



# City of Libby Libby Montana

[www.cityoflibby.com](http://www.cityoflibby.com)

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## REGULAR COUNCIL MEETING #1679

MONDAY, JUNE 16, 2025 @ 7:00 PM

COUNCIL CHAMBERS – CITY HALL

### **CALL TO ORDER:**

- Pledge of Allegiance
- Prayer by Mark Smith
- Roll Call
- Welcome/Announcements
- Approve minutes for Regular Council Meeting #1677, June 2, 2025

### **REPORTS:**

#### **DEPARTMENT HEADS:**

- City Administrators Report

#### **COUNCIL COMMITTEES:**

- Budget
- Building
- Cemetery/Parks
- Lights/Streets/Sidewalks
- Ordinance
- Water/Sewer
- Wildlife
- Zoning

#### **BOARDS/COMMISSIONS:**

- City County Health Board

**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:** 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 new Water Agreement with International Paper.
2. Approve Riverfront Blues Festival noise variance request for August 8<sup>th</sup> & 9<sup>th</sup>.
3. Approve the Street Committee's recommendation to abandon city-owned right-of-way discontinuing and vacating Colorado and Kootenai Streets and adjacent alley
4. Approve Ordinance # 2056, Title 10, Chapter 24
5. Approve all claims received to date.
6. Approve all business license applications received to date.
  - a. Home Hug Care, 36533 US Hwy 2, Individual, Client meal prep, shopping, arrands.
  - b. Kerr Supply LLC dba. Napa of Libby, 728 W. 6<sup>th</sup> St., LLC, Automotive parts store.

**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.

**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: 6/12/25

**MCA 2-3-212.** Minutes of meetings. Minutes must include without limitation: (a) the date, time, and place of the meeting; (b) a list of the individual members of the public body, agency, or organization who were in attendance; (c) the substance of all matters proposed, discussed, or decided; and (d) at the request of any member, a record of votes by individual members for any votes taken.

## **APPROVED MINUTES**

The Libby City Council held regular meeting #1678 on Monday, June 2, 2025, in the Council Chamber at Libby City Hall.

### **Call to Order:**

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

Present were Mayor Williams, Councilors Melissa Berke, Gail Burger, Ethan Kolp, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

**Announcements:** Mayor Williams announced the Fire Department Convention and baseball tournament will be the weekend of June 13<sup>th</sup> and 14<sup>th</sup>.

### **Approve minutes for Regular Council meetings #1676 held May 5, 2025:**

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting minutes 1676, Councilor Smith **SECONDED**.

Councilor Zimmerman **ABSTAINED**; he was not in attendance.

Councilors Berke, Burger, Kolp, Smith, and Taylor voted **FOR**.

**MOTION PASSED.**

### **Approve minutes for Regular Council meetings #1677 held May 19, 2025:**

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting minutes 1677, Councilor Burger **SECONDED**.

Councilor Berke **ABSTAINED**; she was not in attendance.

Councilors Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

## **Department Head Reports:**

**Administrator:** Administrator Sikes reported Lindsey Krywaruchka, new Division Administrator for the Water Quality Division at the DEQ with over 15 years of experience and is rewriting most of the water quality policies, was given a tour of the city's water system, from the treatment plant to the lower reservoir and up to the dam. During the tour, concerns were discussed about how DEQ policies could unintentionally hinder city planning.

Sewer Department, working on how to deal with the sludge from the sewage treatment plant. With changes at the landfill, we are trying to figure out how to treat it going forward to meet Class A which is less expensive and easier to deal with and can be used, sold, or given away as fertilizer.

The city received the award letter for a \$500,000 grant from MCEP for the First and Montana Lift Station, coupled with the RRGL grant for \$125,000 that gives a total of \$625,000 for a \$1.2 Million project. This fall the city will be competing for CDBG funding between \$400,000 and \$600,000 and could still be about \$200,000 short of the funds required. Mr. Sikes is hoping to have that in the capital improvement plan when it is needed.

Other news, WWC Engineering has started the Hydrology Study and Spoils pile engineering plan and will be here in the next few weeks to test the spoils pile for concrete percentage. Phase I costs just under \$60,000 of the NRDP grant. If Council decides to move into Phase II there would be \$190,000 left of the NRDP grant to work with.

The Spruce Street project is going well, Noble received the bid for the first section, once completed, TCI will then step in for construction from the tennis courts to the Port property.

**Street Supervisor:** Justin Williams reported the LVFD concrete is complete, a hazardous tree on 8<sup>th</sup> Street behind the Blackboard Bistro was removed free of charge by Flathead Electric, Skate ramp installation is complete with some minor landscaping remaining to be addressed, water leak repairs are about finished, will need to coordinate with MDOT for the two remaining. For the Cemetery, there were 7 burials in the month of May. The city currently has only one seasonal employee, he is doing well: a second hire was unable to start due to personal reasons. Fireman's Park Campground is cleaned up and now open, crews have been fitting in alley work when possible.

**Finance:** Clerk/Treasurer Monigold reported in the month of May, she and one of the deputy clerks attended the annual week-long clerks training hosted by MSU that included over 30 courses covering a wide range of municipal topics such as operations, organization,



utility billing, roles and responsibilities, municipal governance, GASB (government accounting standards), and grant writing. Ms. Monigold highlighted some of the training and expressed how beneficial the annual training is for all clerks and clerk/treasurers.

### **Committee Reports:**

**Fire:** Councilor Zimmerman reported for April, LVFD responded to 12 calls, 4 calls in the city, 5 calls in Rural Fire District, 3 call outside of city and rural, 2 vehicles, 2 structure fires, 5 ambulance mutual aid, 2 false alarms, 1 miscellaneous, a total of 42 calls for 2025. And for May, LVFD responded to 9 calls, 3 calls in city, 5 calls in Rural Fire District, 1 vehicle, 1 structure, one grass wildland, 3 mutual aid with ambulance, 1 false alarm, and 2 miscellaneous, that put a total of 51 calls this year.

**Lights/Streets/Sidewalks:** Councilor Burger announced a meeting is scheduled for June 27<sup>th</sup>.

**Ordinance:** Councilor Smith announced a meeting scheduled for Wednesday, June 4<sup>th</sup> at 6:15pm to talk about updates to on-street parking.

### **Public Comment Non-Agenda:**

Mike Fantasia, representing Kootenai Valley partners with Habitat for Humanity, asked Council to consider a request to build three homes on a property located at 5<sup>th</sup> and Utah. The property consists of three lots totaling under 10,000 square feet which would be under the required minimum square footage. Mr. Fantasia presented documents to Council to consider and hoped to hear back for discussion.

DC Orr commented on the lack of City Council engagement during the Local Government Study Commission public meeting, Councilor Kolp did participate. Addressed accusations of illegal meetings and not following the rules and expressed frustration towards the current local government.

Dr. Roberta McCanse, volunteer with Kootenai Pets for Life announced the spay/neuter clinic will be in town June 7<sup>th</sup> and 8<sup>th</sup> with three veterinary teams and expressed the need for volunteers.

### **Public Hearing - Annexation request:**

Mayor Williams opened the Public Hearing at 7:25 pm and announced the publications for the Public Hearing in the Western News on May 9<sup>th</sup> and May 16<sup>th</sup>.

Mr. Sikes explained the background and purpose for the JB Tires annexation request.

There were no public comments.

Mayor Williams closed the Public Hearing at 7:28pm.

**New Business:**

**Approve Resolution # 2055 to annex JB Tires, 1115 W. 9th St. (32032 US Hwy 2):**

Mayor Williams read the preamble for Resolution #2055.

Councilor Zimmerman **MADE A MOTION** to approve Resolution #2055. Councilor Burger **SECONDED**.

Public Comment: None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**IP Water Agreement update:**

Mayor Williams explained she sent out a memo earlier in the day that summarized the discussion regarding the updating of the Internation Paper Water Agreement. The memo refers to the 2010 Water Agreement with a makeup period that could continue for another 10-20 years and stated the figures that were discussed.

Allen Payne explained the negotiations with IP are ongoing with significant progress being made at the monetary end of it, other issues are still being hammered out and hopes shortly to be able to bring an agreement to the Council for consideration. Mr. Payne put together an abbreviated version to give new council members a chance to have a good idea of what has gone on in the past to help make an informed decision.

Councilor Taylor commented that when the process was started five years ago, a subcommittee was put together by Mayor Teske, consisting of himself, Ms. Smith, and current Mayor. Since then, in his opinion, the subcommittee has failed to meet, there was a meeting with IP he was not invited to and did not know about it until later from outside sources. Mr. Taylor referred to an email sent to Mr. Orr informing him there was no subcommittee and inquired when did that happened.

Mayor Williams explained that happened after the meeting with Dan Clark when the question was brought up, he had said you could not have a subcommittee.

Councilor Taylor believed the question was, do subcommittee meetings have to be opened to the public, yes, they do. Councilor Smith commented that would defeat the purpose of negotiating. Mr. Taylor said he was unaware it had been dissolved until Mr. Sikes email.

**Approve propane bid from City Service Valcon:**

Mr. Sikes explained the differences in the bids.

Councilor Smith **MADE A MOTION** to approve **propane bid from City Service Valcon**, Councilor Zimmerman **SECONDED**.

Public Comment: None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve Audit Contract with Nexus CPA Group for Fiscal Years 2025 ,2026, 2027:**

Clerk/Treasurer Monigold explained the new contract will be with the same personnel, the current owner is retiring, a member of the firm has purchased and reorganized under Nexus CPA Group. Ms. Monigold highlighted the differences in cost.

Councilor Burger **MADE A MOTION** to approve the audit contract with Nexus CPA Group for Fiscal Years 2025 ,2026, 2027, Councilor Smith **SECONDED**.

Public Comment: None

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

**MOTION PASSED.**

**Request for Community Development funds for Skateboard cost overrun:**

Ben Montgomery explained his request for Community Development funds for the remaining Skateboard project costs.

The council discussed the request with Mr. Montgomery.

Councilor Smith was in support of up to \$5000 with receipts and to account for any changes.

Councilor Smith **MADE A MOTION** to issue a grant from the Community Development Fund for up to \$5,000 to complete the project, Councilor Zimmerman **SECONDED**.

Public Comment: None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve all claims received to date:**

Councilor Zimmerman **MADE A MOTION** to approve all claims received to date, Councilor Burger **SECONDED**.

Public Comment: None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve all business license applications received to date:**

Bowles Handyman Services and Mountain Edge Media LLC

Councilor Zimmerman **MADE A MOTION** to approve all business license applications received to date, Councilor Burger **SECONDED**.

Public Comment: None

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Unfinished Business:**

**Street Committee's recommendation regarding the abandonment of the city owned right-of-way off City Service Road:**

Mr. Sikes explained during a property review, it was discovered that the Department of Revenue has mistakenly listed two separate properties as one, leading the Sooters to pay city taxes on non-city property since June 24, 1964. This error will be corrected by the county and the Department of Revenue, regardless of whether the city chooses to abandon the property. Options outlining the pros and cons of abandonment and the next steps to resolve the issue will be prepared for the next council meeting.

Councilor Smith inquired if the city would owe the Sooters for the taxes paid. Mr. Sikes said according to the Department of Revenue it would be going through the County, and the city would have no involvement.

**General Comments from Council:**

Mayor Williams reminded everyone that Dan Clark will be here with the Municipal Summit, training for elected officials, on Tuesday, June 17<sup>th</sup> and on Monday, June 16<sup>th</sup> starting at 5:30 in the Ponderosa Room, Mr. Clark volunteered to do a training open to the [public regarding the Government Study Review Committee and what the public needs to know about that committee.

Councilor Kolp said he had attended the Aurthur Rambo Bridge dedication ceremony last week; it was well attended and touching to see how many lives the man had touched

**ADJOURNMENT:**

Councilor Zimmerman **MADE A MOTION** to adjourn, Councilor Berke **SECONDED**.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

Mayor Williams adjourned the meeting at 7:54 pm.

\_\_\_\_\_  
Mayor Peggy Williams

Attest: \_\_\_\_\_  
Clerk/Treasurer Leann Monigold

## **WATER COMPENSATION AGREEMENT**

**THIS AGREEMENT** is made and entered into by and between International Paper Company ("International Paper") and the City of Libby, Lincoln County, Montana ("the City") (hereinafter International Paper and the City may be referred to individually as "Party" and collectively referred to as "the Parties").

**WHEREAS**, International Paper is the corporate successor to the owner and operator of a former wood treating facility located in the City and nearby unincorporated areas (the Site);

**WHEREAS**, groundwater and soil contamination at the Site has caused or contributed to groundwater contamination beneath the City of Libby;

**WHEREAS**, International Paper is under federally enforceable orders to address and remediate the groundwater and soil contamination associated with the Site;

**WHEREAS**, remediation of the Site includes the use of institutional controls to prohibit or restrict the installation and operation of wells that are impacted by or could affect groundwater associated with the Site;

**WHEREAS**, to meet United States Environmental Protection Agency (hereinafter the "EPA") institutional control requirements for the Site, International Paper has requested that the City retain an existing Groundwater Ordinance (City of Libby Ordinance 1353, codified as Chapter 13.68 of the Ordinances of the City of Libby) enacted by the City in 1986;

**WHEREAS**, the Parties previously entered into a Water Payment and Settlement Agreement on May 18, 2010 pursuant to which International Paper made annual payments to the City to compensate the City and its residents for restrictions on the use of groundwater in the City through the Groundwater Ordinance, and which said agreement expired in 2020;

**WHEREAS**, the Parties agree that International Paper will compensate the City for the period from 2020 to 2024 in which no water compensation payments were made by International Paper due to the termination of the Water Payment and Settlement Agreement;

**WHEREAS**, the sum of four payments that would have been made if the Water Payment and Settlement Agreement had been renewed per its term amounts to \$1,358,850.00; and

**WHEREAS**, the Parties agree that International Paper will make annual payments to the City per the terms of this Agreement and the City agrees to maintain and otherwise support restrictions on the use of groundwater.

**THEREFORE**, in consideration of the mutual promises and undertakings set forth below, it is hereby agreed as follows:



1. One-time Payment. International Paper will pay the City a one-time payment of \$1,469,079.00 that is the sum of four annual payments that would have been due under the Water Payment and Settlement Agreement if it had been extended per the terms of that agreement plus interest at the rate of inflation. Payment shall be made prior to August 1, 2025.

2. Groundwater Use Restrictions. The City agrees to keep the Groundwater Ordinance in effect during the term of this Agreement and to keep the Ordinance's effective area at least the same as it was when the Ordinance was originally adopted. The City agrees not to object to any substantially similar Ground Water Ordinance proposed to or by the City-County Board of Health for Lincoln County (CCBH) which would cover areas outside of the City Limits. Repeal of the Groundwater Ordinance by the City or failure to expand its area of effect within the City limits when required or requested by the EPA during the term of this Agreement or objection by the City to a substantially similar Ground Water Ordinance proposed to or by the CCBH covering areas outside of the City Limits CCBH will terminate any further payment obligations of International Paper under this Agreement.

3. Annual Payments: Beginning on July 1, 2025 and thereafter annually on July 1, or the following Monday if July 1 is a Saturday or Sunday, of each year during the term of this Agreement, International Paper shall pay to the City a sum of money (hereinafter Annual Payment) to compensate the City and its residents for the loss of use of groundwater associated with having the Groundwater Ordinance in place. The first Annual Payment, due on July 1, 2025, shall be in the amount of \$381,892.00. Annual Payments thereafter shall be subject to an inflation escalator based on the Consumer Price Index for All Urban Consumers, West Region (hereinafter "CPI") published by the United States Department of Labor, Bureau of Labor Statistics, such that each subsequent Annual Payment after the first Annual Payment will be adjusted upward from the most recent Annual Payment amount by a percentage equal to the published CPI for the previous calendar year. For example, the amount of the second Annual Payment, due on July 1, 2026, will be equal to the amount of the first Annual Payment (\$381,892.00) plus a percentage of that amount equal to the CPI percent for the calendar year 2025. If the CPI is no longer available or is modified from its present make-up, the City may substitute an equivalent measure of inflation, subject to International Paper's consent, which shall not be unreasonably withheld.

4. Invoices for Annual Payments: Beginning in the second year of this Agreement, the City or its designated agent will provide a written or electronic invoice to International Paper for each Annual Payment on or before June 1 of the year it is due. The invoice shall detail the amount of the Annual Payment and how it was calculated consistent with Paragraph 3. International Paper's obligation to pay the Annual Payment will be delayed by one day for each day the dispatch of the invoice is delayed past its due date. If an Annual Payment is made after July 1, and more than 30 days after the invoice was received by International Paper, International Paper will pay a late fee of \$100 per day for each day the Annual Payment is late. The Annual Payment shall be deemed to be made as of the date it is mailed by U.S. Mail or overnight express (FedEx), or by electronic transmission of payment.

5. Term: This Agreement shall commence on July 1, 2025 and have an initial term of ten (10) years and shall automatically renew for an additional ten-year period unless prior to the expiration of the initial ten-year period EPA makes a formal determination that it no longer requests or requires that the Groundwater Ordinance remain in effect as part of the remedy for the Site. After the second ten-year period, if any, expires, this Agreement will continue on a year-to-year basis thereafter, but in that event, either Party has the right to terminate the



Agreement by providing written notice of termination at least one full year prior to the effective date of the termination.

6. The Parties agree to negotiate in good faith to resolve any and all disputes regarding the Site through a dialogue between responsible representatives of each Party, including those individual representatives involved in the negotiation of this Agreement, to the extent those individual representatives remain available to their respective Party principals. If the Parties are unable to reach an acceptable resolution of disputed issues during the course of this Agreement, the Parties will submit to a formal non-binding mediation with authorized decision makers for both parties in attendance at a mutually agreeable place and time and with a mutually agreeable mediator. The mediation process shall continue until the first to occur of (A) resolution of the dispute, (B) the forty fifth (45<sup>th</sup>) day after the Parties agree on the identity of the neutral for such mediation, or (C) a determination by the neutral that resolution is not reasonably possible in a mediation proceeding. The costs of any such mediation shall be equally shared by each Party in the dispute.

7. Each Party will forebear commencing any lawsuit or asserting any claim against the other Party with regard to the Site until after completion of the mediation procedures set forth in Paragraph 6 of this Agreement. Notwithstanding the Parties' express agreement to forebear commencing any lawsuit or asserting any claim against the other with regard to the Site, each Party explicitly reserves the right to protect its respective rights by asserting any applicable claims or defenses, including but not limited to claims for indemnity and/or contribution, against the other Party in any lawsuit or action initiated by third parties against any Party or all Parties to this Agreement for claims arising in any manner out of the Site.

8. This Agreement does not constitute and shall not be construed as: (a) an admission against interest; or (b) as a waiver of any position presently available to either Party. Further, this Agreement does not revive any claim which has previously been released or is already barred by any statutory time-based defenses as of the date of this Agreement.

9. This Agreement shall be governed by the laws of the State of Montana and the venue and jurisdiction for any disputes arising under or relating to this Agreement shall be in Montana's Nineteenth Judicial District, in and for Lincoln County.

10. This Agreement may be executed in separate counterparts and assembled into one or more originals.

11. This Agreement shall not be used as evidence in any action or proceeding for any purpose other than the enforcement of its terms.

12. This Agreement constitutes the entire understanding of the Parties with respect to its subject matter.

13. Successors: The rights and obligations under this Agreement shall be binding on the successors and assigns of the Parties.

14. Notices: All notices, invoices and payments and other communications required or provided for under this Agreement shall be timely if dispatched via the speediest manner customary applicable for such communications on or before the date it is due. All notices, invoices, payments and other communications with or to a Party under this Agreement shall be sent to the representative designated by the Parties as follows:



City of Libby

R. Allan Payne  
Attorney at Law  
P.O. Box 59  
Helena, MT 59624  
(406) 431-7224  
allanrpayne62@gmail.com

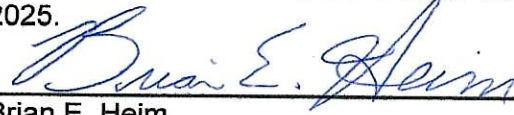
International Paper Company

Office of General Counsel  
6400 Poplar Avenue  
Memphis, TN 38197

w/email copy to:  
Brian E. Heim  
General Counsel, HSE & Sustainability  
[Brian.Heim@ipaper.com](mailto:Brian.Heim@ipaper.com)

The Parties may designate new representatives by providing a written notice containing the name, address and other applicable contact information of the new representative. Such a change in representative will be effective upon receipt by the other Party.

IN WITNESS HEREOF, the Parties have executed this Agreement, effective as of June \_\_, 2025.

  
\_\_\_\_\_  
Brian E. Heim  
Attorney with Express Authority for International Paper Company

\_\_\_\_\_  
Peggy Williams  
Mayor, City of Libby

## **Background: Why is there a Water Agreement with International Paper?**

The groundwater beneath Libby (the “City”) is contaminated with wood preservation chemicals from the former J. Neils and St. Regis pole treatment operations on the old mill site. In 1986, at EPA’s request, the city adopted a well ban ordinance (no new water wells) as a public health measure. Wells in Libby had been mostly used for lawn irrigation efforts. It was thought at the time if water customers were given free or reduced-price irrigation water, there would not be a reason for people to try to drill illegal wells. It was also thought that the party legally responsible for Libby’s groundwater pollution should pay for that irrigation water.

## **History of Prior Water Agreements**

1986 first Water Agreement with Champion International. \$30,000/year for 10 years.

2008 next Water Agreement \$200,000 per year for 2 years paid by International Paper (I.P.), Champion’s legal successor at the site.

2010 Water Agreement with IP, \$1,150,000 lump sum payment (for the years 1997-2007 when no payments were made). \$250,000 per year with inflation increases every year for 10 years.

I.P. had the right to terminate the 2010 agreement after 10 years and did so in 2020.

## **Negotiations last 5 years.**

I.P.’s first and only offer of a new Water Agreement prior to this year was for an annual payment of about 10% of what was paid the last year of the 2010 agreement. The City stood its ground and eventually got an agreement that is basically a continuation of the 2010 agreement, but likely twice as long of a term.

## **Proposed 2025 Water Agreement:**

\$1,469,079 lump sum payment (for the years 2021-2024 when no payments were made). \$381,892 per year starting on July 1, 2025, with inflation increases every year for 10 years plus an additional 10 years (20 years total) assuming EPA still wants the Well Ban Ordinance to remain in place — highly likely as EPA approved a new 40-year remedy last year.

# Montana Code Annotated 2023

## TITLE 7. LOCAL GOVERNMENT

### CHAPTER 14. TRANSPORTATION

#### Part 41. General Provisions Related to Municipal Trafficways and Public Grounds

## Procedure To Discontinue Streets

**7-14-4114. Procedure to discontinue streets.** (1) The council may discontinue a street or alley or any part of a street or alley in a city or town, if it can be done without detriment to the public interest, upon:

- (a) a petition in writing of all owners of lots on the street or alley; or
- (b) (i) a petition in writing of more than 50% of the owners of lots on the street or alley; and
- (ii) approval by a majority vote of the council.

(2) Where the street or alley is to be closed for school purposes, the council may discontinue the street or alley upon a petition signed by 75% of the lot owners on the whole street or alley to be closed.

(3) Before acting upon the petition, a notice must be published, stating when the petition will be acted on and what street or alley or part of a street or alley is asked to be vacated. The notice must be published as provided in **7-1-4127**.

**History:** (1), (2)En. Sec. 429, 5th Div. Comp. Stat. 1887; amd. Sec. 5030, Pol. C. 1895; re-en. Sec. 3479, Rev. C. 1907; re-en. Sec. 5306, R.C.M. 1921; amd. Sec. 1, Ch. 13, L. 1929; re-en. Sec. 5306, R.C.M. 1935; amd. Sec. 1, Ch. 1, L. 1941; amd. Sec. 1, Ch. 36, L. 1945; Sec. 11-2801, R.C.M. 1947; (3)En. Sec. 429, 5th Div. Comp. Stat. 1887; amd. Sec. 5031, Pol. C. 1895; re-en. Sec. 3480, Rev. C. 1907; re-en. Sec. 5307, R.C.M. 1921; re-en. Sec. 5307, R.C.M. 1935; Sec. 11-2802, R.C.M. 1947; R.C.M. 1947, 11-2801(part), 11-2802; amd. Sec. 1, Ch. 78, L. 1989; amd. Sec. 51, Ch. 354, L. 2001.

# Montana Code Annotated 2023

## TITLE 7. LOCAL GOVERNMENT CHAPTER 1. GENERAL PROVISIONS Part 41. Municipalities

### Publication Of Notice -- Content -- Proof

**7-1-4127. Publication of notice -- content -- proof.** (1) A municipality shall comply with the notice requirements of **2-3-103**, including publication of an agenda prior to a meeting.

(2) When a municipality is required to publish notice, publication must be in a newspaper, except that in a municipality with a population of 500 or less, in a municipality in which a newspaper is not published, or in a municipality within a county where a newspaper does not meet the qualifications in subsection (3), publication must be made by posting in three public places in the municipality that have been designated by ordinance, one of which may be the municipality's website if the municipality has an active website.

(3) The newspaper must:

- (a) be of general circulation;
- (b) be published at least once a week;
- (c) be published in the county where the municipality is located; and
- (d) have, prior to July 1 of each year, submitted to the city clerk a sworn statement that includes:
  - (i) circulation for the prior 12 months;
  - (ii) a statement of net distribution;
  - (iii) itemization of paid circulation and circulation that is free; and
  - (iv) the method of distribution.

(4) A newspaper of general circulation does not include a newsletter or other document produced or published by the municipality.

(5) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.

(6) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.

(7) The notice must be published twice, with at least 6 days separating each publication.

(8) The published notice must contain:

- (a) the date, time, and place of the hearing or other action;
- (b) a brief statement of the action to be taken;
- (c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and




(d) any other information required by the specific section requiring notice by publication.

(9) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in **2-3-105** through **2-3-107**.

(10) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice.

(11) If the newspaper fails to publish a second notice, the municipality must be considered to have met the requirements of this section as long as the municipality submitted the required information prior to the submission deadline and the notice was posted in three public places in the municipality that were designated by ordinance and, if the municipality has an active website, was posted on the municipality's website at least 6 days prior to the hearing or other action for which notice was required.

**History:** En. Sec. 3, Ch. 455, L. 1979; amd. Sec. 3, Ch. 354, L. 2001; amd. Sec. 1, Ch. 97, L. 2009; amd. Sec. 2, Ch. 279, L. 2013; amd. Sec. 2, Ch. 139, L. 2023; amd. Sec. 3, Ch. 396, L. 2023.

Created by **LAWS** 



LAND SURVEYING - AERIAL DATA COLLECTION - GEOSPATIAL CONTROL  
LIBBY, MONTANA (406)293-4354

314 CALIFORNIA AVE., LIBBY, MT 59923

FAX: 406.293.2578

EMAIL: BYRONS@KSIMT.COM

EMAIL: CHELSEAS@KSIMT.COM

February 7, 2024

Libby City Council  
952 East Spruce Street  
Libby, MT 59923  
406-293-2731

Dear Council Members –

I am writing on behalf of my clients, Jeff & Lisa Sooter, regarding a proposal to abandon a portion of Kootenai Street and Colorado Avenue adjacent to several of their properties. These properties consist of Parcel C of C.S. No. 2946, Tract 2JG in S3, T30N, R31W, and Lots 12 & 13, Block 1, Remp Addition, Plat 4380. These properties are currently accessed off City Service Road, approximately 1,000 feet east of the City Sewer Treatment Plan.

These portions of Kootenai Street and Colorado Avenue have never been constructed and are currently existing as grass/field land and some varying sized coniferous trees and shrubs. Apart from an overhead utility line, we see no visible encumbrances that would discourage the abandonment of these roads. Our records' research of these areas was also found to be free of any written encumbrances.

In 1980, the Libby City Council filed Resolution No. 1110 for the purpose of abandoning a portion of Kootenai Street directly adjacent to our area of interest. It was determined this could be done without detriment to the public interest and the abandoned portion was granted to the adjacent landowners, Charles F. Pilney, Jr. and Myrna Ann Pilny, per Quitclaim Deed recorded in Book 51 Page 998. We believe this previous abandonment supports our request.

MCA 7-14-4114 (1) states: "the council may discontinue a street or alley or any part of a street or alley in a city or town, if it can be done without detriment to the public interest".

Enclosed is an aerial view of the proposed portion of Kootenai Street and Colorado Avenue for abandonment, equaling approximately 0.30 acres.

Sincerely,

Byron Sanderson, PLS  
KSI

Enclosed: Resolution No. 1110 with supporting documentation  
Quitclaim Deed, Book 51 Page 998  
Quitclaim Deed, Book 64 Page 761  
MCA 7-14-4114  
Warranty Deed, Book 368 Page 248 with supporting documentation  
Warranty Deed, Book 400 Page 214 with supporting documentation  
Aerial view for proposed abandonment

RESOLUTION NO. 1110

A RESOLUTION OF THE CITY OF LIBBY, ABANDONING A PORTION OF A CITY STREET OF THE CITY OF LIBBY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBBY,  
MONTANA

WHEREAS, it is the intention of the City of Libby, Montana, to abandon the property described herein, and

WHEREAS, the City Council of the City of Libby, has determined that the abandonment of the property described herein can be done without detriment to the public interest.

NOW THEREFORE, it is resolved by the Council of the City of Libby, Montana, that the following described tract of land, being a portion of Kootenai Street is hereby abandoned.

Said property consists of that portion of Kootenai Street contiguous to Lot 1, Block 1, of the Remp Addition to the City of Libby and also contiguous to the North and East boundary of the Remp addition of the City of Libby as recorded in the Lincoln County Courthouse in Libby, Montana. Said property is a rectangular piece of land in the Northwest Quarter of Section 3, Township 30 North, Range 31 West and contains 7.620 square feet of land, more or less.

SUBJECT, however to an easement consisting of a 25 foot strip of land across the Southwest corner of said property as shown on Certificate of Survey #481, records of Lincoln County Clerk and Recorder's office which is reserved unto the City of Libby for purposes of maintaining, repairing and replacing storm drain pipe under such 25 foot strip of land.

3 PASSED by the City Council and approved by the Mayor this  
day of MARCH, 1980.

Mayor

ATTEST:

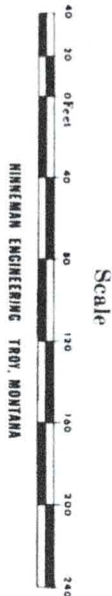
Virginia Richmond  
City Clerk



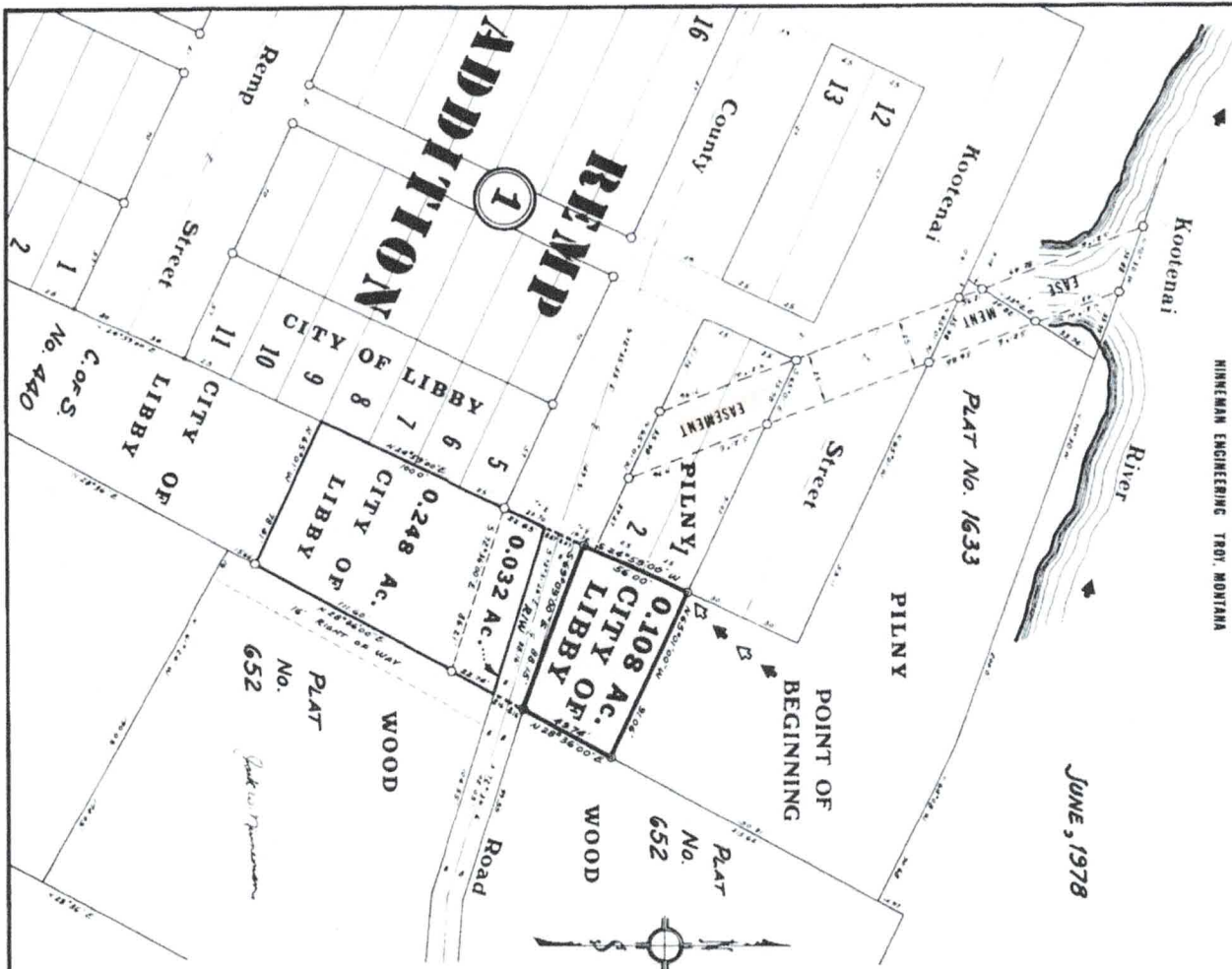
LINCOLN COUNTY MONTANA

# CERTIFICATE OF SURVEY

IN LOT 3 OF SECTION 3  
TWP. 30 N., R. 31 W., M.P.M.



JUNE, 1978



## DESCRIPTION

An irregular tract of land in Libby, Montana, lying wholly within Lot 3 of Section 3 Twp. 30 N., R. 31 W., M.P.M., containing 0.108 acres, more or less, and more particularly described as follows: Beginning at the northeast corner of Block 1 of the jump addition to Libby (a recorded plat in the Lincoln County Clerk's Office, Book 1, Page 11, M.P.M.), thence, along the westerly line of said Block 1 of said jump addition, S. 24°39'00" W. 56.00 feet, thence, leaving said westerly line, S. 88°09'00" E. 88.15 feet to a point on the northwesterly line of a tract on Plat No. 652 of Lincoln County, Montana records, which point lies on the northwesterly right of way line of a County Road at a distance of 0.00 feet, measured at right angles from the centerline thereof, thence, along the northwesterly line of a tract on said Plat No. 652, N. 30°00'00" E. 100.00 feet to the northeast corner of said Block 1 of said jump addition, thence, along the northwesterly line of said Block 1 of said jump addition, S. 88°09'00" E. 88.15 feet to the point of beginning.

## EXEMPTION CERTIFICATE

We, Fred A. Brown, Mayor of Libby, Montana (and Libby being the current owner of real property delineated on the accompanying Certificate of Survey) and Charles Fred, Jr., County Clerk of Lincoln County, Montana, do hereby certify that the above described tract of land is not subject to the provisions of the Montana Homestead Act, Chapter 10, Title 71, M.P.A., and that no additional parcels are created. Therefore, this survey is exempt from review as a subdivision pursuant to Section 11-35(2) (6) (a), L.C.M., 1947. This survey is also exempt from review under ASB 16-2-14 (101-11340) SURVEYS/SECTION (13) (7) (1).

Witness my hand and the seal of said County of Lincoln, Montana, this 1st day of June, 1978.

## ACKNOWLEDGMENT

I, the undersigned, County Clerk of Lincoln County, Montana, do hereby certify that the foregoing Certificate was subscribed and sworn to before me this 1st day of June, 1978.

Notary Public in and for the State of Montana.

Witnessed at: Libby

DATE FOR INDEXING

My Commission Expires: 6-28-80

Beacons were based on the location of the Burlington Northern Railroad crossing through Lots 3 and 4 of Section 3 Twp. 30 N., R. 31 W., M.P.M., reported to bear N. 65°01'00" W.

LIBBY

- Found 5/8"x24" Steel Rod with CE stamped: J.H.N. 4661 S.
- Set 5/8"x24" Steel Rod with CE stamped: J.H.N. 4661 B.

APPROVED *[Signature]* *[Signature]*  
Township Land Surveyor  
Registration No. 40035  
APPROVED *[Signature]*  
County Clerk and Recorder  
ATTESTED *[Signature]*  
County Clerk and Recorder

STATE OF MONTANA COUNTY OF LINCOLN  
Filed on this 1st day of June, 1978  
at the Office of the  
County Clerk and Recorder  
County Clerk and Recorder  
by *[Signature]* Deputy

Certificate of Survey No. 481



# QUITCLAIM DEED

For Value Received CITY OF LIBBY, a Montana municipal corporation,

does hereby convey, release, remise and forever quit claim unto CHARLES F. PILNY, JR. and MYRNA ANN PILNY, husband and wife, as joint tenants with right of survivorship, of Libby, Montana,

the following described premises in Lincoln County, Montana, to wit:

An irregular tract of land in Libby in Lincoln County, Montana, lying wholly within Lot 3 of Section 3, Twp. 30 N., R. 31 W., M.P.M., containing 0.108 acre, more or less, and more particularly described as follows:

Beginning at the northeast corner of Block 1 of the Remp Addition to Libby (a recorded subdivision of Lincoln County, Montana) in Lot 3 of Section 3, Twp. 30 N., R. 31 W., M.P.M.; thence, along the southeasterly line of Block 1 of said Remp Addition, S 24°59'00" W 56.00 feet; thence, leaving said southeasterly line, S 69°09'00" E 88.15 feet to a point on the northwesterly line of a tract on Plat No. 652 of Lincoln County, Montana records, which point lies on the northwesterly right of way line of a County Road at a distance of 8.00 feet, measured at right angles from the centerline thereof; thence, along the northwesterly line of a tract on said Plat No. 652, N 23°36'00" E 49.74 feet; thence, leaving said northwesterly line, along the northeasterly line of Block 1 of said Remp Addition extended southeasterly, N 65°01'00" W 91.06 feet to the point of beginning.

C.S. 481

together with their appurtenances.

Dated: June 6, 1978.

CITY OF LIBBY

By:

Mayor

City Clerk

STATE OF MONTANA, COUNTY OF LINCOLN

On this 6 day of June, 1978, before me, a notary public in and for said State, personally appeared Fred A. Brown and Delores Wenzel, known to me to be, respectively, the Mayor and City Clerk, of the said corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

Residing at Libby, Montana  
Comm. Expires 6-29-80

Notary Public

STATE OF MONTANA, COUNTY OF Lincoln

I hereby certify that this instrument was filed for record at the request of FENNESSY, CROCKER, HARMAN

at 15 minutes past 2 o'clock p.m., this 6th day of August, 1978, in my office, and duly recorded in Book 51 of Deeds at page 998

Ex-Officio Recorder

By:

Deputy.

Fees \$

Mail to

FENNESSY, CROCKER, HARMAN

FENNESSY, CROCKER, & HARMAN  
503 MINERAL AVE.  
LIBBY, MONTANA 59923

INSTRUMENT NO.

5001

## QUITCLAIM DEED

For Value Received

Charles Fred Pilny, Jr. and Myrna Ann Pilny, husband and wife  
of Libby, Montana

do hereby convey, release, remise and forever quit claim unto

CITY OF LIBBY, a Montana Municipal Corporation, Libby, Montana

the following described premises in Lincoln County, Montana, to wit:

A perpetual easement over a 25 foot strip of land across  
the Southwest corner of the following described property:That portion of Kootenai Street contiguous to Lot 1, Block  
1, of the Remp Addition to the City of Libby and also  
contiguous to the Northeast boundary of the Remp Addition  
to the City of Libby as recorded in Certificate of Survey  
Number 481, records of the Lincoln County Courthouse. Such  
easement is granted for the purpose of maintaining, repairing,  
and replacing storm drain pipe now situated under or upon  
such property, which pipe constitutes part of Libby Storm  
Drain System.

together with their appurtenances.

Dated: 21st March, 1980.

*Charles Fred Pilny Jr.**Myrna Ann Pilny*STATE OF MONTANA, COUNTY OF Lincoln)  
On this 21st day of March, 1980,  
before me, a notary public in and for said State, personally  
appearedCharles Fred Pilny, Jr. and  
Myrna Ann Pilny, husband and wife,known to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.*Myrna A. Curtis*  
Notary Public  
Residing at Libby, Montana  
Comm. Expires 4-7-81ss. STATE OF MONTANA, COUNTY OF Lincoln  
I hereby certify that this instrument was filed for record at  
the request of Fennessy, Crocker, Harman & Bostockat 05 minutes past 10 o'clock a.m.,  
this 25th day of March  
1980, in my office, and duly recorded in Book 64  
of Deeds at page 761*Glenn L. Haughon*  
Ex-Officio RecorderBy *Betty Beale* Deputy.Fees \$ 2.00  
Paid to: *Fennessy, Crocker, Harman & Bostock*

INSTRUMENT NO.

37426

FENNESSY, CROCKER, HARMAN &amp; BOSTOCK

303 MINERAL AVE.  
LIBBY, MONTANA 59923

**STATE OF MONTANA, LINCOLN COUNTY**

RECORDED:01/20/2023 01:11 PM KOI: DEED:17

Robin A. Benson CLERK AND RECORDER

FEE: \$16.00

BY: *Michelle Boyd*

Deputy

TO: Flying S Title and Escrow - Libby 120 W 6th Street Ste 5, Libby, Montana 59923

**AND WHEN RECORDED MAIL TO:**

Flying S Title and Escrow of Montana, Inc.  
120 W 6th ST #5  
Libby MT 59923

Filed for Record at Request of:

Flying S Title and Escrow of Montana, Inc.

Space Above This Line for Recorder's Use Only

Order No.: 1077731-LI

Parcel No.: 11976

**WARRANTY DEED**

**(Joint Tenancy)**

FOR VALUE RECEIVED,

**JoDean Earl Freese, Jr.**

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Jeff Sooter and Lisa Sooter as joint tenants with right of survivorship**

whose address is: **PO Box 160, Libby, MT 59923**

hereinafter called Grantees, as joint tenants (and not as tenants in common) and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in **Lincoln County, Montana**, to-wit:

Lots 12 and 13, Block 1 of Remp Addition, according to the plat thereof on file in the office of the Clerk and Recorder, Lincoln County, Montana. Retracement Plat 4380

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD, the said premises, with its appurtenances unto the said Grantees, as joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named tenants forever. And the said Grantor(s) do(es) hereby covenant to and with Grantees, he(she or they) is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except for taxes and assessments for current and subsequent years and he (she or they) will warrant and defend same from all lawful claims whatsoever.







Return To:  
Jeff + Lisa Sooter  
PO Box 160  
Libby, MT 59923

283940 BOOK: 381 RECORDS PAGE: 44 Pages: 1  
STATE OF MONTANA LINCOLN COUNTY  
RECORDED: 02/04/2020 11:11 K01: DEED  
ROBIN A. BENSON CLERK AND RECORDER  
FEE: \$7.00 BY: Michelle Bond Deputy  
FOR: FIRST AMERICAN TITLE CO. OF MT. INC. P.O. BOX 155, LIBBY,

### CORRECTION DEED

\*\*\*\*\* This deed is being recorded to correct the legal description for the Deed recorded July 13, 2017 in Book 368 at Page 248, records of Lincoln County, Montana. \*\*\*\*\*

GRANTOR : The Remp Family Trust dated December 31, 1999  
Address: 294 Kootenai Vista, Libby, MT 59923

GRANTEE: Jeff Sooter and Lisa Sooter, JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP  
Address: P.O. Box 160, Libby, MT 59923

#### Property Description:

Plat 951, and Parcel C of CS #2946, located in Government Lot 3, Section 34, Township 31 North, Range 31 West, Reference Deed dated December 29, 1995, recorded in Book 219 at Page 652, records of Lincoln County, Montana.

And

A parcel of land known as Tract 2JG lying North of City Service Road ( as shown on Plat #2180 ) in the NW1/4NW1/4 of Section 3, Township 30 North, Range 31 West, P.M.M., Lincoln County, Montana.

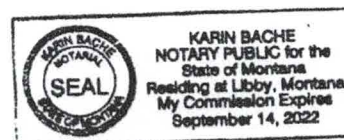
For valuable consideration, Grantor quitclaims to Grantee all right, title and interest of Grantor in subject real property together with all rights and privileges appurtenant to or to become appurtenant to subject real property on effective sale date.

By: Randall C. Remp Trustee  
Randall C. Remp, Sole Trustee of the Remp Family Trust dated December 31, 1999

STATE OF MONTANA, COUNTY OF LINCOLN

On this 27 day of December, 2019, appeared before me, a Notary Public for the State of Montana, Randall C. Remp, Sole Trustee of the Remp Family Trust dated December 31, 1999 known to me to be the person(s) described herein, who executed and acknowledged to me that he executed the foregoing instrument.

Karin Bache  
Notary Public for the State of Montana





Lincoln County, Montana.

2180

HALSTEAD REMP TO THE CITY OF LIBBY, MONTANA

Land in Lot 4 Section 3 Twp. 30 N., R. 31 W., M.P.M.

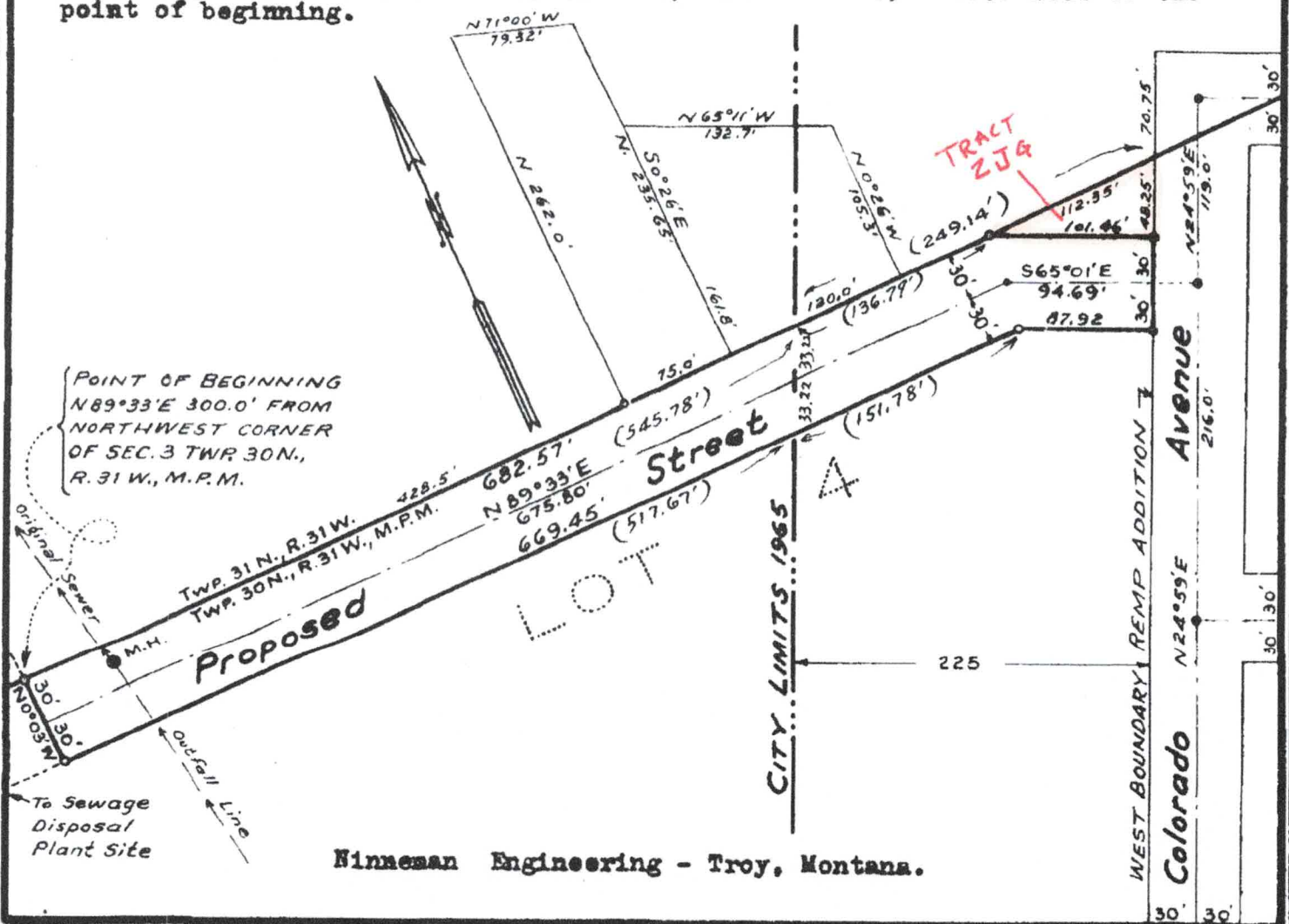
FOR STREET PURPOSES

June 1965

Scale:- 1 Inch = 100 Feet.

DESCRIPTION

A parcel of land for street purposes, in and adjacent to Libby, Lincoln County, Montana, lying wholly within Lot 4 of Section 3 Twp. 30 North, Range 31 West, M.P.M., containing 1.06 acres, more or less, and more particularly described as follows: Beginning at a point on the north line of Section 3 Twp. 30 N., R. 31 W., M.P.M. at a distance of 300.0 feet N 89°33'E from the northwest corner of the said Section 3; thence, along the north line of said Section 3, N 89°33'E 682.57 feet; thence, leaving the north line of said Section 3, S 65°01'E 101.46 feet to a point on the west line of Remp Addition to Libby, Montana at a distance of 119.0 feet S 24°59'W from the northwest corner of said Remp Addition; thence S 24°59'W, along the west line of Remp Addition, which west line is the west line of Colorado Avenue, a distance of 60.0 feet; thence N 65°01'W 87.92 feet; thence S 89°33'W, parallel to the north line of said Section 3 and 60.0 feet distant therefrom measured at right angles, a distance of 669.45 feet; thence N 0°03'W 60.0 feet to the point of beginning.



Ninneman Engineering - Troy, Montana.

MCA Contents / TITLE 7 / CHAPTER 14 / Part 41 / 7-14-4114 Procedure to...

# Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 41. General Provisions Related to Municipal Trafficways and Public Grounds

## Procedure To Discontinue Streets


**7-14-4114. Procedure to discontinue streets.** (1) The council may discontinue a street or alley or any part of a street or alley in a city or town, if it can be done without detriment to the public interest, upon:

- (a) a petition in writing of all owners of lots on the street or alley; or
- (b) (i) a petition in writing of more than 50% of the owners of lots on the street or alley; and
- (ii) approval by a majority vote of the council.

(2) Where the street or alley is to be closed for school purposes, the council may discontinue the street or alley upon a petition signed by 75% of the lot owners on the whole street or alley to be closed.

(3) Before acting upon the petition, a notice must be published, stating when the petition will be acted on and what street or alley or part of a street or alley is asked to be vacated. The notice must be published as provided in **7-1-4127**.

**History:** (1), (2)En. Sec. 429, 5th Div. Comp. Stat. 1887; amd. Sec. 5030, Pol. C. 1895; re-en. Sec. 3479, Rev. C. 1907; re-en. Sec. 5306, R.C.M. 1921; amd. Sec. 1, Ch. 13, L. 1929; re-en. Sec. 5306, R.C.M. 1935; amd. Sec. 1, Ch. 1, L. 1941; amd. Sec. 1, Ch. 36, L. 1945; Sec. 11-2801, R.C.M. 1947; (3)En. Sec. 429, 5th Div. Comp. Stat. 1887; amd. Sec. 5031, Pol. C. 1895; re-en. Sec. 3480, Rev. C. 1907; re-en. Sec. 5307, R.C.M. 1921; re-en. Sec. 5307, R.C.M. 1935; Sec. 11-2802, R.C.M. 1947; R.C.M. 1947, 11-2801(part), 11-2802; amd. Sec. 1, Ch. 78, L. 1989; amd. Sec. 51, Ch. 354, L. 2001.

Created by LAWS 



## Jeff & Lisa Sooter

Proposal for abandonment of a portion of Kootenai Street and Colorado Avenue, as depicted in red, to equal approximately 0.30 acres.

The portion of Kootenai Street depicted in yellow is bordered by Pilney's.

Legend



Google Earth

Image © 2024 Airbus





CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428

PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: [www.cityoflibby.com](http://www.cityoflibby.com)

To: Peggy Williams, Mayor

21 Feb 2024

From: Samuel Sikes, City Administrator

Subject: REQUEST FOR STREET ABANDONMENT

Per our conversations, I would like to offer the following position to the request that Byron Sanderson of Kootenai Surveying (KSI) made on behalf of Jeff and Lisa Sooter on 7 February 2024 to the City Council concerning the abandonment of a portion of Colorado Avenue and Kootenai Street.

Subdivision rules require that in order to sub-divide all parcels of property are required to have access to a Street or Avenue within city limits. This is why Colorado Avenue, Kootenai Street, and an alley were planned as plated for the REMP ADDITION. By abandoning the remaining portions of Colorado Avenue and Kootenai Street, lot 12 of the REMP ADDITION would effectively become land locked without city street or avenue access. This would be not unlike the Milwood subdivision or the question of abandoning the portion of First Street between Achievements and The Keep. Property cannot be land locked. Please see attached map.

The KSI request brings up the 1980 abandonment of a portion of Kootenai Street to adjacent landowners, namely Charles and Mynra Pilney. In that case, the Pilney's granted a twenty-five-foot easement across their property to the city of Libby which rendered Pilney Lot 1 and 2, as seen on C.O.S. 481, useless with too small of a footprint to be viable to complete construction on as individual lots. I believe, even if a court ordered division of the land occurred, that the diminished size of the remaining Pilney lots 1 and 2 would be taken into consideration and be divided properly while retaining the easement. I also believe that the city, at the time, took the loss of viable property by granting the easement into account when that portion of Kootenai Street was abandoned to the homeowners.

I recommend not approving the road abandonments as requested as it would land lock Remp lot #12 and stop access to the northerly portion of the Pilney property if it was ever divided again. The city can never tell how the properties will be divided, sold, or used in the future, but we can plan for the future in this case by retaining the roads in question.

Samuel Sikes  
City Administrator

LINCOLN COUNTY MONTANA

# CERTIFICATE OF SURVEY

IN LOT 3 OF SECTION 3  
TWP. 30 N., R. 31 W., M.P.M.



KOOTENAI ENGINEERING TRUST MONTANA

Kootenai River

Requested Abandonment

JUNE, 1978

PLAT No. 1633

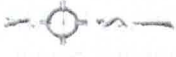
Abandoned in 1980

POINT OF  
BEGINNING

Land Locked Property

County

REMP  
①  
ADDITION



PLAT  
No.  
652

WOOD

Road

WOOD

PLAT  
No.  
652

Street

CITY OF  
LIBBY

C of S  
No. 440

## DESCRIPTION

An irregular tract of land in Liberty in Lincoln County, Montana, being wholly within Lot 3 of Section 3, Twp. 30 N., R. 31 W., M.P.M., containing 0.108 acre, more or less, and more particularly described as follows: The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

The tract is bounded on the north by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the east by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., on the south by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M., and on the west by the 1/4 section line of the 2000 Acre Section 3, Twp. 30 N., R. 31 W., M.P.M.

STATE OF MONTANA

COUNTY OF LINCOLN

APPROVED 4/2/78

APPROVED 4/2/78

APPROVED 4/2/78

Certificate of Survey No.

309579 BOOK: 404 RECORDS PAGE: 944 Pages: 3  
STATE OF MONTANA LINCOLN COUNTY  
RECORDED: 03/05/2024 8:47 KOI: AFFIDAVIT  
CORRINA BROWN CLERK AND RECORDER  
FEE: \$24.00 BY: Deisha Storken deputy  
FOR: SAMUEL SIKES LIBBY CITY ADMINISTRATOR P.O. BOX 1428, LIBBY,

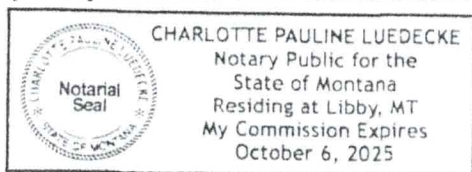
NOTE: You must attach an Exhibit A that provides a bona fide legal description of the property to be annexed.



STATE OF MONTANA     )  
  ):ss  
County of Lincoln     )

On this 1 day of march, 2024, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jeff Sooter and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

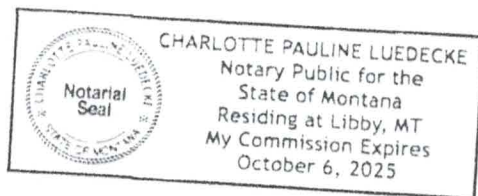


Charlotte Pauline Luedecke  
Notary Public, State of Montana  
Residing at Libby, MT  
My Commission Expires 6 October 2024

STATE OF MONTANA     )  
  ):ss  
County of Lincoln     )

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Charlotte Pauline Luedecke  
Notary Public, State of Montana  
Residing at Libby, MT  
My Commission Expires 6 October 2024





**CITY OF LIBBY**

**952 E. SPRUCE | POST OFFICE BOX 1428, LIBBY, MT. 59923**

**PHONE 406-293-2731 | FAX 406-293-4090 | WEBSITE: [www.cityoflibby.com](http://www.cityoflibby.com)**

**Lights/Streets/Sidewalks Committee Agenda**

**Tuesday, June 4, 2024 @ 12:05 pm**

**City Hall - Council Chambers**

- Call Meeting to Order
  - 1. Discuss stop sign request for Mineral Ave.
  - 2. Discuss reconsidering zoning on City Service Rd.
- Public Comment
- Adjournment

**mayor@cityoflibby.com**

---

**From:** gary.beach <gary.beach@cityoflibby.com>  
**Sent:** Friday, May 31, 2024 12:10 PM  
**To:** City of Libby; mayor@cityoflibby.com; city.admin@cityoflibby.com; 'Kristin Smith'; Brian Zimmerman  
**Subject:** Tuesday the 4th streets meeting

Please post for 1205 pm Tuesday the 4th for the streets committee

1. Discuss stop sign request for mineral ave.
- 2 Discuss reconsidering zoning on city service road.

Thanks have a good weekend!

Sent from my T-Mobile 5G Device



## **Stop Sign Placement at Fourth and Mineral**

Gary Beach introduces the first agenda item: a request for a stop sign placement at Fourth and Mineral to slow traffic and help local businesses.

Justin Williams has inspected the area and believes a stop sign would be beneficial due to line-of-sight issues.

Gary Beach mentions the cost of the signs and the concern for pedestrian safety, especially near hair salons and nail salons.

Brian Zimmerman suggests reducing the speed limit instead of installing stop signs, as stop signs can deter shopping in downtown areas.

### **Discussion on Speed Limits and Traffic Calming**

Gary Beach notes that reducing the speed limit below 20 mph requires a traffic study.

Brian Zimmerman suggests asking for forgiveness rather than permission to reduce the speed limit, citing the state's lenient speed limits on highways.

Gary Beach and Brian Zimmerman discussed various methods to slow down traffic, including pavement modifications and speed limit signs.

Kristin Smith suggests looking into angled parking and shrinking corners with bulb-outs to improve pedestrian visibility and safety.

### **Testimonies from Local Business Owners**

Chelsea Kraft shares a personal experience of a client being T-boned by a speeding driver at Fourth and Mineral, highlighting the need for traffic calming measures. Ms. Kraft describes witnessing multiple near misses involving ambulances and personal experiences of being almost hit by speeding drivers. She mentions contacting the police and mayor for increased patrols, but no significant action has been taken.

Brian Zimmerman reiterates the need for a reduced speed limit to affect the entire street, not just specific areas.

Kristin Smith suggests using speed cameras to issue citations for speeding.

Gary Beach mentions the possibility of using a speed trap trailer but notes that it might not be effective.

The group discusses increasing police presence, especially during tourist season, and looking into speed limit reductions.

Gary Beach proposes a short-term solution of increasing police presence and exploring the limitations of reducing speed limits.

## **Request for Abandonment of Kootenai Street**

Gary Beach introduces the second agenda item: a request for the abandonment of a portion of Kootenai Street and Colorado Avenue on City Service Road.

Byron Sanderson provided a history of the street, noting that a portion of Lots 1 and 2 was abandoned to Charles Pilney in 1980 and there have since been several unsuccessful attempts for abandonment. It was noted that the property has an easement for the stormwater drain.

The Sooters now own all property, the request now includes a portion of Kootenai Street and Colorado Avenue, except for a small portion adjacent to Charles Pilney's property.

Gary Beach and Brian Zimmerman discuss the potential impact of the abandonment on stormwater drainage and land locking issues. It is unknown whether the portion for stormwater is still in use, if stormwater is allowed to be discharged into the Kootenai.

Mr. Sanderson explained that today Sooters pretty much surround Colorado and Kootenai Streets. There is an alley in place that should be abandoned, offering half to sooters, half to Pilney. There is no current utilization, will amend request for abandonment of alley.

K Smith stated she doesn't have a problem with abandonment, this was before (the city) started to scrutinize subdivisions, the road is not developable in that location, it doesn't go all the way to the river.

Byron Sanderson stated the city does not have access to the river there, does have the stormwater that would continue to be in place, affects a small piece of land to Sooters.

Brian Zimmerman stated that in about 2017 the Remp family asked for abandonment, the issues were property being landlocked and future use. If we give up alley there, we would probably be asked to give up alley next to lagoon. He sees it as an ongoing thing and still leaves a landlocked piece.

Gary Beach and Brian Zimmerman discussed the potential land locking issues and the need to ensure no property is landlocked.

Kristin Smith stated the property is not suitable for more dense development, the road has never been built, we (the City) would never build it.

Brian Zimmerman asked what the difference is between now and the Remp request for abandonment.

B Sanderson noted that Remp's did not own lots 12 and 13, sort of the island in the middle of Colorado and. The Sooters now own all the property.

The group discusses the need for a visual exhibit to better understand the proposed abandonment and its impact on the area. And how the land would be divided with property owner.

G Beach asked what the intent is, is there going to be a building, is this just for an open vacant piece of land.

Gary Beach proposes consulting with the city attorney to ensure all legal requirements are met before proceeding with the abandonment. He is concerned with easement and pipe underground.

B Sanderson noted that it is easy to trace the easement for the stormwater, which is almost in a ravine, lay out on ground and identify whatever offsets need in place for construction to take place.

Jeff Sooter commented that there is a power line, that they would not be doing anything on that land on the east of the power line where the stormwater is, only interested in what is west of the power line.

B Sanderson stated that old PP & L easement is vaguely written, with no description other than along course of wires as constructed.

K Smith remarked that we will never build that property.

B Zimmerman noted location and what it does to the rest of their property, it has value to their property.

B Sanderson replied if you are looking at the value aspect, you would need to go to the state statute, and if you could sell the property, he has never seen a statute that allows the sale of right-of-way.

Kristin Smith noted there is no physical infrastructure in this location. Considers Mr. Sikes letter to be inaccurate concerning property being landlocked.

The group discusses the need to ensure the abandonment does not create any land locking issues and meets all legal requirements. It was clarified that with current ownership, no property will be landlocked.

B Sanderson remarked that Remp addition is extension was city style (development), it was to reflect what is on other side of railroad tracks, Colorado was never constructed to city standards.

Gary Beach plans to consult with the city attorney and schedule a follow-up meeting to discuss the next steps. He noted that the request makes more sense to him now than it did in 2017 because of currently property ownership.

K Smith suggests what would help, would be to create an exhibit that visually lays it out better, to help the council better understand.

The meeting was adjourned.



City Council Meeting 6/17/2024

part of the general fund and must be used for building inspector purposes and as that fund builds will be looking to use those funds under those parameters.

Wastewater Treatment Plant, the emergency generator blew the circuit board which is needed to run the plant in a power outage, a generator was rented to have on site for emergency and will be looking to buy a new one because the old one is 43 years old and parts are becoming obsolete to repair. A new generator will be \$45,000 without installation. Working with Rural Development, it looks like we may be able to modify the short-lived assets and use those funds for the generator.

**Lights/Streets/Sidewalks:** Councilor Beach announced a meeting will be held June 4<sup>th</sup> to discuss requests for stop signs down Mineral Avenue, will be submitting stuff to engineering and will have a follow up on that. The other item discussed was a street abandonment down on City Service Road, will be working through that and will schedule a follow up meeting in the next few weeks.

**Finance:** Clerk/Treasurer Monigold reported the audit is finished for fiscal year 23, an exit conference with the auditor was held over the phone, Mayor Williams and Councilor Zimmerman were also in attendance. The audit went very well, there were no findings, as soon as the audit is available it will be posted on the website to be available to the public.

**City-County Health Board:** Councilor K. Smith reported a meeting was held June 11<sup>th</sup>. Primarily department updates on goings on to the Board. The biggest issue the Board was informed of was the Tobacco Valley Animal Shelter, which operates a shelter in Eureka and Libby, wants to get out of their contract with the County, which would have significant ramifications for the County and animals. Not sure of the next steps, but likely would be putting out a bid for somebody else to try and open a shelter. The discussion was how many people purchased or adopted animals during the pandemic and then returned them, mistreated them, etc. They are just overwhelmed and do not have enough volunteers.

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

DC Orr, 1117 Nevada Ave, expressed concern about purchasing a new generator and inquired how many hours are on the 47-year-old generator and what parts cannot be made for it. Mr. Orr inquired why the IP settlement had been removed from the agenda, why the public was not being informed about IP Negotiations and had concerns about the police department which is causing mistrust.

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**From:** Gary Beach <gary.beach@cityoflibby.com>  
**Sent:** Tuesday, April 8, 2025 11:28 AM  
**To:** mayor@cityoflibby.com  
**Subject:** Fwd: Re: Sooter Road Abandonment - Improved Exhibit

----- Original Message -----

Subject: Re: Sooter Road Abandonment - Improved Exhibit

Date: 2024-06-20 13:34

From: Kristin Smith <kristin.smith@cityoflibby.com>

To: byrons@ksimt.com

Cc: Gary Beach <gary.beach@cityoflibby.com>, Brian Zimmerman <brian.zimmerman@cityoflibby.com>, 'Chelsea Sanderson'

<chelseas@ksimt.com>

Greetings,

I realize the Sooters own Lots 12 & 13. However, if they were to transfer Lot 12, it would not have direct access to City Service Road.

If, on the other hand, they were to adjust the boundary between the two lots to be parallel to the abandoned alley and abandoned Colorado road, then the 2 newly configured lots would have direct access to City Service Road. An added bonus would be that the powerline would not completely bisect each lot, but only slightly encumber them. Alternatively, the 2 lots could be aggregated.

Thanks,

Kristin

---

Kristin Smith, Council Member  
City of Libby  
406.240.1494

On 2024-06-20 11:58, byrons@ksimt.com wrote:

- > All,
- >
- > Attached is an updated exhibit in support of the Sooter road
- > abandonment request.
- >
- > I handed several 11x17 hard copies of this document to Jeff Sooter
- > this AM. He will drop them off at the City offices today.
- >
- > These print to scale on 11x17 paper so may be a bit small if you print
- > them on standard letter format.
- >
- > Please call or email with any questions.

**From:** Gary Beach <gary.beach@cityoflibby.com>  
**Sent:** Tuesday, April 8, 2025 11:28 AM  
**To:** mayor@cityoflibby.com  
**Subject:** Fwd: Re: Sooter Road Abandonment - Improved Exhibit

----- Original Message -----

Subject: Re: Sooter Road Abandonment - Improved Exhibit

Date: 2024-06-20 13:25

From: Kristin Smith <kristin.smith@cityoflibby.com>

To: byrons@ksimt.com

Cc: Gary Beach <gary.beach@cityoflibby.com>, Brian Zimmerman <brian.zimmerman@cityoflibby.com>, 'Chelsea Sanderson' <chelseas@ksimt.com>

Thanks Byron - that makes it very clear to understand.

-Kristin

---

Kristin Smith, Council Member  
City of Libby  
406.240.1494

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>  
> Thank you.  
>  
> BYRON SANDERSON, PLS  
>  
> KSI  
>  
> 314 California Ave  
>

**mayor@cityoflibby.com**

---

**From:** City of Libby <clerk.treasurer@cityoflibby.com>  
**Sent:** Friday, October 18, 2024 12:24 PM  
**To:** Brian Zimmerman; Gail Burger; Hugh Taylor; Ian Smith ; Kristin Smith; Melissa Berke; Peggy Williams  
**Cc:** Chief Ercanbrack; Dean Chisholm; Sam Sikes  
**Subject:** Streets/Lights/Sidewalks Committee Agenda  
**Attachments:** Streets Committee 22 October 2024.pdf

Posted and attached is the agenda for the Streets/Lights/Sidewalks Committee on Tuesday, October 22<sup>nd</sup> at 6:05pm.

Respectfully submitted,

*Leann Monigold*

Clerk/Treasurer

City of Libby

(406) 293-2731

[clerk.treasurer@cityoflibby.com](mailto:clerk.treasurer@cityoflibby.com)

**From:** Brian Zimmerman <brian.zimmerman@cityoflibby.com>  
**Sent:** Thursday, October 17, 2024 2:16 PM  
**To:** LeAnn Monigold  
**Cc:** Peggy Williams; Samuel Sikes; Kristin Smith; gail.burger@cityoflibby.com  
**Subject:** Streets, Lights and Sidewalks Comm Meet

Hello Leann,

Please post an agenda for the 22nd at 6:05pm.

1. Sooters abandonment request for City Service Road property.
2. Discussion of safety concerns on Mineral Ave for pedestrians.
3. Parking request for an additional handicap spot at the VFW.
4. Discussion on city banners for Mineral and California Avenues.





# City of Libby Libby Montana

[www.cityoflibby.com](http://www.cityoflibby.com)

PO Box 1428  
952 E. Spruce Street  
Libby MT, 59923  
(406) 293-2731  
Fax (406) 293-4090

---

## Lights/Streets/Sidewalks Committee Agenda Tuesday, October 22, 2023 @ 6:05 pm City Hall, Council Chambers

- Call Meeting to Order
  1. Sooters abandonment request for City Service Road property.
  2. Discuss safety concerns on Mineral Avenue for pedestrians.
  3. Parking request for additional handicap spot at VFW.
  4. Discuss city banners for Mineral and California Avenues.
- Public Comment
- Adjournment



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## **Lights/Streets/Sidewalks Committee Agenda Tuesday, October 22, 2023 @ 6:05 pm City Hall, Council Chambers**

- Call Meeting to Order
  1. Sooters abandonment request for City Service Road property.
  2. Discuss safety concerns on Mineral Avenue for pedestrians.
  3. Parking request for additional handicap spot at VFW.
  4. Discuss city banners for Mineral and California Avenues.
- Public Comment
- Adjournment

**Lights/Streets/Sidewalks:** Mayor Williams explained a request was made from the VFW to allow them to create a parking spot for those who have a Purple Heart and would like to put into Streets Committee. Councilor K. Smith asked if that was something the Police Department would have to enforce. Mayor Williams explained that is one of the questions in the information that will be put into the Committee. The VFW doesn't want to give up a handicap spot, just want to create this special spot.

Councilor Zimmerman reported a meeting was held on September 24<sup>th</sup> to discuss how to proceed with the banners and brackets on Mineral and California Ave., discussing ideas and how to work things out. Another meeting will be planned in the evening to discuss several items, one being the Sutter's request off of City Service Road, Dean will be checking on a couple of things and getting back to him.

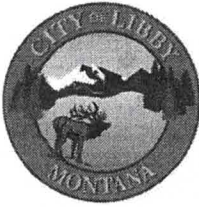
**Zoning Commission:** Councilor K. Smith announced a meeting has not been scheduled but plans to discuss all the changes they have worked on over the last several years.

**Finance:** Clerk/Treasurer Monigold reported the FY25 budget was submitted to the state on September 20<sup>th</sup>, and it has been accepted. She met with one of the auditors for the final closing of FY24 budget and they have recommended two budget amendments that will be discussed later in the meeting. The auditors will then begin preparing the information needed to submit the Annual Financial Report due at the end of December.

Last week we attended the Annual League of Cities and Towns Convention in West Yellowstone. There were many informative seminars, two of them were about our insurance with MMIA, the Risk Management session explained they offer programs like hands on training and through their website on subjects such as employment practices, work safety, and cyber security. MMIA would like to start giving credits to cities that enroll in these programs and go through the training possibly saving money on our insurance premiums.

Mayor Williams reported she had attended sessions that dealt with grant opportunities and how to get some of those grants, especially at the Department of Transportation, who has some infrastructure grants, particularly Safe Streets for All. She would like to check into that and other grant opportunities. Another session was about having police protection in your community. The session was to figure out ways to better fund your police department, but the topic changed to discussing some small communities that contract with their county, and how it is not working out so well and we ran out of time to discuss funding your police department through special district or similar ideas.

Mayor Williams explained that the League has been putting a lot of effort into finding clerk training and support for clerks across the state because of the high turnover. They are looking now trying to figure out how to support city attorneys because there are so few city attorneys across the state along with trying to help with auditors because there are so few that do government audits.



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## Lights/Streets/Sidewalks Committee Agenda Tuesday, October 22, 2023 @ 6:05 pm City Hall, Council Chambers

- Call Meeting to Order
  - 1. Sooters abandonment request for City Service Road property.
  - 2. Discuss safety concerns on Mineral Avenue for pedestrians.
  - 3. Parking request for additional handicap spot at VFW.
  - 4. Discuss city banners for Mineral and California Avenues. *SUZANNE RESCH*
- Public Comment
- Adjournment

- PAINT! FLAGS

- FLASHING RED X BUTTONS - LOR?

MINERAL / US 2 @ BURGER?

- CHEEF - PIC OF LICENSE PLATE?

- PORTABLE SPEED BUMPS

- PORTABLE SPEED LIMIT TRAIL

- JERSEY BARRIER?  
FLOWER POTTERS?

*TEA NIZENE*



**mayor@cityoflibby.com**

---

**From:** City of Libby <clerk.treasurer@cityoflibby.com>  
**Sent:** Thursday, February 20, 2025 4:25 PM  
**To:** Brian Zimmerman; Gail Burger; Hugh Taylor; Kristin Smith; Melissa Berke; Peggy Williams  
**Cc:** Chief Ercanbrack; Dean Chisholm; Sam Sikes  
**Subject:** Light/Streets/Sidewalks Committee Agenda  
**Attachments:** Streets Committee 26 February 2025.pdf

Posted and attached is the agenda for the Lights/Streets/Sidewalks Committee meeting on Wednesday, February 26<sup>th</sup> at 12pm.

Respectfully submitted,



*Leann Monigold*

Clerk/Treasurer

City of Libby

(406) 293-2731

[clerk.treasurer@cityoflibby.com](mailto:clerk.treasurer@cityoflibby.com)



My opinion: the answer to "how" to move forward resides in those previous proceedings.

Jeff and Lisa Sooter have jumped every hurdle (successfully) and are ready to move on to finalizing this project. As a reminder, the aggregation survey they just completed was a recommendation of the committee to move forward with abandonment. This request has been completed at a substantial cost to the Sooters... my understanding has been that this survey was the final requirement necessary to satisfy the committee.

As I currently do not have a working contract with the Sooters, I make the above statements independently and in no way on their behalf.

Feel free to send this message to the committee or council.

Thank you.

**Byron Sanderson, PLS**  
**Kootenai Surveyors, Inc**



« Reply all





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---

## **Lights/Streets/Sidewalks Committee Agenda Wednesday, February 26, 2025 @ 12:00 pm City Hall, Council Chambers**

- Call Meeting to Order
  - 1. Consider request for abandonment of land for Jeff and Lisa Sooter on City Service Road.
- Public Comment
- Adjournment



**MCA 2-3-212.** Minutes of meetings. Minutes must include without limitation: (a) the date, time, and place of the meeting; (b) a list of the individual members of the public body, agency, or organization who were in attendance; (c) the substance of all matters proposed, discussed, or decided; and (d) at the request of any member, a record of votes by individual members for any votes taken.

## **UNAPPROVED MINUTES**

The Libby City Council held regular meeting #1674 with Public Hearing – Conditional Use – on Monday, April 7, 2025, in the Council Chamber at Libby City Hall.

### **Call to Order:**

The meeting was called to order at 7:01 pm by Mayor Williams.

Present were Mayor Williams, Councilors Melissa Berke, Gail Burger, Ethan Kolp, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

### **Announcements:**

#### **Proclamation for National Crime Victims' Rights Week:**

Kathleen Sheffield from the Lincoln County Victim Witness Program gave the history and an overview of the program, explaining the program has received grant funding from the National Association of VOCA for the third consecutive year enabling the program to host their annual candlelight vigil, Thursday, April 10<sup>th</sup> at 7pm, to provide a chance to come together, awareness to victims' rights, celebrate survivors, honor lives that have been lost, and express gratitude to first responders.

Mayor Williams read the Proclamation.

#### **Approve minutes for Regular Council meetings #1672 held March 3, 2025, #1673 held March 17, 2025, and Special Meeting-Council Vacancy held March 17, 2025:**

Councilor Zimmerman **MADE A MOTION** to approve City Council meeting minutes 1672, 1673, and the Special meeting for Council Vacancy, Councilor Berke **SECONDED**.

Councilor Smith noted a change to the Special Meeting minutes should read 16 years ago instead of 6.

DC Orr commented on minutes from March 3<sup>rd</sup>, disagreed with a point of order called while he was speaking and explained why he disagreed.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

### **Committee Reports:**

**Administrator:** Administrator Sikes reported after approving replacing 5 of the 27 heat exchangers for \$57,188 last month, a fan unit that feeds air into Pure North went down and stressed the importance of the Capital Improvement Plan, with that the City is able to approve the repair without scrambling for funds.

For Water, with runoff season the plant has been working hard to keep the turbidity at acceptable levels. A couple of engineers were contacted and were able to find parts for the SCADA 5 system that will be discontinued at the end of the year. Parts have been ordered to keep the system functioning longer and buy the time needed to place the project into the PER. There will be a meeting with NRDP prior to the next meeting to discuss options for the lower reservoir, since Flower Creek dries out downstream from the lower reservoir on an annual basis, the lower reservoir can be considered fish habitat and bird sanctuary and hopefully allow the NRDP to release funds to make repairs to the infrastructure to save the habitat and at the same time help the city with the expensive repairs needed.

For Sewer, have been putting together plans and getting estimates to replace section of return lines from the clarifiers to the ox ditch that were repaired decades ago. The repairs were by reducing pipes from an 8" to 4" which has caused clogging events. The "simple fix" is becoming a larger project than expected, with a 40-year-old plant and pipes, more needed repairs are being discovered. The "simple fix" could easily cost upwards of \$200k.

Lincoln County Emergency Management Office had a power outage Working Group meeting, they are trying to upsize our generator for City Hall so the entire building can be powered, including our boiler system, the gymnasium, the kitchen area, and emergency dispatch. Hopefully it will go out for a grant within the next six months to a year. Spruce Street reconstruction from the Highway will be starting soon and will last about a month. Hoping within the next two weeks to a month, the second half of Spruce Street will go out for bids to finish it all the way to the Port Authority. After that major road repair we're looking at 10<sup>th</sup> Street from behind Kaiju and behind McDonald's. Had a great meeting with National Guard last Wednesday, down at Riverfront Park, they're trying to use the Eastern or back most boat launch area to train for water purification. Their original proposed lease was for three times a year, six days, and it was over a larger period. At the meeting, come to find out, they only needed two days, one with equipment, no overnight, and the next day water sampling. Treated water cannot go back into the river because of DEQ regulations, but it is perfectly okay for the water to go into our storm drains, we'll have a spot where they can dump it. Trying to reduce the conflict with any events at Fred brown, it's not going to happen during any of the large festivals, we're able to mark it a year out, so that if somebody wants to come in for a wedding, there won't be any disruptions. Lastly, I have been working with the NRDP and WWC engineering on hydrology study and plan for the



spoils pile by the dam. Hoping to get a final contract in to get the Council to approve it, that would be for phase one. That's just the hydrology study and the study of the spoils pile itself. After that's all completed, it would come before Council to decide whether to move on phase two or not, whether to create the parking lot or not.

**Streets Supervisor:** Justin Williams reported crews have been jetting, sweeping, and patching potholes, 3 burials at the cemetery, 3 water service line replacements, 2 water main repairs, 2 sewer service line replacements, and 1 sewer main repair. Flowerpots are being prepared, early runoff and rain events are creating dirty screens at lower reservoir, and 4 trees have been removed. Working with high school softball and little league on materials for field prep, site rehab, and road regrade. Got together with engineers and TCI to go over sewer main replacement schedule, repaving Flower/Nevada, sealing seams on three of the schedule items, and topsoil placement. Water leak repairs began last week, the new paint machine arrived, so street striping will begin in June when the weather stays warmer at night.

**Finance:** Clerk/Treasurer Monigold reported the FY24 audit was finished three months earlier than usual due to falling under a Federal audit because of the ARPA funding. The audit went well, there was one finding, auditors recommend bank deposit securities at 100%, ours were at 50%, although still within legal limits for securities. That was corrected prior to the audit exit interview and securities are now at 100%.

**Police:** Chief Ercanbrack reported there were 160 cases, 1 assault, 5 disturbances, 6 threatening cases, 3 thefts, 25 suspicious acts, 8 crashes, 3 drug and alcohol related, 6 mental health calls, 8 calls for vagrancy 2 welfare checks, 15 public assists, 9 911 calls, 1 juvenile problem, 10 city ordinances, and 26 traffic stops.

On April 23<sup>rd</sup> Officer Steffenson will be headed to the police academy, the new car decals, paid for with the Montana Tourism Grant, are being added to the patrol cars, Shield 616 awarded new body armor for each officer worth \$15,810, Mason Moore Grant awarded \$5,000 for "go bags", DUI Task Force awarded \$3,010 for a state-of-the-art breathalyzer. Another grant hopefully will be awarded next month for \$159,000 which will pay for a new patrol car, radar, cameras systems for cars and body worn cameras, also next month, submission of a grant application from the Tracy Foundation for capital improvement to work on the Police Station.

**Budget:** Mayor Williams announced it is that time of the year to reorganize for the Budget Committee, we'll be getting the timeline out, Leann is organizing department head meeting this week, so that will get underway to have the budget done in time to meet State deadline in August.



**Wildlife:** Councilor Taylor reported they were able to harvest 20 turkeys with the aid of Libby PD and Montana Fish, Wildlife, & Parks, they were able to be donated and looking to do that again in the future. Trapping for CWD study is done for the season and on the agenda later.

**Planning/Zoning:** Councilor Smith announced a meeting is planned for the end of the month, currently awaiting a petition for annexation.

**Public Comment on Non- Agenda Items:** None

**PUBLIC HEARING: CONDITIONAL USE PERMIT**

Mayor Williams called Public Hearing to order at 7:31 pm.

Terry Best requested a Conditional Use permit to operate a threading business for muzzle devices, brakes or suppressors, out of his garage. Mr. Best explained why he would like to have this business, he is retired, so there would only be one or two items a week.

Councilor Taylor expressed appreciation for Mr. Best coming forward with the request instead of just starting a business in their garage.

John Bebee expressed support for Mr. Best.

Councilor Smith inquired if notice was sent to adjacent property owners and if the Conditional Use permit would only apply for Mr. Best in this location for as long as he conducts the activity. Mr. Sikes explained all property owners within 100 feet of his property have been notified, with no response and yes, if the house was to be sold, it would be null and void. Mr. Sikes explained the Conditional Use request and why he recommends approval.

Mayor Williams closed the Public Hearing at 7:37 pm and explained the decision would be made at the next meeting due to miscommunication.

**Old Business:** None

**New Business:**

**Fish Wildlife and Parks CWD update:**

Sam Martinez from Fish, Wildlife, and Parks provided a PowerPoint presentation with an update on the CWD situation in Libby, providing a brief history about CWD testing and included the goals of reducing urban deer densities, monitoring CWD prevalence, and educating the public. Mr. Martinez showed maps of the areas in and around Libby where the deer were harvested, described the process used to harvest, and statistics of the study

highlighting the ability to distribute hundreds of deer carcasses over the years, that tested negative, to individuals that were grateful to have access to wild game.

Mr. Martinez announced two meetings would be held tomorrow in the Ponderosa Room at 12pm and 6pm, which would be a deep dive into some of the topics from CWD presentation.

Councilor Smith noted the problem with people feeding wildlife and inquired how they are tackling that on an individual basis and how they are responding to tips from people that see their neighbors feeding animals. Mr. Martinez explained the problem and risk of transferring CDW between the deer population by feeding them, if reports come in, they try to reach out to those individuals in person to help educate before issuing tickets and enforcing the law.

**Approve LOR's Noise Variance request for Anniversary Event at Riverfront Park, June 21st:**

Tabitha Viergutz with the LOR Foundation requested a Noise Variance for the Fred Brown Pavilion on June 21<sup>st</sup> from 10am to 4pm while hosting their 3-year anniversary. Ms. Viergutz gave a brief background of LOR and highlighted the 193 grants totaling \$1.7 million LOR has been able to provide to the Libby community, explained their anniversary is a way to celebrate Libby and all the things that have been accomplished in the last 3 years by having live music, barbeque, and games.

Councilor Zimmerman **MADE A MOTION** to approve the Noise Variance for LOR on June 21<sup>st</sup>, Councilor Burger **SECONDED**.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve contract with Libby Youth Base and Softball for Remp's Fields:**

Mayor Williams explained the contract.

Councilor Zimmerman **MADE A MOTION** to approve the Youth Baseball and Softball for Remp's Fields, Councilor Berke **SECONDED**.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve Loggertown Baseball Club funding request for Remp Fields improvement project (Kelly Morford):**

Kelly Morford gave a quick overview of the Community Development fund request presented at the previous meeting, highlighting all of the funding, donations, and in-kind contributions they have currently received for the list of projects to improve aesthetics, safety, and playability at Remp Fields. The Club is planning to have the projects done before the tournament on June 14<sup>th</sup> and 15<sup>th</sup>. The tournament will have 16 teams coming from out of town and the Clubs is hoping to make the tournament an annual event. The total cost of the projects will be about \$17,038.28 and are requesting \$1 to \$4,450 from the Community Development fund to close the gap.

Councilor Zimmerman **MADE A MOTION** to approve the Loggertown Baseball Club funding request for Remp Fields improvement project from the Community Development Fund for \$5,000, Councilor Burger **SECONDED**.

Patty Rambo commented on the reputation Kelly has built through the Legion Field that makes this town look good.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve Libby Area Business Association Mineral Avenue Street closure request for Summer Solstice June 22<sup>nd</sup> from 10am - 3:30pm from 6<sup>th</sup> Street to 3<sup>rd</sup> Street and for Halloween, October 31<sup>st</sup> from 4 -6pm, Lincoln Blvd to 2<sup>nd</sup> Street:**

Councilor Burger recused herself being a member of Libby Area Business Association.

Carla Darrar, on behalf of Libby Area Business Association, requested two Street Closures on Mineral Avenue. One for Summer Solstice on June 22 from 10am – 3:30pm from Stiches to 3<sup>rd</sup> St. and there will be vendors. One for Halloween on October 31<sup>st</sup> from 4pm – 6pm from Timberline to 2<sup>nd</sup> St.

Mayor Williams reminded them of the requirement for a street closure permit, insurance, \$2 million with the city as insured, responsible for all the trash, and the barricades get delivered on a trailer. You place them and put them back on the trailer.

Councilor Zimmerman **MADE A MOTION** to approve the Libby Area Business Association Mineral Avenue Street closure request for Summer Solstice June 22<sup>nd</sup> from 10am - 3:30pm from 6<sup>th</sup> Street to 3<sup>rd</sup> Street and for Halloween, October 31<sup>st</sup> from 4 -6pm, Lincoln Blvd to 2<sup>nd</sup> Street, Councilor Smith **SECONDED**.



DC Orr commented that Councilor Burger did the right thing, recusing herself as a member of the LABA and appreciated the clarification for concerns about the Halloween and Summer Solstice events.

Gail Burger, president of the LABA, commented the LABA is a non-profit and all members are volunteers. The Association donates time and funding to the community through beautification sites and family orientated events.

Councilor Smith inquired if all businesses along Mineral Avenue have been contacted. Ms. Burger stated about 80% were contacted, 4 did not respond, they do the best they can to get the information out to everyone.

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

**MOTION PASSED.**

**Approve Workforce Expo 2025 request for Lincoln Blvd closure (Memorial Center side) on April 23rd from 7am to 4pm. (Toya Laveway):**

Mayor Williams confirmed with Ms. Laveway the street closure requirements.

Councilor Zimmerman **MADE A MOTION** to approve the Workforce Expo 2025 request for Lincoln Blvd closure, Mineral side on April 23<sup>rd</sup> from 7am to 4pm, Councilor Smith **SECONDED**.

Toya Laveway, Department of Labor and Industry Job Service Montana, requested a street closure for the second Annual Workforce Expo at the Memorial Center and requested a street closure on just the Memorial side, Louisiana to Mineral, 7am to 4pm on April 23<sup>rd</sup>.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve County's Libby Parks District request to include City owned Haul Bridge as part of the route for the "Circle Swede Gravel Ride" on September 13, 2025:**

Joe Taylor, on behalf of the County Libby Park District Board, requested the use of the Haul Bridge as part of the multi-route bike ride on September 13<sup>th</sup>. Mr. Taylor explained the routes and acknowledged they will have the City listed as an additional insured for the event policy.



Councilor Zimmerman **MADE A MOTION** to approve County's Libby Parks District request to include City owned Haul Bridge as part of the route for the "Circle Swede Gravel Ride" on September 13, 2025, Councilor Smith **SECONDED**.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Approve the Street committee's recommendation regarding the abandonment of the city owned right-of-way off City Service Road:**

Councilor Zimmerman presented the Light/Street/and Sidewalks Committee recommendation for the Sooters request to abandon the City owned road and alleyway off City Service Road, on the property they own, surrounding it, and in it. Explained, Mr. and Mrs. Sooter have been maintaining the property and looking to enhance it. The property does have easements for the transmission lines, storage drain system, and a sewer main they would be looking to tie into for future growth on the property, development would be future revenue for the City.

Council discussed the potential benefits and drawbacks of abandoning the right-of-way, including the possible impact on future development and city infrastructure. Councilors Smith and Zimmerman supported the abandonment, Councilor Burger and Taylor did not support the abandonment.

Councilor Zimmerman **MADE A MOTION** to approve the Street Committee's recommendation regarding the abandonment of city owned right-of-way on City Service Road, Councilor Smith **SECONDED**.

Councilor Kolp inquired if the abandonment was to build more housing. Jeff Sooter explained they would like to have a wedding venue, the portion of the property that could be utilized would be planted with grass, make flower beds, and potential parking for the venue.

Jeff Sooter explained that a portion of the requested land has power line setbacks and the stormwater easement, the other would be used as part of a wedding venue and would be taken care of, planted with grass, flower beds, and be a potential parking area for the venue.

Jennifer Nelson commented on concerns about electrical infrastructure on the property and the possibility of future conflict if those lines needed to be improved or expanded.

Lisa Sooter explained they have been working with Kootenai Surveying about the concerns that a lot that would be landlocked, after a recommendation of they paid for the aggregation so there would not be a landlock. Stated they were under the impression, after receiving a recommendation by email, the aggregation was part of the process to request the abandonment, they do understand there is an easement for the powerlines and water, nothing would be built on the requested property.

Jeff Sooter explained they were informed of the possible landlock, so after the recommendation from the Committee to do an aggregation, they paid to have that done and assumed the request would be granted.

DC Orr commented on the lack of minutes from the Committee and felt it would be easier to sort out if those were available.

John Bebee does not support the request to abandon the right of way and suggested having a contract allowing them to use the land until which time the City would need it back for development.

Council discussed the aggregation Mr. and Mrs. Sooter paid for so the property would not be landlocked.

Mayor Williams requested to have the motion withdrawn to have time to go back and review the minutes to see what was said at the previous meetings and continue the request in a future meeting.

Councilor Zimmerman **WITHDREW THE MOTION** to approve the Streets Committee for Sooter's, for an investigation into the minutes from Committee meetings.

Mayor Williams called a 5-minute recess at 8:31pm, called meeting back to order at 8:36pm.

#### **Approve Parks Committee recommendation for Rambo Memorial Plaque:**

Councilor Berke explained the Parks Committee met with Patty Rambo and the Press about the State Bill passed for a memorial plaque that will be placed in Riverfront Park and names the bridge near the park as the Staff Sergeant Authur J Rambo Memorial Bridge. Ms. Berke explained the Committees recommendation for placement.

Councilor Zimmerman inquired if the plaque would be on a concrete base, so it is easy to mow around for the City Crew. Mayor Williams acknowledged there would be and said she spoke with the Department of Transportation, according to SB 59 the State owns the memorial plaque and will be responsible for maintaining it, with help from Justin, the State will install it.

Patty Rambo spoke about the Memorial Plaque and the Committee's recommended location in Riverfront Park.

John Bebee commented in support of the memorial plaque.

Councilor Gail **MADE A MOTION** to approve the Parks Committee recommendation for the Rambo Memorial Plaque, Councilor Smith **SECONDED**.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**

**Rotary request for City support of proposed area veterans (introduction, George Gerard):**

George Gerard, Rotary Club of the Kootenai Valley, presented their public awareness campaign about Veteran suicide and informed Council they are posing two things that doesn't affect the city and will primarily be taking place on private property. One is Veteran parking spaces, and the second would be a plaque that businesses could display in the window that would have a QR code that would lead them to phone numbers for Veteran services both locally and nationally. If the City decided to have a Veteran parking place at City Hall, he would work with Brian. Mr. Gerard wanted to bring this attention to Council and the Rotary is looking for support in promoting awareness.

Mayor Williams informed Mr. Gerard only designated handicapped parking are enforceable, Mr. Gerard acknowledged the idea is not to enforce, but to recognize the veterans.

Councilor Zimmerman agreed it was a great idea, but there were concerns about the difficulty of using smart phones and QR codes for the older generation. Mr. Gerard said it is mostly younger people committing suicide.

Councilor Taylor, a veteran himself, stated he does not need special parking and asked if there was anything personally, he could do to help with the program.

Linda Gerard, a Rotarian, said she is a Veteran, 77 years old, and knows how to use a smartphone.

Alani Holcom commented she had done a school project on the National Veteran suicide rate and gave statistics.



Tabitha Viergutz, president elect of Libby Rotary, stated she had done some research and there is a blanket policy, disabled Veterans do not automatically qualify for a handicapped spot. Commented, George would like to put signs in areas like Rosauers and Watson's Market in Troy to allow Veterans in the community to be recognized.

**Libby Government Study Commission request to be on agenda:**

Councilor Taylor explained the Libby Local Government Study Commission have a newly elected spokesperson, Mr. Backen, and requests to be added to the agenda to give an update every meeting or one meeting a month, on what they are doing and what progress they are making.

Councilor Zimmerman does not agree to having the Study Commission regularly on the agenda.

Council majority agreed, if they have a specific item to talk about, make a specific request to be added, but not as a regular reoccurring update to the agenda.

John Bebee suggests having occasionally having the Study Commission on the agenda throughout their process to give updates, initiate partnering, encourage ideas, and communication from the Council.

DC Orr commented he feels the Council does not want the Study Commission to succeed, given email that is unmanageable, given an office they felt was inadequate, and censored from giving reports. Mr. Orr feels the Commission is being stifled for the work they are doing and hopes they will be given the opportunity to give reports occasionally so people can hear what they were doing.

**Approve all liquor license applications received to date:**

Po Sam's

Councilor Zimmerman **MADE A MOTION** to approve all liquor license applications received to date, Councilor Berke **SECONDED**.

Councilors Berke, Burger, Kolp, Smith, Taylor, and Zimmerman voted **FOR**.

**MOTION PASSED.**





# City of Libby Libby Montana

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## MEMO

**DATE:** March 6th, 2025  
**TO:** Council Members and Mayor  
**FROM:** Brian Zimmerman, Chair of Light's, Street's and Sidewalks  
**RE:** Recommendation for the request of City Property abandonment on City Service Road.

The Street's Committee met on Wednesday, February 26<sup>th</sup> at 12pm to discuss the request made by Jeff and Lisa Sooter to abandon the ROW off of Colorado Ave. and City Service Road.

There were the 3 members of the committee along with Jeff Sooter and Jennifer Nelson present at the meeting. The committee discussed the request made by the Sooter's and opened it up for public comment. Jeff spoke to everyone present about why they were requesting this abandonment. Jennifer then spoke and ask what they planned on doing if this request was granted. Jeff stated that they plan on leaving the property as one piece and adding 3 homes to the property. He was going to provide a new water main down City Service Road, so they would be able to connect to city connections.

The discussion came back to the committee , a motion was made by Kristin Smith and Seconded by myself. The committee voted 2-1 for the recommendation to move to council for a final vote. Gail Burger was the nah vote.

Meeting was adjourned.

Minutes of the Streets, Sidewalk meeting held on Wednesday, February 26, 2025

Committee members present: Gail Burger, Kristin Smith, Brian Zimmerman

Public: Jeff Sooter, Lisa Sooter, Jennifer Nelson

Meeting was called to order at 12:03. Discussion began on the agenda item, abandonment of land for Jeff and Lisa Sooter on City Service Road. Part of Colorado Street and Kootenai Street and alleyway. As originally platted the easement dates back to 1913,.

Committee chair Brian Zimmerman gave opening background information and asked committee members for comments or questions.

Kristin Smith, Does not have questions but commented this is the 4<sup>th</sup> time the committee has met for this topic in a year, think this it is a straightforward abandonment request, she had asked for an exhibit showing how everything is laid, that was provided back in July shows the history of the previous abandonment which went to the Pilneys next door, this one that's proposed would divide accordingly, to Pilney/Sooter This easement will not ever be developed by the city, it is encumbered by a drainage easement, as well as a utility easement the width of which is unknown, I think this is a no brainer in terms of approving this, particularly since we had directed the Sooters to aggregate those lots which they have done, at great expense. The new survey that was provided shows they have recorded that it is a legal record, now only one lot, so they actually gave up a development right by doing that.

They had two lots, now they only have one.

Jeff Sooter interjected that they did an aggregation so lot 2 could not be landlocked if they sold lot 13, they would have no way to get egress so made it into one lot so no landlocked issue.

Zimmerman questioned if the city does the abandonment, it looks like Sooter could be looking at future development for riverfront lots, doing a couple different lots.

Sooter replied that a small portion of the abandoned land could get added to land to the west of it and could create another taxable parcel the city would get revenue from forever.

Counselor Zimmerman stated the city has done a couple of abandonments in the last nine years; one was a problem child that predated any of the committee. He doesn't necessarily like giving away land, especially this size to go into future development. Across the river, several years ago, Mr. Tisher wanted a piece of land to add to his, after a land assessment from a realtor, Mr. Tisher decided not to move forward. Mr. Zimmerman is more inclined to

do land value or trade, for land of comparable value, to trade for land more usable to the city that is comparable.

Ms. Burger stated she is not in favor of giving away land.

Ms. Smith, I think the code is clear, we are not authorized to sell right-of-way, it's an abandonment process, "the council may discontinue a street or alley or any part of a street or alley, if it can be done without detriment to the public interest", (MCA 7-14-4114) "She doesn't see how this abandonment is detrimental to public interest, as previously stated it's encumbered by a transmission line, the width of which is undetermined, it is encumbered by a drainage easement, it will never be developed, by city as right of way that is to be driven on, ever, that is not in our interest, right now it's of no value to city.

Zimmerman looks at the future, with land to the west, in the middle, if Remp starts selling off lots, there could be bigger development in that area, can't say it wouldn't possibly be needed.

Councilor Smith stated that the property is 30 feet from river right of way, it would not be sports supported from planning perspective to have roadway development in that location. It wouldn't connect to anything.

Mr. Sooter wishes the committee could see what talking about as an aerial view does not represent very clearly.

Zimmerman remembers seeing it years ago when Remp wanted an abandonment, when he was selling the property.

Councilor Burger stated we don't know what the future holds, she is not in favor of giving away land, they're not making more of it.

Councilor Smith wants to understand, this is an easement granted to city by original developers if the city is not going to execute it, it goes back to the owners, the owners have changed. That's what the law allows.

Mr. Sooter stated that at the time the issue of selling it came up for discussion KSI said it is not the business of the city to sell easement land. There is precedence. There are MCAs, that says, after a resolution it shall be deemed vacated and abandoned, and title revert to owners of adjacent property, stated precedence set by example of Pilneys next door, no money changed hands.



Mr. Sooter pointed out that the city has possessed this property for 112 years and has not done anything to improve it, doesn't think it will, especially as they now own the property all the way around it, on both sides of it.

A neighbor across the street from the parcel called police on Sooter for not maintaining property, which is owned by the city, had weeds and was a fire hazard. He bought a lawn tractor capable of mowing this property and has been maintaining property. He stated that a portion would potentially be added to other properties, then he would pay for new water main brought across the street, create new services and several new taxable parcels that would be revenue generating rather than an unmaintained eye sore, fire danger, would actually be a positive thing for city.

Ms. Smith suggested that the Shooter might be entitled to send a bill for maintaining the easement.

Ms. Smith made a motion to recommend the council proceed with the abandonment request as presented, in light of numerous meetings the committee has had; the hoops made the Sooters have jumped through, including the expensive aggregation of lots.

Second, Zimmerman so can move forward to council.

Public comments:

Jennifer Nelson 1026 Washington, no one has asked Mr. Sooter why he wants the abandonment, it is somewhat important, it can give connections on his property, you can see that from the map, if it has no value to city and has encumbrances, it seems a fair question to ask and understand. It seems part is buildable, city short on building sites, if it creates opportunity for housing then perhaps that is a good reason to go ahead, if it is just to enlarge his holding where he lives, she would say absolutely not.

Mr. Sooter responded, 792 Kootenai Views Drive, someone has asked what they intend to do with it, have mentioned before, a very small portion could get added to other property to west to make enough space to create, not sure yet, but if possible would make an improvement on the street, improve utilities, new watermain and create at least 3 new taxable lots, not just add to one piece of property to have bigger yard.

Mr. Burger asked if Sooters would be subdividing and selling?

The response was that Sooters intend to keep it all, the property already has several parcels, the usable parts have to be 25 feet from power lines.

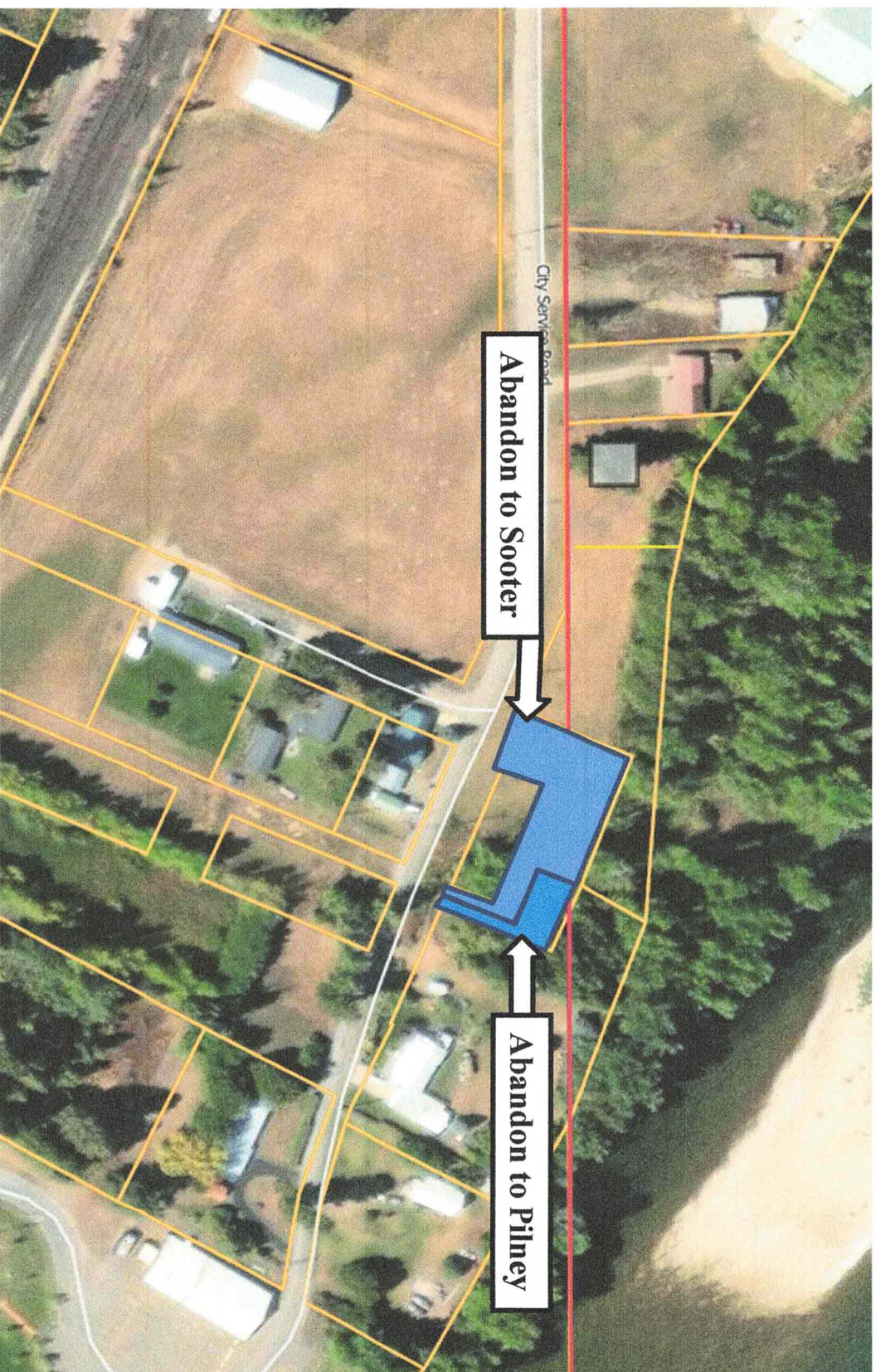
Ms. Smith commented the Pinneys would acquire approximately 3,000 feet.

Councilor Zimmerman called for vote. 2 yes, 1 no. motion passes. Will write recommendations, get everything in line that must be done for publishing so council can act.

Meeting adjourned.

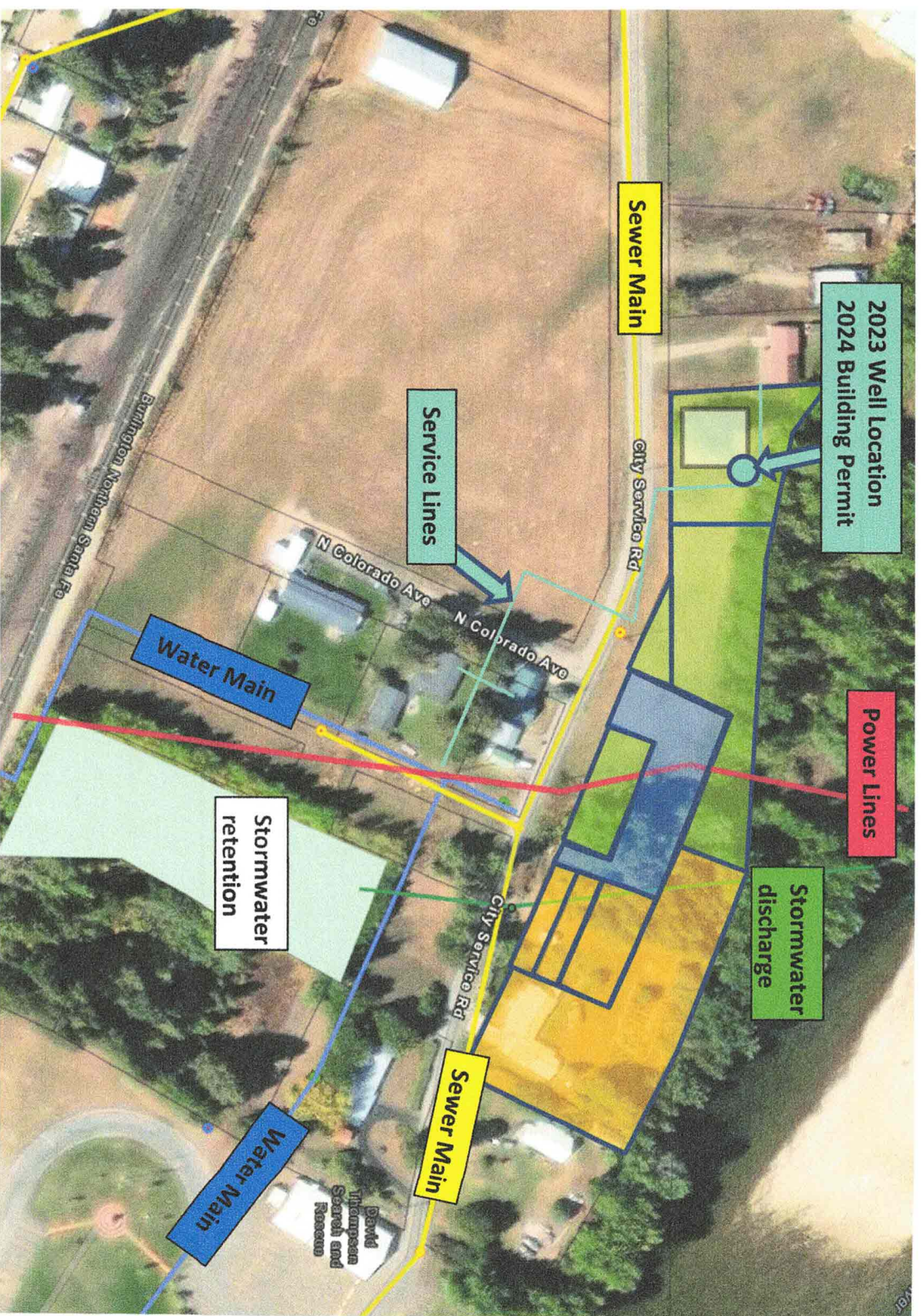


# **Sooter/Pilney Abandonment Requested**



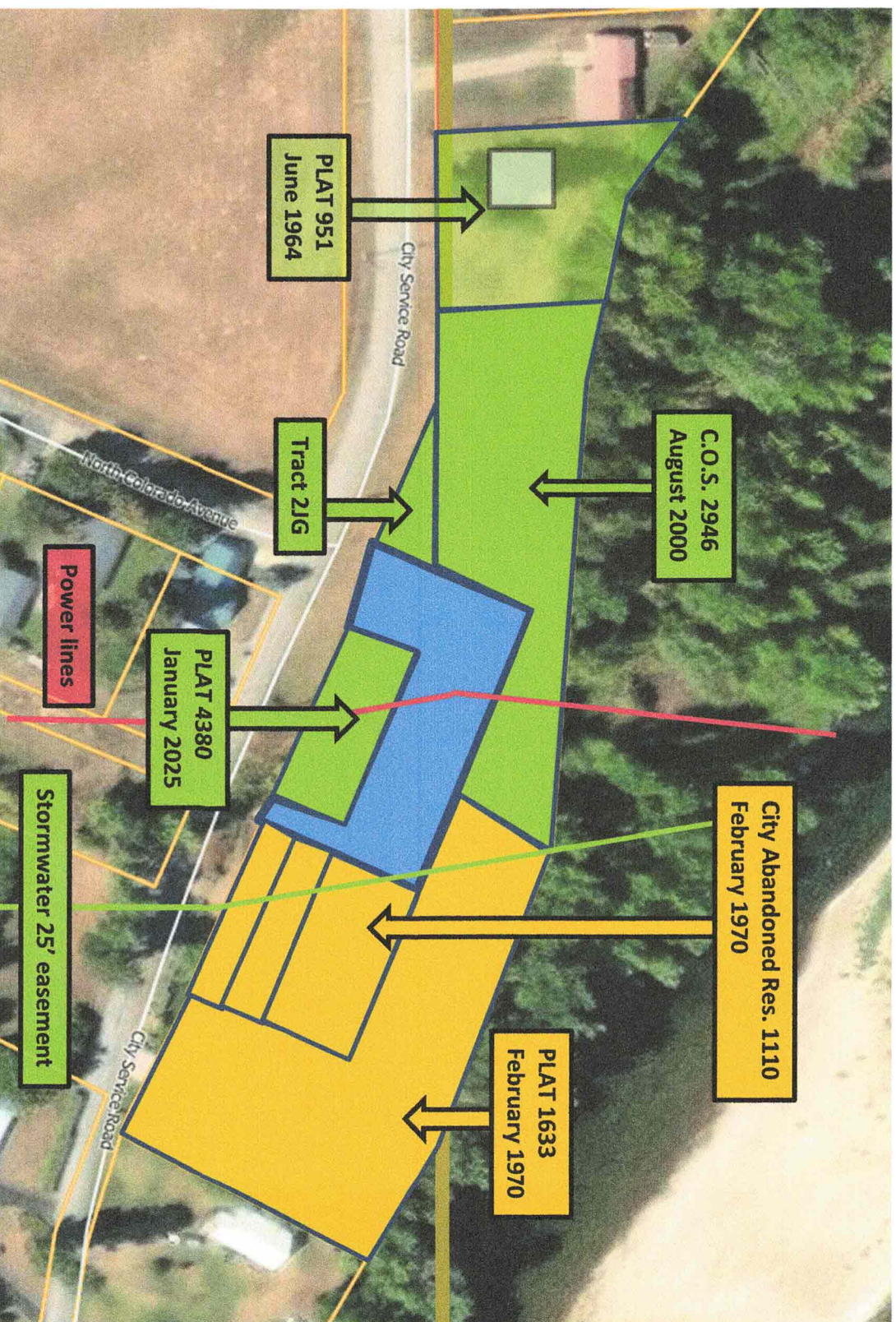


# Sooter/Pilney Requested Abandonment City Service Road - Current Infrastructure



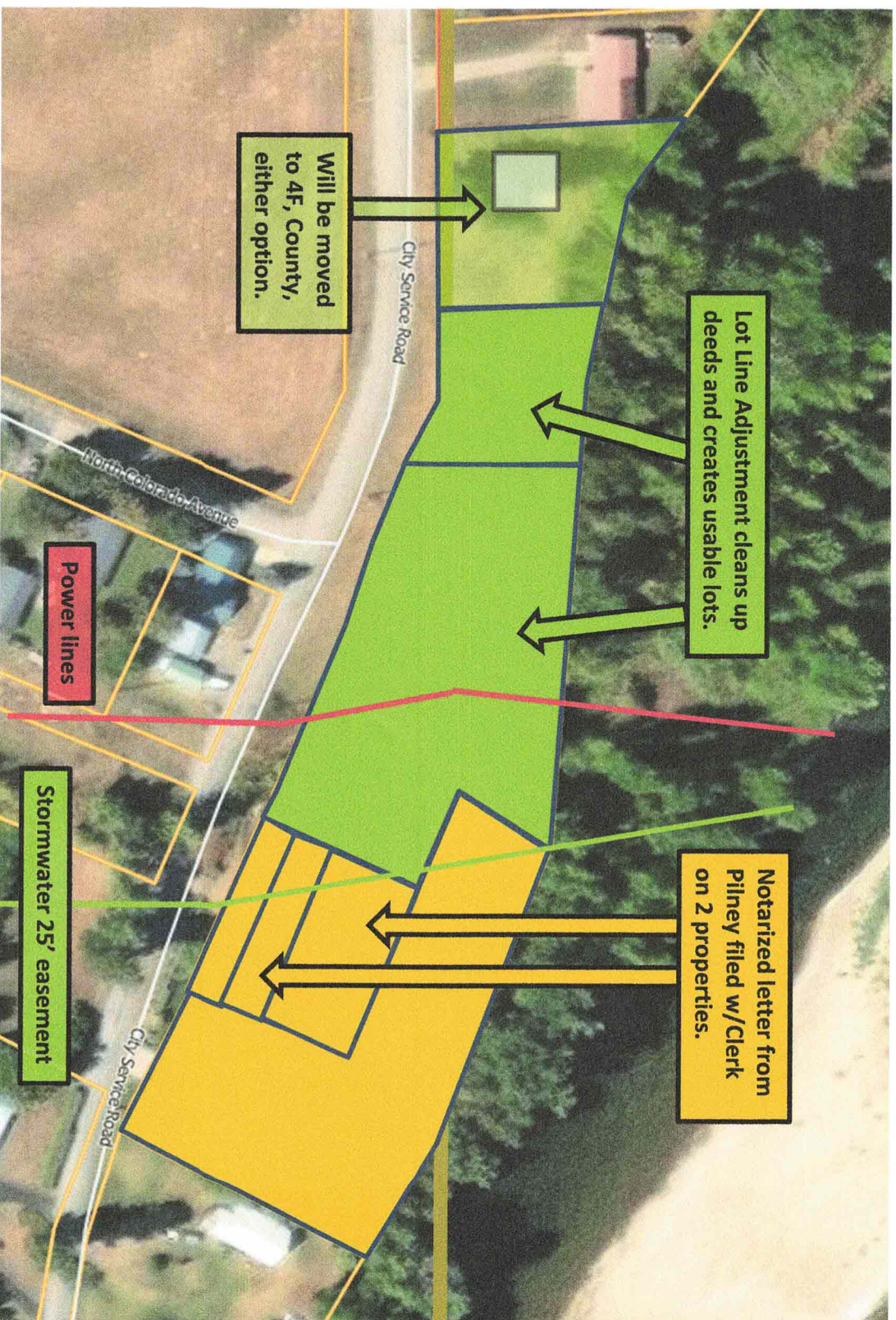


# Sooter/Pilney Requested Abandonment City Service Road - Current Property Lines





# Sooter/Pilney Requested Abandonment City Service Road - Abandonment Option





# Sooter/Pilney Requested Abandonment City Service Road – Abandonment Option

## City Gains

1. City does not maintain property, weeds, etc.
2. Future water main extension with services.
3. Taxation on future buildings on lots large enough to build on.
4. Makes up for loss of Lighting and Street Maint.

## City Losses

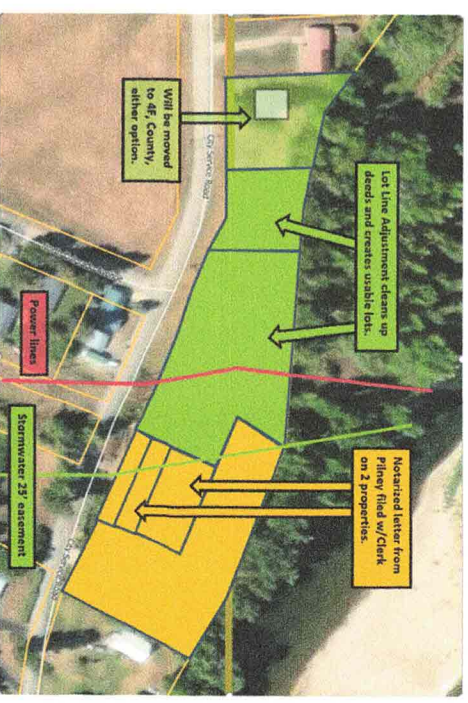
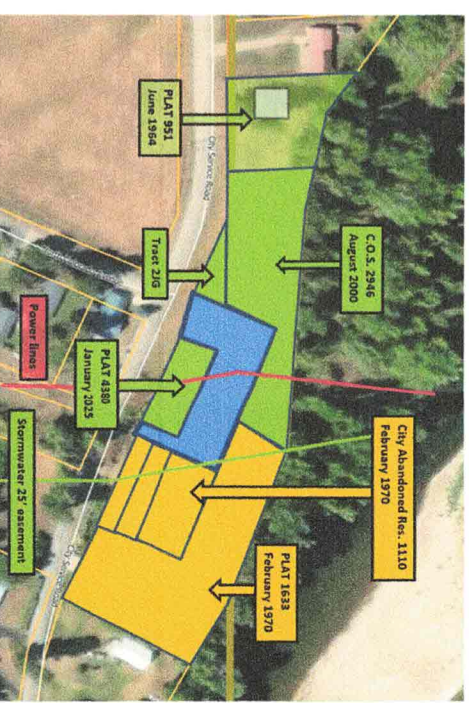
1. City taxes on existing property, unavoidable.
2. Minimal to no street usage.

## Sooter Gains

1. No city taxes on existing property, unavoidable.
2. Cleans up Deeds and creates usable lots for use and for future sale or inheritance.

## Sooter Losses

1. Maintain property, weeds, etc.
2. Pay for future water main extension with services.
3. City taxation on future buildings in new lots.
4. No RV living in city limits.



# Sooter/Pilney Requested Abandonment City Service Road – Non-Abandonment Option

## City Gains

1. None.

## City Losses

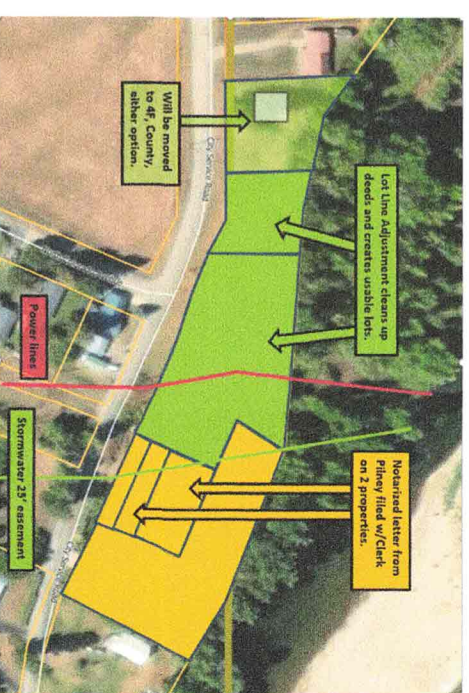
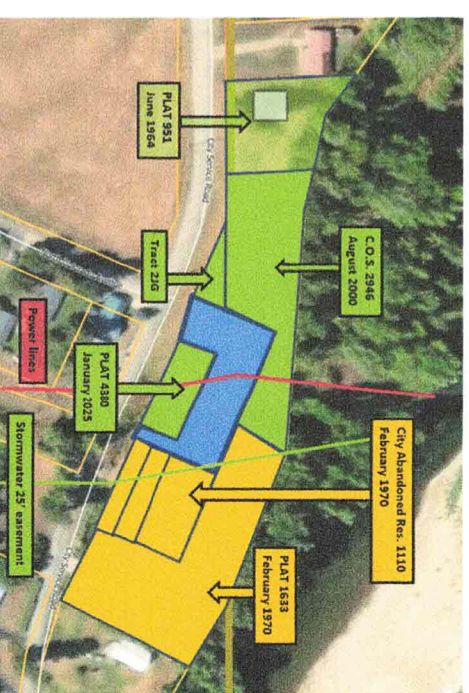
1. City maintains property.
2. No city taxes on existing property, unavoidable.
3. No taxation on future buildings on lots large enough to build on.

## Sooter Gains

1. No city taxes on existing building, unavoidable.

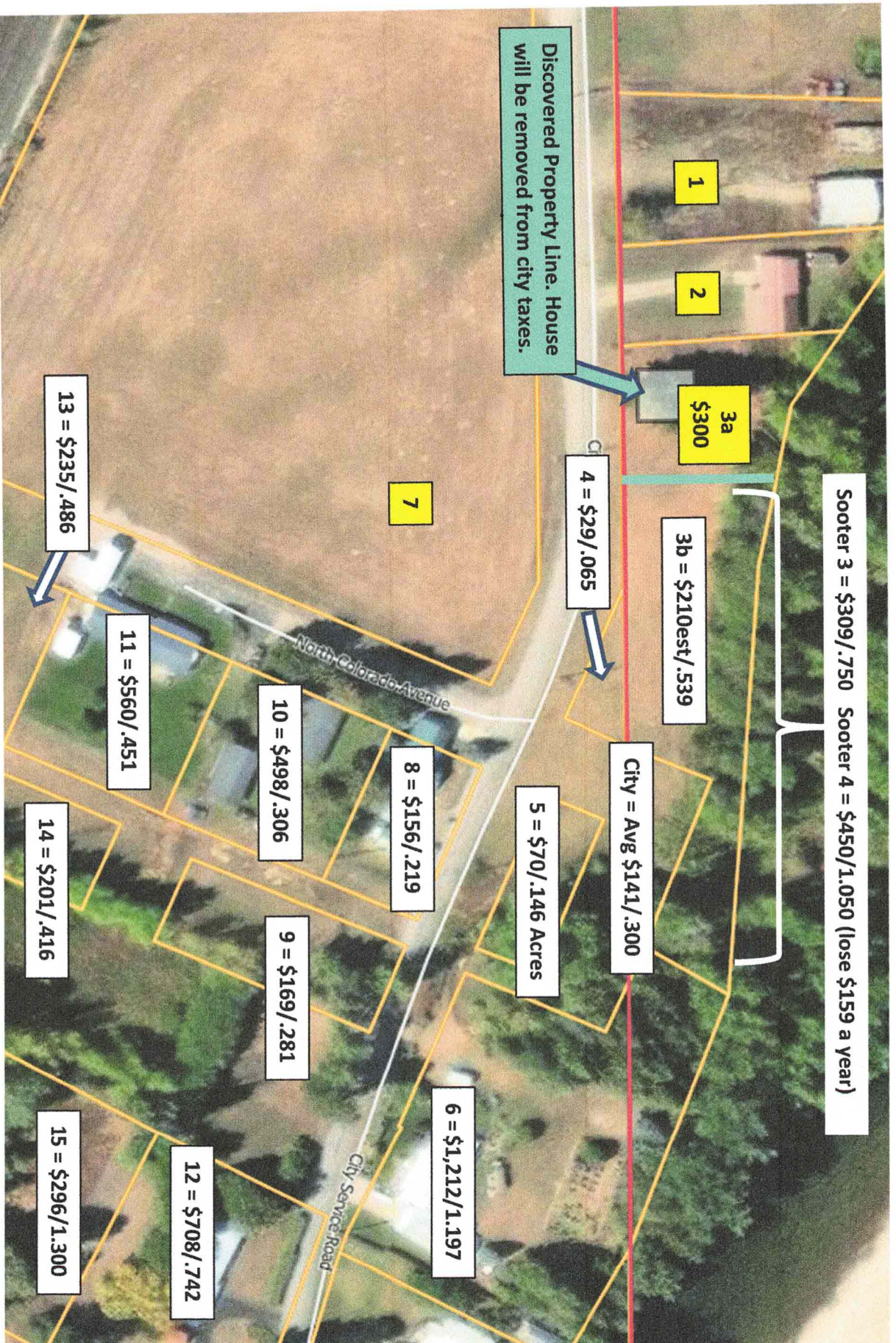
## Sooter Losses

1. Cleans up Deeds and creates usable lots for use and for future sale or inheritance.
2. No RV living in city limits.





Ref Number = \$ Amt Paid in City Taxes / Acreage







# City of Libby Libby Montana

[www.cityoflibby.com](http://www.cityoflibby.com)

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## MEMO

**DATE:** June 12, 2025  
**TO:** Council Members  
**FROM:** Kristin Smith, Chair, Ordinance Committee  
**RE:** Recommended changes to Title 10 of the Libby Municipal Code, Chapter 24 – Stopping and Standing; and adding a New Definition to Title 1.

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The Ordinance Committee met on Wednesday June 5, 2025 at 6:15pm to review the requested proposed changes to the City's Stopping and Standing provisions of Title 10.

There were no members of the public present. Officer Smart and City Administrator Sikes were in attendance. All committee members were present. Mr. Sikes presented the case to make the changes noting that Libby does not have a mechanism to stop residents from parking upon the city rights-of-ways without the vehicle sitting for 5 days.

This has been a concern for the police and streets crew for some time. It is most prevalent when the streets crew plows in the winter. While the Streets Supervisor is authorized to issue citations for vehicles parked in the street, the language has not be clear that the same authority extends to the right-of-way. Many city streets still do not have sidewalks and parking in these areas cause issues both for plowing and walking not to mention long-term occupancy of public rights-of-way. Crews must maneuver around the vehicle, boats, RVs, and trailers parked upon the right-of-way so not to cause damage and incur any liability to the city. With the adoption of Ordinance #2011 in 2024, the issue RVs parking upon the right-of-way was addressed, but not other vehicles or trailers.

The committee submits the attached ordinances for consideration and unanimously recommends adoption of the ordinance that includes a definition of Right-of-Way in Title 1, as a means to be able to consistently enforce encroachments.

This memo serves as a record of the meeting.

Attachment(s): Stopping, Standing and Parking Restrictions

## **ORDINANCE NO. 2056**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA, AMENDING TITLE 1, CHAPTER 1, SECTION 1.04 TO ADD RIGHT-OF-WAY DEFINITION AND TITLE 10, CHAPTER 24 TO CONTROL PARKING UPON THE CITY RIGHT-OF-WAY**

**WHEREAS**, the City of Libby adopted Ordinance No. 743 adding definitions in 1973; and

**WHEREAS**, the City of Libby adopted Ordinance No. 750 enacting parking code in 1973; and

**WHEREAS**, the City has identified safety concerns of pedestrians being blocked from walking on sidewalks, the inability to plow snow without liability, and reduced visibility for drivers to identify hazards all caused by residents parking upon the city right-of-way; and

**WHEREAS**, the City has identified the lack of a specific and simplified municipal code to deter residents from parking upon the city right-of-way; and

**WHEREAS**, the City desires to facilitate a uniform enforcement mechanism to enhance safety throughout the city.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Libby, Montana, that Title 1, Chapter 1 and Title 10, Chapter 24 of the Libby Municipal Code is amended as follows:

#### **Chapter 1.04 – GENERAL PROVISIONS – Add New Definition**

##### **1.04.010 - Definitions**

The following words and phrases whenever used in this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

.....

R. “Right-of-way” is interpreted to mean publicly owned land utilized and maintained for roadways, sidewalks, curbing, boulevards and other infrastructure. It contains the entire area acquired by the city for use and control extending the full width between private property lines on either side of the legally delineated right-of-way identified on recorded plats and surveys for the aforementioned purpose.

#### **Chapter 10.24 - STOPPING, STANDING AND PARKING**

##### **10.24.030 - Stopping, standing or parking—Restrictions.**

- A. No person shall stop, stand, or park a vehicle, **boat, utility trailer, or RV**, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:
1. On a sidewalk;
  2. In front of a public or private driveway;
  3. Within an intersection;
  4. Within fifteen feet of a fire hydrant;
  5. On a crosswalk;
  6. Within twenty feet of a crosswalk at an intersection;
  7. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
  8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone;
  9. Within fifty feet of the nearest rail of a railroad crossing;
  10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly signposted;
  11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  13. Upon any bridge or any other elevated structure upon a highway or within a highway tunnel;
  14. At any place where official signs prohibit stopping.
  15. **Upon any city right-of-way, notwithstanding designated parking areas and duration.**

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

**FIRST READING** and approved by City Council on the 16th day of June 2025.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA** on this 7th day of July 2025.

Attest:

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Peggy Williams, Mayor

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Leann Monigold, Clerk/Treasurer



# Montana Code Annotated 2023

## Stopping, Standing, Or Parking Prohibited In Specified Places -- Exceptions -- Definition

**61-8-354. Stopping, standing, or parking prohibited in specified places -- exceptions -- definition.** (1) A person may not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, highway patrol officer, or official traffic control device, in any of the following places:

- (a) on a sidewalk;
- (b) in front of a public or private driveway;
- (c) within an intersection;
- (d) within 15 feet of a fire hydrant;
- (e) on a crosswalk;
- (f) within 20 feet of a crosswalk at an intersection;
- (g) within 30 feet upon the approach to any flashing beacon, stop sign, or official traffic control device located at the side of a roadway;
- (h) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;
- (i) within 50 feet of the nearest rail of a railroad crossing;
- (j) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
- (k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (l) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (m) upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (n) at any place where official traffic control devices prohibit stopping.

(2) A public bus stop may not be established in the areas described in subsections (1)(a) through (1)(c) and (1)(e). Otherwise, this section does not prohibit the establishment of public bus stops and the regulation of their use by the authority having jurisdiction. A bus stop may only be established pursuant to a traffic and engineering study.

(3) A person may not move a vehicle not lawfully under the person's control into a prohibited area or an unlawful distance away from a curb.

(4) As used in this section, "safety zone" means the area or space that is officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

# Additional Parking Regulations

**61-8-355. Additional parking regulations.** (1) Except as otherwise provided in this section, a vehicle that is stopped or parked on a two-way roadway must be stopped or parked with the right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by the authority having jurisdiction, a vehicle that is stopped or parked on a one-way roadway must be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 18 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking may not be permitted on any commission-designated highway system or state highway, as defined in **60-1-103**, unless the department of transportation determines that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The authority having jurisdiction may place official traffic control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where in its judgment this stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic.

## TITLE 61. MOTOR VEHICLES

### CHAPTER 8. TRAFFIC REGULATION

#### Part 3. Vehicle Operating Requirements

# Prohibition Against Parking Or Leaving Vehicles On Public Property -- Presumption Of Ownership

**61-8-356. Prohibition against parking or leaving vehicles on public property -- presumption of ownership.** (1) A vehicle may not be parked or left standing upon the right-of-way of a public highway for a period longer than 48 hours or upon a city street or state, county, or city property for a period longer than 5 days.

(2) The abandonment of a vehicle, other than a bicycle, on a public highway, a city street, public property, or private property creates a prima facie presumption that the last-registered owner of the vehicle is responsible for the abandonment and is liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less the amount realized if the vehicle is sold.

(3) The filing of a theft report with a law enforcement agency prior to the abandonment relieves the last-registered owner of liability under subsection (2).

(4) A person who is convicted of violating this section is subject to the penalties provided in **61-8-719**.