406-219-2633.

Sincerely,


Brian Viall, PE
Project Manager

CC.: Mike Fraser, PE – City Engineer
Peggy Williams – Mayor

Encl.: Notice of Award (x5) for **Libby IPS Auxiliary Bar Screen** | April 8, 2022
Agreement Between Owner and Contractor for Construction Contract (x5) | Unexecuted
Tabulation of Bids for **Libby IPS Auxiliary Bar Screen** | Signed: Brian Viall, PE
Bidder's Bid Package submitted April 4, 2022

SECTION 00 51 00 - NOTICE OF AWARD

Date of Issuance:	04.18.2022		
Owner:	City of Libby	Owner's Project No.:	
Engineer:	Advanced Engineering and Environmental Services, LLC	Engineer's Project No.:	P10074-2020-001
Project:	Libby Influent Pump Station Auxiliary Bar Screen		
Contract Name:	Contract No. 1 – General Construction		
Bidder:	Thompson Contracting, Inc (TCI)		
Bidder's Address:	PO Box 449; Libby, MT 59923		

You are notified that Owner has accepted your Bid dated 04/04/2022 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Contract No. 1 – General Construction, inclusive of the Scope of Work defined in **Bid Alternate A**; and **Bid Alternate B**, incorporated herein by reference.

The Contract Price of the awarded Contract is \$ 694,000.00. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

Five (5) unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner **Five (5)** counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: **City of Libby, Montana**

By (signature): _____

Name (printed): _____

Title: _____

Copy: Engineer

Libby Auxiliary Screen
Libby, Montana

00 51 00 - 1

Notice of Award
April 18, 2022

Libby Influent Pump Station Auxiliary Bar Screen
City of Libby
Libby, MT

AE2S Project No. P10074-2020-001
Bid Opening 3:00 PM MDT, Monday, April 4, 2022

Contractor	Acknowledge Addenda 1-2	Bid Security	Project	References/Qualifications	Completed Bid Form	Base Bid Lump Sum	Alternate A Additive Cost for Screen and Washer Compactor Equipment from Alternate Manufacturers List	Alternate B Additive Cost for Sectionalized Aluminum Enclosure	Total Lump Sum Bid Price (Base Bid + Alt A + Alt B)
	Dick Anderson Construction, Inc.	X	X	X	X	X	\$1,300,150.00	\$36,020.00	\$45,900.00
Thompson Contracting, Inc.	X	X	X			\$689,000.00	-\$30,000.00	\$35,000.00	\$694,000.00
Engineer's Opinion of Probable Construction Cost (EOPCC)									
									\$585,000.00



Advanced Engineering and Environmental Services, LLC
 690 North Meridian Road, Suite 208
 Kalispell, MT 59901
 Tel: 406-219-2633

Brian Viall, PE

Digitally signed by Brian Viall
Location: Kalispell, MT
59901

Contact Info: 406-219-2633
Date: 2022.04.05
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