

CITY OF LIBBY

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REGULAR COUNCIL MEETING #1616

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

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Jeff O'Connell
- Roll Call
- Welcome
- Approve Public Hearing minutes dated September 6, 2022 for FY23 Budget, City Council #1612 minutes dated September 6, 2022, City Council minutes #1613 dated September 19, 2022.

ANNOUNCEMENTS: Remember to vote November 8th.

COMMITTEE REPORTS:

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

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

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

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

1. Tony Petrusha, South Flower Creek Recreational Development Plan (Discussion).
2. Approve Resolution 2009, Amendment to Rules and Regulations of the City of Libby Water System to Rule Sixteen – No. 5.
3. Approve all claims received to date.
4. Approve all business licenses received to date.
 - a) Century 21 Summit Realty, 904 Utah Ave., PLLC, Assisting in buying and selling real estate.
 - b) Salon Avail, 213 Mineral Ave., Individual, Hair Salon.

UNFINISHED BUSINESS: Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item, there will be an opportunity for public comment. No action will be taken. Public comment is limited to 3 minutes concerning each item.

1. IP negotiations.

GENERAL COMMENTS FROM COUNCIL: Public comment will not be taken during this portion of the meeting.

ADJOURNMENT:

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with **ZOOM**,
Dial: 253-215-8782
Meeting ID: **4042719951**
Password: **151041**
Posted: 11/3/22

UNAPPROVED MINUTES

Libby City Council held a public hearing Tuesday, September 6, 2022, at 6:00pm in Council Chambers at City Hall to review and solicit public comment on the FY23 Budget.

CALL TO ORDER:

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

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

Mayor Williams presented the FY23 budget using power point, visible on Zoom, and explained it as an overview of the 22-23 budget along with general comments looking at the general fund, mill value, upgraded technology, budget increases, payroll, overtime, training, and annual costs.

General Fund is funded by property taxes, HB 124, various license fees and charges and pays for the city council, legal services, facilities administration, improvements, law enforcement, fire protection, streets and sidewalks, cemetery services, animal control, and parks. Mayor Williams explained differences from FY22 to FY23 budget. FY22 budget was \$1,470,548.00 for FY23 \$1,460,119.00 with revenue of \$1,431,798.00. Several items were identified on the revenue budget that are no longer pertinent and have been removed and some items like cemetery openings and closings services are hard to budget, so items like that were averaged on amounts received over the last several years. Budgeted expenditures match revenues of \$1,460,119.00.

The mill value went down slightly but revenue stays similar because as mill value goes down more mills can be levied and as mill value goes up more mills can be levied. Mill levies are divided, general fund receiving \$414,280.00 and \$51,645.00 to fire relief fund.

The technology had been updated including the Streets department, mayor's office, ArcGIS coordinator, and planning tech received new laptops. Police department, administrator's office, billing received new desktop computers and monitors. Three printers were purchased going to the police department, administrator's office, and wastewater. The water treatment plant upgraded from a cell phone to a tablet. Desktop computers are still needed for the police department and water treatment plant, two monitors and printers still needed for the police department, a large screen monitor for the water treatment plant and possibly a new computer for the clerk's office.

The largest increases in budget expenditures was propane doubled in cost for streets and water departments, fuel increased over all departments, chemicals increased for streets, water, and sewer departments, and telephones increased for all departments. The payroll for 36 employees is \$1,720,000.00 includes taxes, benefits, estimated overtime hours, and two seasonal employees. Laser fiche, a program to download all of our document, currently located in file cabinets and safes into digital format for electronic searching, scanning, and access. Two \$5000.00 grants we have had the last several years for the police department are Stone Garden, helps with overtime law enforcement and STEP grant for DUI and safety.

Training was included in the budget, the City Administrator to attend the Montana Inaugural Certified Management Program out of Missoula, Clerk-Treasurer's budget increased to attend a second training program available to them. Certification for Water and Sewer operators included in their budget, police academy and training included in the Police budget, and CDL included in Streets budget.

City Court costs remained at \$33,000.00, Animal Control remained at \$12,000.00, legal fees increased to \$85,440.00, city engineer Mike Fraser increased his cost \$3000.00, and 911 services remained at \$57,000.00.

In the designated funds, IP settlement had an estimated expenditure of \$150,000.00 to cover the 8000 gallons for the summer usage and should the council decide to approve any matching grants with a present balance of \$612,410.00. Lighting fund, resolution 2007 on the property taxes lighting maintenance for district #1, includes \$25,000.00 for three streetlights to be installed on Commerce Way. Street Maintenance fund, resolution 2007 on property taxes as street maintenance for district #1 sprinkling, which partly pays wages to streets department and some pavement. Gas tax fund, paid by the State from gas taxes collected based on the miles of road maintained, utilized for wages in the street department. BARSSA gas tax HB473, funded by the statewide gas tax, passing resolution 1987 requesting distribution of those funds for street projects. Community Development fund budgeted \$629,000.00 for Cabinet View Golf Course grant and other community projects. Remaining on Cabinet View grant is \$232,472.00 and remaining for playground equipment is \$45,650.00 remaining cash on hand is \$1,726,238.00 The VFW is being contacted about repayment of their loan and \$106,000 loan to the Sewer department has been repaid due to sewer loan reserve balances exceeding reserves needed.

Council Smith inquired about the VFW loan repayment. Administrator Sikes responded he had gotten together a year ago with Commander Rayome at the VFW and presented complete copies of the files about the loan payback at which time Commander Rayome said they were going to repave the parking lot before starting to pay back the loan. Administrator Sikes stated he had informed Commander Rayome the contract read payment must be started immediately after paying off the other loan. A letter is being constructed and will be sent about repayment of the loan.

Mayor Williams continued with designated funds and explained the American Recovery Plan Act Fund first distribution was \$354,931 along with \$1067 due to Browning being unincorporated their portion was split. Second payment has been received of \$356,000.00 which includes Browning amount. \$573,492 has been allocated to minimal allocation to sewer projects. \$73,271.00 has been spent on police radios. \$638,229 has been allocated to the Cabinet View Golf Course water main project. SID fund, 20 year on- going fund for the first 2 blocks of Mineral Ave to pay for the lighting, sidewalks, and trees with 8 years left. Fire Relief Fund required by the state to fund for 3 times its annual payout at roughly \$52,000.00 and is funded up to \$156,000.00. This year 16.2 mills will be allocated for a total payout of \$51,645.00.

Enterprise accounts, Water Utility is working on the Preliminary Engineering Report for the Cabinet Height water main being engineered. As an example, chemicals have increased from \$49000 to \$63648 as did the Sewer. Sewer Utility has responded to the cost increase and have exercised the optional 4% increase on the base rate. Paying back of the loan of the Community Development fund with money left over \$199,792.00 into sewer reserve but still needs to be \$300,000.00 for that fund.

Capital Improvement Plan (CIP), long range goals can be earmarked but must cost more than \$5000.00 and last more than 5 years. No increase to the CIP from FY22 due to cleaning up some budget items. Fire Department apron has been funded for \$39,400.00, removing and replacing the fuel storage tank at the sewer plant for \$35,000.00, upgrading the police backup car, 2014 Crown Victoria, for \$5,000.00, working on Cabinet View water main upgrade for \$463,128.00, and funding the new mini tractor, on back order, for \$73,000.00.

Total budget expenditures \$9,422,790.00, revenue \$6,406,861.00 the differenced is accounted for with funds that have expenditures but no revenues like the CIP accounts, IP fund, and Community Development fund. Grants inflate the budget.

PUBLIC COMMENT: None

COUNCIL COMMENT: Councilor McNew inquired if the sewer needs another \$300,000.00 or the goal is \$300,000.00. Mayor Williams explained the goal is \$300,000.00 because the State requires 50% of your operating costs to be in reserve.

ADJOURNMENT:

Councilor McNew **MADE A MOTION** to Adjourn and Councilor Smith **SECONDED**.

Councilors Beach, McNew, Smith, and Zimmerman voted **FOR**.

MOTION PASSED.

Mayor Williams adjourned the meeting at 6:22 pm.

Mayor, Peggy Williams

Clerk-Treasurer, Leann Monigold

UNAPPROVED MINUTES

The City Council held Council Meeting #1612 on Tuesday, September 6, 2022, in the Council Chambers at City Hall.

Call to Order:

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

The Pledge of Allegiance was completed, prayer was by Benjamin Girod, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Kristin Smith, Hugh Taylor, Brian Zimmerman, Administrator Samuel Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

Announcements: Mayor Williams announced a letter was received from Jill Beach, 11th annual Paint it Pink 5K Fun Run on Saturday, September 10th.

Committee Reports:

Administrator: Administrator Sikes reported chip sealing has been completed for the year, barriers have been staged for the chainsaw carving contest, there is new curbing by Tungsten's on 8th St, new plow has been purchased by Streets for the backhoe to help cleanup alleys and intersections, deicer was purchased before price went up and the storage areas was built up with materials already on hand, getting ready to cleanup settling pond for back wash sediment for water treatment plant, annual leaf pickup will be coming up, Sewer Department's backup generator has been fixed and running well, above ground fuel tank has been delivered and will be set up to replace underground tank, motor that circulates aeration ditch was repaired for \$500.00, annual reports for Water has been submitted, and all chemicals have been received.

Administrator Sikes showed a PowerPoint presentation, visible on Zoom, to show proposed layouts and setup for the new Fireman's Park playground equipment, the Carol and Chance Hilliard Memorial Mommy & Me expression swing, donated by the family, along with examples of Zero-Five and special needs playground equipment to fit within a \$25,000.00 budget.

Administrator Sikes presented a PowerPoint, visible on Zoom, to show and explain 3 proposals for a Riverfront Park pedestrian path. Mr. Sikes pointed out it must be ADA compliant and need to get easement regulations and City Service Road plans from Department of Transportation (DOT). Mike Fraser is working with DOT to get that information. Once information is together proposed plans will be presented to City Council. Mr. Sikes explained how plans would move forward if Council agreed to a proposal.

Councilor Beach inquired if any grants were possible to help with the cost. Mr. Sikes explained the City crew will help keep costs down and will be speaking with LOR about possible funding as a community project.

Gail Burger, asked since looking into making more walking paths would it be possible to repair and upgrade the sidewalks downtown or would that have to be a separate project? Mr. Sikes explained that would be a separate project but could check City standards and codes and look into repairs and upgrading downtown sidewalks.

Tony Petrusha, asked if a new path would be for pedestrians or bicycles as well? Mr. Sikes said the paths would be wide enough for a bicycle so there would be no restrictions.

Fire: Councilor Zimmerman reported LVF responded to 12 calls in the month of August. 5 calls in city, 3 calls rural, and 4 calls outside city/rural district. 1 vehicle, 2 structure, 1 grass wild land, 3 mutual aid with Libby ambulance, 1 power line, 1 electrical, and 3 miscellaneous for a total of 70 for 2022.

Zoning/Planning: Councilor Smith announced the Planning Board had a work session and got through half of the Growth Policy update draft. Another meeting is scheduled for September 12th to allow for editing before the Public Hearing.

Parks: Tony Petrusha, 559 Florence Rd., reported the pool is still being discussed but no plans to move forward at this time. Libby Outdoor Recreation Association (LORA) is working on developing the Flower Creek Recreation Area Development Plan which goes from the golf course to Leigh Lake trailhead and is a plan to on where to build trails and recreational accesses. Once the plan is together grants and other funding sources can be applied for. The plan draft should be ready in by the end of week then will be presented to the City Council and County Commissioners for further review for input or suggested changes. LORA is working on putting together an outdoor recreation assessment to gain public input on other outdoor recreational ideas.

Mr. Petrusha stated working with the directors of the Libby Recreation District to create a job description for a longer term than his current contract. Funding is provided by the Recreation District, County, and City each contributing \$10,000.00 for a three year contract. Current contract runs through January 2023 and has a current account balance of approximately \$31,000. 00 left.

Flower Creak Road was paved with funds from a RAC grant and county roads, but oil prices rose and the cost increased from \$58.00 per ton to \$76.00 per ton, so the paving fell short of the planned 1.3 miles.

The building the City donated to Kootenai Winter Sport –Turner Mountain, complete with a generator and batteries and other items included, is being prepared to load onto a trailer and moved up to Turner Mountain.

Councilor Zimmerman inquired if the LORA directors' meeting is open to the public. Mr. Petrusha responded not at this time; the focus is on getting the plan draft issued, receiving feedback from City Council and Commissioners to find out what they would like to see then it will be presented it to the public. Following that, regular meetings involving the public will resume.

Public Comment on Non-Agenda Items: None

Old Business: None

New Business:

Approve Libby Area Business Association's Halloween road closure on Mineral Ave. from Sears to the Brewery from 3:30-6pm for Trick or Treat:

Gail Burger Libby Area Business Association (LABA), 302 California Ave, explained the request is on Halloween, with a description of the area and time, and insurance has been submitted to the City and requested to use the City's roadblocks.

Councilor Smith **MADE A MOTION** to approve Libby Area Business Association's Halloween road closure on Mineral Ave. from Sears to the Brewery from 3:30-6pm for Trick or Treat, and Councilor Beach **SECONDED**.

Councilor McNew inquired if all of the businesses are on board with the closure. Ms. Burger stated most businesses are part of the LABA but did not ask each business individually because past responses from downtown businesses when the event was held on a weekend would prefer a business day.

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

MOTION PASSED.

Approve Audit Contract with Denny, Downey, & Associates for Fiscal Years 2022, 2023, 2024:

Councilor Zimmerman **MADE A MOTION** to approve Audit Contract with Denny, Downey, & Associates for Fiscal Years 2022, 2023, 2024, and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Approve Resolution #2007, Setting Tax Levy for Year 2003:

Councilor Beach **MADE A MOTION** to approve Resolution #2007, Setting Tax Levy for Year 2003, and Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Approve Resolution #2006, Fixing the Annual Appropriations for the City of Libby for 2022-2023 Budget:

Councilor Smith **MADE A MOTION** to approve Resolution #2006, Fixing the Annual Appropriations for the City of Libby for 2022-2023 Budget, and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Approve Resolution #2008, Setting Salaries and Wages of Elected Officers, Appointed Officers, and City Employees:

Councilor Zimmerman **MADE A MOTION** to approve Resolution #2008, Setting Salaries and Wages of Elected Officers, Appointed Officers, and City Employees, and Councilor Beach **SECONDED**.

Councilor Taylor inquired if there were any increases in wages. Mayor Williams responded there as a 3% increase across the board as per the Collective Bargaining Agreement.

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

MOTION PASSED.

Approve all claims received to date:

Councilor Beach **MADE A MOTION** to all claims received to date, and Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Approve all business licenses applications received to date:

Jade Salon, Lexy's Cleaning, Sherry Rosenlof, Viktoriya A Brown Accounting Services LLC.

Councilor Zimmerman **MADE A MOTION** to approve all business licenses applications received to date, and Councilor Berke **SECONDED**.

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

MOTION PASSED.

Unfinished Business:

General Comments from the Council: Council discussed city codes, regulations, responsible costs, and construction of sidewalks.

Adjournment:

Councilor Zimmerman **MADE A MOTION** to **Adjourn** and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:52 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold

UNAPPROVED MINUTES

The City Council held Council Meeting #1613 on Monday, September 19, 2022, in the Council Chambers at City Hall.

Call to Order:

The meeting was called to order at 7:04 pm by Mayor Peggy Williams.

The Pledge of Allegiance was completed, prayer was by Mark Smith, roll call commenced. Present were Mayor Williams, Councilors Gary Beach, Melissa Berke, Zach McNew, Brian Zimmerman, Administrator Samuel Sikes, Clerk-Treasurer Leann Monigold, and (via Zoom) Councilors Kristin Smith, Hugh Taylor, and City Attorney Dean Chisholm.

Mayor Williams welcomed all present.

Approve Council Minutes#1608 dated 18 July 2022:

Councilor Beach **MADE A MOTION** to approve Council Minutes#1609 dated 18 July 2022, and Councilor Zimmerman **SECONDED**.

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

MOTION PASSED.

Approve Public Hearing (Cabinet Affordable Housing, LLC) Minutes dated 18 July 2022:

Councilor Zimmerman **MADE A MOTION** to approve Public Hearing (Cabinet Affordable Housing, LLC) Minutes, and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Announcements: None

Committee Reports:

Administrator: Administrator Sikes reported 6 building permits were sold, 5 residential for roofs, 1 commercial for Flathead Electric truck bay for a total of \$5858.00 for the month of September, totaling \$7581.00 for FY23 includes 11 roofs, 1 garage, 1 siding, 1 truck bay. At this time in FY22 permit sales were \$3127.00.

A meeting was held with Dory from the Zero to Five group about playground equipment to be included in the Fireman's Park project. They will be unable to do a large piece and discussed the smaller pieces of equipment, presented at the previous Council meeting, and contacting playground company to have construction start in the spring which will give time to order the new pieces to be included and cut cost for Zero to Five and the City to combine the projects together.

Zoning/Planning: Councilor Smith announced another meeting is scheduled for September 26th before notice is given for the Public Hearing on Growth Policy Update.

Finance: Clerk-Treasurer Monigold reported the budget for FY23 was submitted to the State September 14th and received an email stating it was received. The FY22 audit should begin at the end of October, so information requested by auditors is being gathered.

City-County Board of Health: Amy Fantozzi reported legislation passed stating all Boards of Health are required to have a governing body, It was decided the three County Commissioners would become the governing body to approve any recommendation or appointments. Meetings have been voted to move to every other month since COVID has slowed down, and requested to change to quarterly reports since the board only meets every other month.

Councilor Smith inquired about the recommendations submitted by the City for the governing body and if there was discussion about adding City representation to the decision making process. Ms. Fantozzi explained there was discussion about each community having a representative from their council to be part of that governing body and in order to do that the by-laws would have to be changed. After being put to a vote it was decided to use the commissioners as the governing body.

Old Business: None

New Business:

Conflicting ordinances regarding corner lot set-backs/visibility triangle-introduction:

Mayor Williams explained the ordinances being presented are not new, they exist dating back to 1975 and 1987. The goal is to put it into Ordinance Committee to be reviewed and make decisions regarding the conflict.

Administrator Sikes showed a PowerPoint presentation, visible on Zoom, explaining the conflicts of the visibility triangle described in two ordinances to maintain clear visibility at intersections and street corners. Ordinance 12.40.060 under Streets and Sidewalks passed in 1975 states you must be 80 feet from the intersection on each road starting at the center of the intersection to 80 feet up each roadway then drawing an imaginary line to connect the two points for the set back. Property owners would be able to construct a chain link fence up to 6 feet in height or a rail fence to certain heights that would not take up more than 30% of the view on corners. Ordinance 17.32.030 under Zoning passed in 1987 states any fence, wall, or shrubbery, no more than 6 feet in height, must be 25 feet from an intersection. At an intersection, a distance of 25 feet from the corner on each side, with an imaginary line connecting the two points must be kept clear of any fence, wall, or shrubbery to allow for clear traffic visibility. Administrator Sikes suggested narrowing it

down to a single description to avoid conflicting measurements and recommended Ordinance 12.40.060 remain the same and under Ordinance 17.32.030 to reference the other ordinance. The reference would be for Resident A, Resident B, Resident C, and the Medical district.

Councilor Smith recommended Ordinance 12.40.060 be retiled because "Trimming" is misleading if referring to the Zoning section or instead of keeping the wording of the fence section since it is a conflict to strike the paragraph. Mayor Williams suggested referring the question to Ordinance Committee. Councilor Smith accepted adding the conflicting ordinances to the Ordinance Committee for further review.

Public Comment: John BeBee, 704 E 9th St, stated while reviewing the ordinances to build a fence the two ordinances were unclear and spoke with Mr. Sikes to clarify how the fence needed to be set back to be in compliance with the City. Mr. BeBee stated the ordinance does not clearly state you have to find the vision triangle and was concerned about losing a portion of his property on the corner.

Rotary Peace Pole: Mayor Williams explained George Gerard has purchased a Rotary Peace Pole that is an 8-foot, 4-sided pole and says "May there be peace" in four languages. Mr. Gerard is asking the City to put it in a location. Due to miscommunication, Mr. Gerard did not make it to tonight's meeting so he will be added to the next agenda.

Approve all business licenses applications received to date:

Broden's Precision Painting and Michelle Malyevac.

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

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

MOTION PASSED.

Public Comment on Non-Agenda Items: None

Unfinished Business: IP Settlement, no updates.

General Comments from the Council: Councilor Beach mentioned city regulation on billboard signs had been discussed in the past and referring to a giant sign that was recently put up, wondering if there is anything that can be done to add signage regulations. Councilor Smith explained the Zoning Committee has reserved a spot to add signage to the modifications of the Zoning for Downtown and Highway Commercial Business Districts.

Adjournment:

Councilor Zimmerman **MADE A MOTION** to **Adjourn** and Councilor McNew **SECONDED**.

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

MOTION PASSED.

Mayor Williams adjourned the meeting at 7:37 PM.

Mayor Peggy Williams

Clerk-Treasurer Leann Monigold

SOUTH FLOWER CREEK/OLD SNOWSHOE RECREATION PLAN

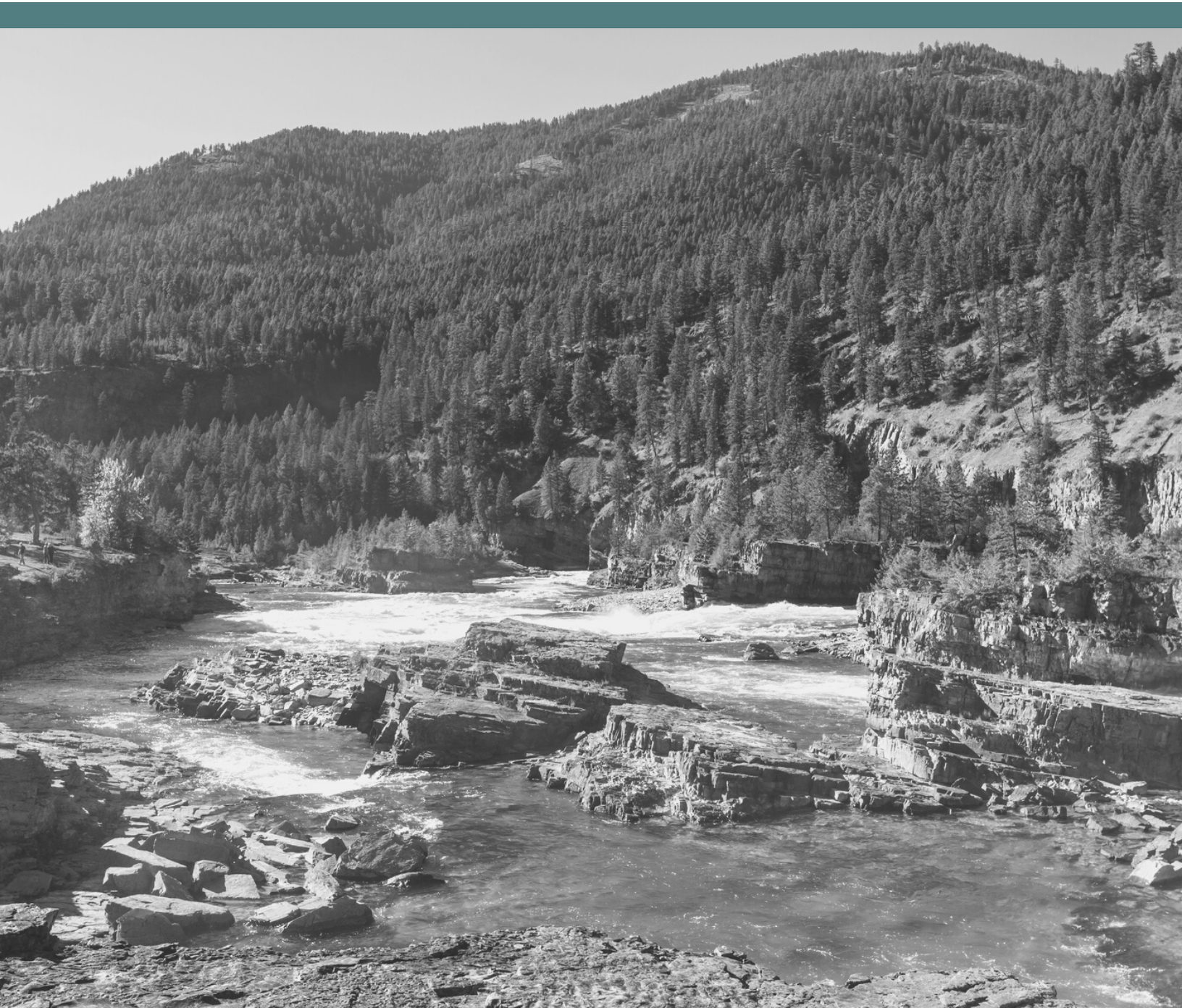


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ACKNOWLEDGMENTS

SPONSOR:

The South Flower Creek/Old Snowshoe Recreation Plan was funded by a generous grant from Glacier Bank. The project was led and managed by Montana Access Project with support from the Libby Outdoor Recreation Association (LORA). The planning team thanks them for their support of outdoor recreation in the Libby area.



PLAN DEVELOPED FOR:

Libby Outdoor Recreation Association (LORA)

LORA seeks to create, enhance, maintain and promote sustainable outdoor recreation opportunities in the greater Libby area, to enhance community lifestyle, and to stimulate the growth of the local economy.



PLANNING TEAM:

Project Advisory Committee:

Micah Miller – U.S. Forest Service

Marc McCully – Lincoln County, LORA

Tina Oliphant – Kootenai River Development Council, LORA

Bill Pepper – LORA

Tony Petrusha – LORA

With help from:

Ben Scott – Kootenai Nordic

Andy Evensen – Evensen Engineering

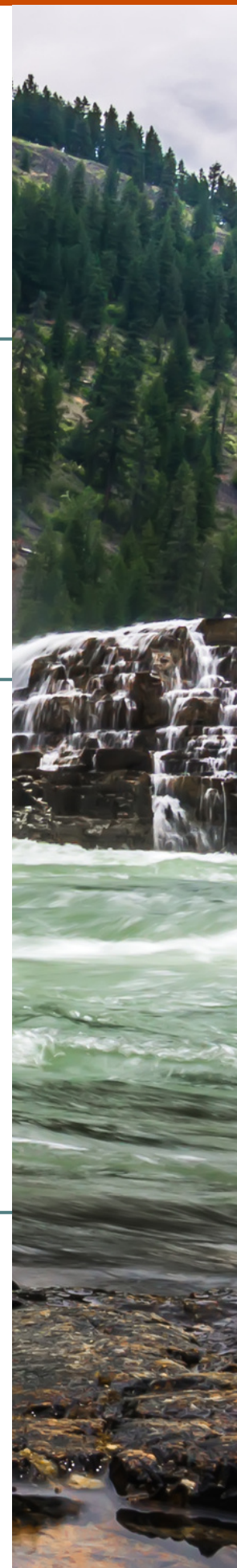
PROJECT CONSULTANT TEAM:

Diane Conradi, Montana Access Project

Rachel Shouse, Montana Access Project

Kate McMahon, Applied Communications

Lech Naumovich, Greater Than Image



EXECUTIVE SUMMARY

INTRODUCTION

The Libby area has an amazing wealth of places to explore nature on land, water, and snow. From family fishing ponds and competitive nordic and biathlon activities to mountain biking and wilderness hiking, the Libby area offers outdoor recreation experiences that fulfill local families, attract businesses and remote workers seeking a high quality of life, and encourage visitors to stay longer.

This South Flower Creek/Snowshoe Recreation Development Plan (Plan) seeks to connect and expand those outdoor opportunities. The South Flower Creek/Old Snowshoe trail, built on the backbone of Libby's historic system of wagon roads, will be a draw for residents and visitors alike. The community-driven plan envisions a thirty-plus mile connected non-motorized trail system of existing and new natural surface frontcountry to backcountry trail that links the city of Libby to the eastern face of the Cabinet Mountain Wilderness and serves as a gateway to access hundreds of miles of recreational trails throughout the area.

ABOUT THIS PLAN

This Plan takes a more detailed look at the South Flower Creek/Old Snowshoe complex which was identified as a priority trail area in the 2016 Greater Libby Area Trails Plan. This challenging area involves current and potential trails and trailheads on private, state, and federal lands.

The Plan is divided into two main trail areas which connect at the South Flower Creek Trailhead: "South Flower Creek" area (Sections 1, 2, and 3) and "Old Snowshoe" (Sections 4 and 5).

- The South Flower Creek trail area crosses private, state and federal lands in the area from north and east of the South Flower Creek trailhead adjacent to the Cabinet View Golf Course and includes the Kootenai Nordic Club ski trails. It provides a variety of frontcountry recreation opportunities close to town.
- The Old Snowshoe area runs in a southerly direction from the South Flower Creek Trailhead along historic wagon routes and reclaimed trails to connect to the Leigh Lake parking area at the edge of the Cabinet Mountain Wilderness. It provides a more remote non-motorized user experience with access to an expansive network of roads and trails.

The Plan also provides direction for the prioritization of projects, costs and funding strategies, and trail stewardship for the development of trails, trailheads, wayfinding signage, additional connections to town and to other trail systems, and operations and maintenance. It also provides guidelines for recreating responsibly in grizzly and other wildlife habitat.

KEY PLAN CONCEPTS

- Enhance nature-based trails close to town
- Increase connectivity between area recreation destinations and town
- Build strong partnerships for sustainability
- Increase accessibility for all ages and abilities
- Recreate responsibly on land and water

TOP SOUTH FLOWER CREEK/OLD SNOWSHOE TRAIL SYSTEM PRIORITIES

Overall South Flower Creek/Old Snowshoe Trail System priorities are:

- Integrate into local, state, and federal government planning efforts.
- Pilot a coordinated, scalable wayfinding strategy with signage and maps.
- Maintain system through volunteers and staff.
- Adequate funding and operational support.
- Engage kids, families, and recreationists outdoors safely and responsibly through programming.

South Flower Creek Area Priorities:

- Establish “North Norgard” which includes a dedicated and developed public parking area and trailhead from Granite Creek Road.
- Seek a dedicated connection to Norgard Trail from Cabinet Heights Road.
- Seek a connection from North Norgard/Granite Creek trailhead to Highway 2.
- Seek expansion of the Norgard Trail area to include all-abilities mobility trails.
- Expand and improve road access and parking area at South Flower Creek Trailhead.

Old Snowshoe Priorities:

- Restore historic and resource management routes to create a connected natural surface, non-motorized system from South Flower Creek trailhead to the Leigh Lake parking area.

WHY IT'S IMPORTANT



QUALITY OF LIFE



ECONOMIC VITALITY



HEALTH AND WELLNESS

CHAPTER 1: INTRODUCTION

This document outlines the South Flower Creek/Old Snowshoe Recreation Development Plan (Plan). The overall goal of this Plan is to guide the development of a permanent and sustainable non-motorized recreation destination, the South Flower Creek/Old Snowshoe Area which connects the outskirts of the city of Libby to the Leigh Lake parking area through a series of non-motorized natural surface trails on multiple ownerships. It sets the framework for recreation enhancement and development and is intended to be a “dynamic” plan that can be updated as conditions or use patterns change and to guide the development of recreation infrastructure to support outdoor recreation as an economic driver.

While most of the system will be located on federal land managed by the United States Forest Service (USFS) in the Kootenai National Forest Libby Ranger District, there are segments on private and state lands. In addition to providing direction for the development of the trail system, the Plan also contains a set of guidelines for wayfinding and signage that the community can pursue to improve safety, navigation, and interpretation on the South Flower Creek/Old Snowshoe Trail and other trails in the Libby area.

A. BACKGROUND

In 2021, a group of stakeholders, including Kootenai River Development Corporation, Lincoln County, Libby Outdoor Recreation Association (LORA), and the Kootenai Cross Country Ski Club, initiated the planning process for the “South Flower Creek/Old Snowshoe Recreation Development Plan” to implement the recommendations in the Greater Libby Area Trail Plan (GLATP). LORA engaged Montana Access Project to assist in: i) implementation strategies for the South Flower Creek/Old Snowshoe segments; and ii) to form and develop Libby Outdoor Recreation Association (LORA) as an effective non-profit entity to coordinate recreation activities on multiple jurisdictions, to partner with public and private land managers, and to accomplish the goals and projects outlined in the Plan.

The 2016 GLATP identified the South Flower Creek/Old Snowshoe area as a priority for trail development and enhancement in order to boost the local economy, increase community health and wellness, and enhance quality of life in the Libby area. The other two identified priorities are: Bobtail Ridge–Sheldon Mountain and Lincoln County Port Authority. GLATP, p. 13. South Flower Creek/Old Snowshoe Trail, as proposed, is a 31-mile trail system that connects the outskirts of the city of Libby with the parking area near the Leigh Lake Trail, a popular destination in the Cabinet Mountain Wilderness. The trail system provides a variety of primarily non-motorized recreation experiences such as hiking, biking, winter sports, and equestrian experiences on natural surface trails and unpaved roads. The primary users involved in the development of the plan are hikers/walkers/runners, mountain bikers, equestrians, hunters, wildlife viewers, groomed and non-groomed cross-country skiers, snowshoers, over-snow motorized non-groomed trail users.

B. ECONOMIC IMPACT OF OUTDOOR RECREATION

Montana’s outdoor recreation economy constitutes 4.3% of the state’s GDP – the highest in the nation. Access to outdoor recreation offers a well-documented competitive advantage for making a community a great place to live, work, and play.

Trail systems like the proposed South Flower Creek/Snowshoe System provide access to high-quality outdoor recreation and therefore promote the following:

- **Economic Vitality** – Enhancing recreation amenities and opportunities to increase community quality of life, and therefore attracting new businesses, residents and improving resident retention.
- **Sustainable Tourism Development** – Utilizing recreational amenities and opportunities as a way to attract visitors, and in turn support local businesses.
- **Community Revitalization and Health** – Creating a more livable community through enhancing recreation amenities and opportunities and attracting new, long-term residents.

Study after study has shown that quality outdoor recreation amenities close to town boost the local economy. For example, a 2019 study conducted by Headwaters Economics found that the Whitefish Trail contributes \$6.4 million in annual spending by visitors who come to enjoy the trail and by residents who purchase or rent outdoor gear at local stores. Spending by visitors who use the Whitefish Trail translates to 68 additional jobs and \$1.9 million in labor income in Whitefish.

For more information on the economic impacts of outdoor recreation, see **Appendix 1**.



Photo: Kootenai Nordic

CHAPTER 2: SOUTH FLOWER CREEK/OLD SNOWSHOE TRAIL SYSTEM OVERVIEW

This Plan is divided into two trail areas accessed from the primary trailhead at the South Flower Creek Trailhead and parking area which serves as the “access hub” for both sections of the 31-mile system.

The first section is known as “South Flower Creek Trail Complex” which includes North Norgard, Norgard Trail, and the South Flower Creek Ski Area Trails.

The second area is known as the “Old Snowshoe Trail” which runs in a southerly direction from the South Flower Creek Trailhead.

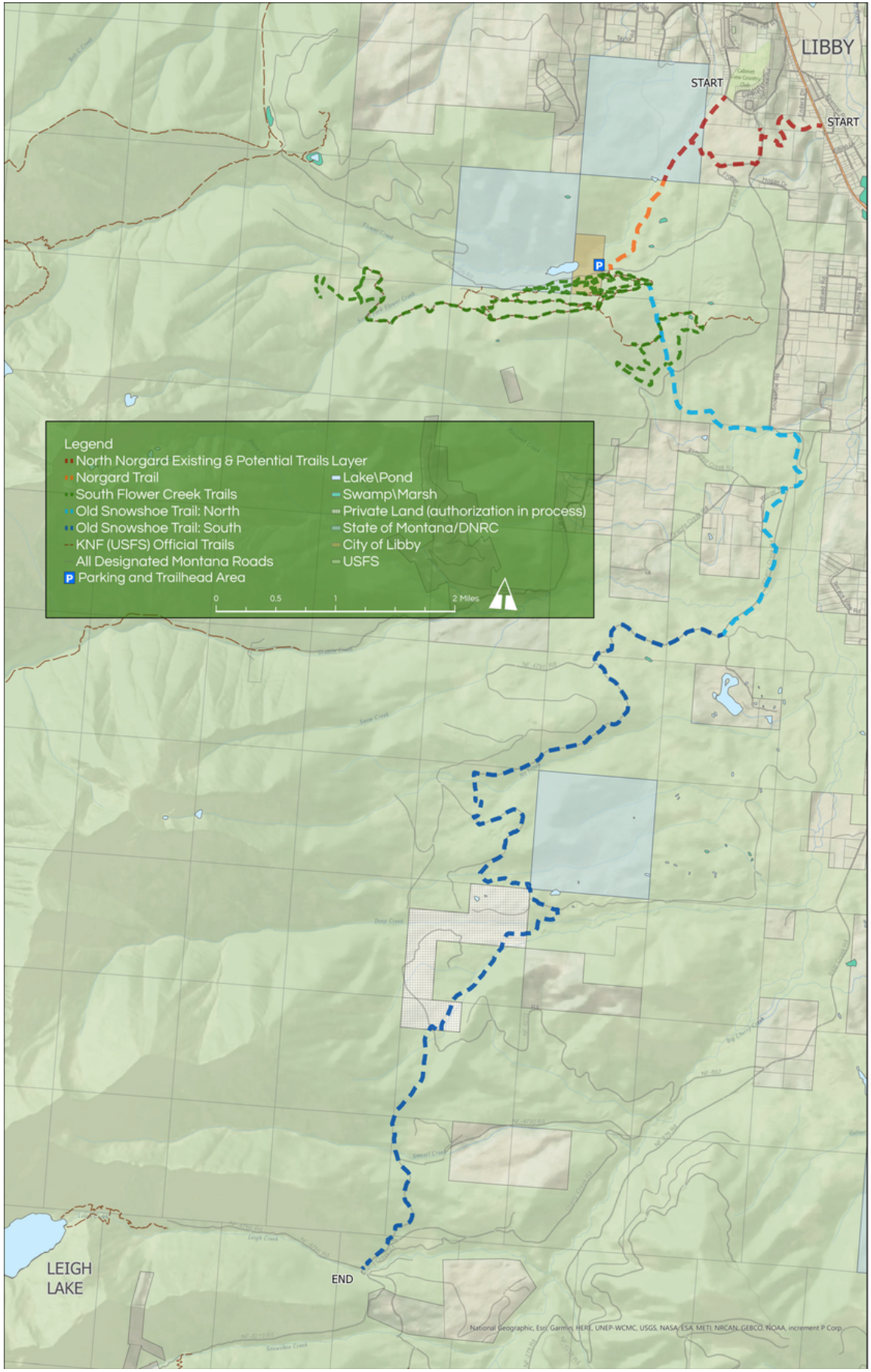
Each area is divided into separate sections and each section description includes a map, the current status of the individual section (access, trail information), and opportunities. Finally, the action steps for each of the sections are compiled in the “Implementation” chapter (Chapter 5).

Finally, the Plan also includes a set of “Wayfinding Guidelines” in **Appendix 2** which will guide the development of an effective and replicable wayfinding system.

A. SOUTH FLOWER CREEK/OLD SNOWSHOE RECREATION DEVELOPMENT PLAN GOALS

- Provide a sustainable and maintained 4-season trail system.
- Provide adequate trail opportunities for all user types, including winter use.
- Minimize conflict among user groups.
- Provide a variety of experiences and a range of terrain-driven challenges for all ages and all abilities.
- Preserve a balance between recreational users and wildlife needs.
- Respect both public and private property and mitigate impacts to adjacent private lands.
- Provide appropriate access points to the trail system.
- Provide features to discourage illegal motorized use.
- Provide design standards with long-term maintenance in mind.
- Develop a clear and intuitive wayfinding system.
- Develop maps and an information package that can be available through local outlets and via mobile devices and the internet.





**OVERVIEW MAP:
SOUTH FLOWER CREEK/SNOWSHOE TRAIL**

SECTION 1
SECTION 2
SECTION 3
SECTION 4
SECTION 5

MAP DATE 10/10/2022
GREATER THAN IMAGE, LLC
WHITEFISH, MT

Figure 1 – Overview Map: South Flower Creek/Snowshoe Trail

B. COMMUNITY ENGAGEMENT

The following agencies and organizations have contributed to or influenced this plan:

Key Stakeholders:

Agencies

United States Forest Service (USFS) – Kootenai National Forest
Montana Department of Natural Resources and Conservation (DNRC)
City of Libby
Lincoln County

Organizations:

Cabinet Back Country Horsemen
Kootenai Mountain Riders
Libby Outdoor Recreation Association
Kootenai Cross Country Ski Club
Lincoln County SnoCat Club
Libby Area Chamber of Commerce

C. IMPLEMENTATION AND FUNDING

In order to implement this ambitious multi-jurisdictional trail system, project partners will rely on various public and private funding sources, partnerships, and in-kind support for planning, design and construction, management, and maintenance.

Land managers such as USFS, DNRC, and private landowners will contribute by providing authorization for public trail construction and use, technical assistance, and access to funding sources.

Public partners, such as Lincoln County and the City of Libby will integrate the Plan into land use and other governing documents, provide technical assistance and potential funding resources by seeking grants, committing technical assistance through its recreation consultant, and securing access rights on behalf of the public.

The Libby Chamber of Commerce will engage business support and also help in providing a common portal for maps and trail overviews.

Nonprofit partners such as LORA, Backcountry Horsemen, Kootenai Mountain Riders, and Kootenai Cross-country Ski Club will contribute by gathering and coordinating volunteers, entering into maintenance agreements, raising funds for project work through grant writing, grant administration, and other private fundraising, and by building public support and engagement.

For more information about funding resources, see **Appendix 3**.

CHAPTER 3: SOUTH FLOWER CREEK TRAIL COMPLEX (SECTIONS 1, 2, AND 3)

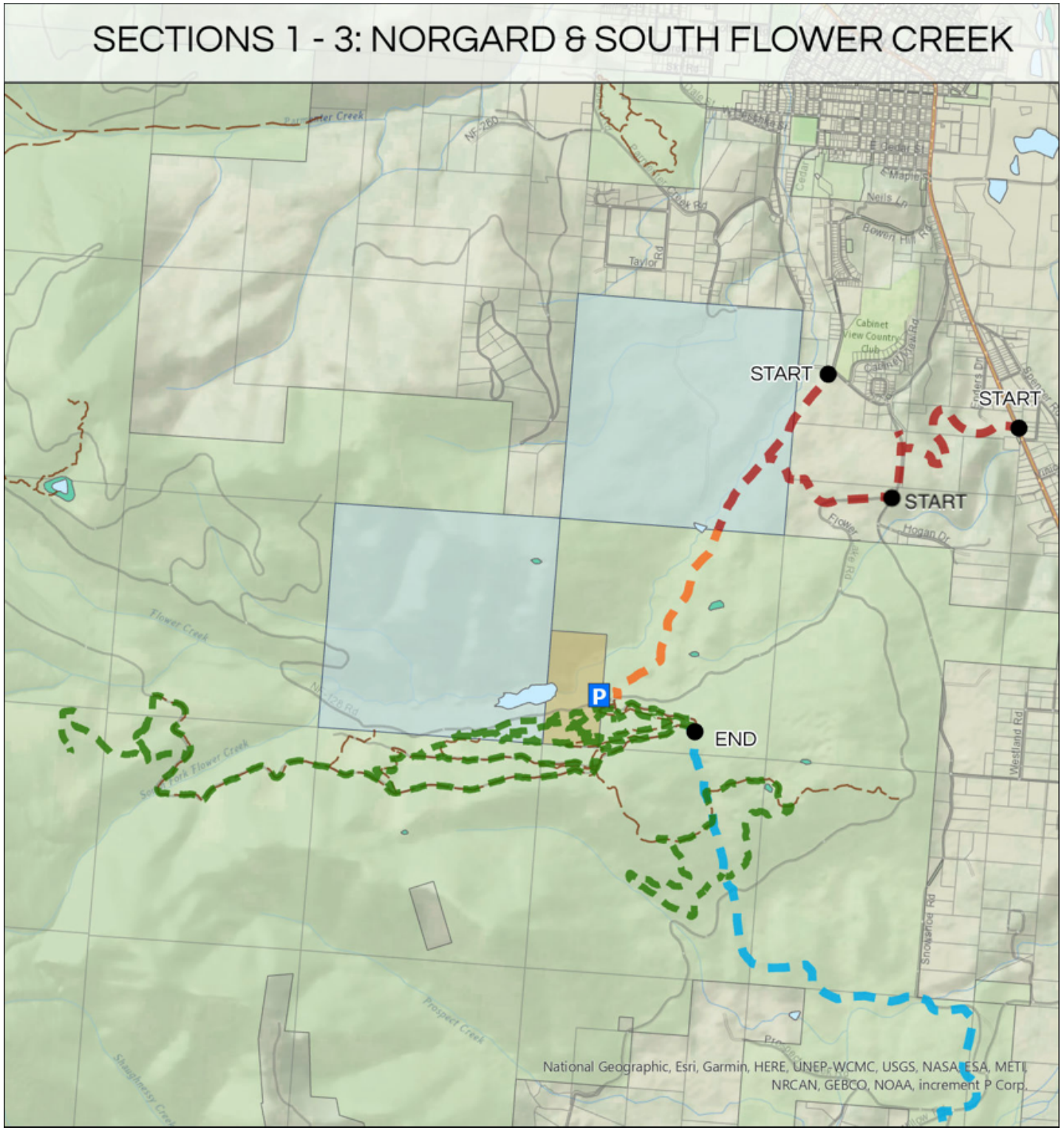
The South Flower Creek Trail complex, proximate to the city of Libby, is comprised of a series of developed, natural surface “stacked loop” hiking/biking/groomed nordic trails with various entry points. The trail is used primarily by walkers, hikers/runners, cyclists, and nordic skiers in winter. The current and proposed trail system is located on Montana state trust, private, USFS land; the trail will serve as a “close to town” recreation destination for a variety of non-motorized users. From the south, the system is accessed from the South Flower Creek trailhead and parking area which is located on land owned by USFS and the City of Libby. From the north, the trail system currently is accessed from Cabinet View Road, with plans to create a new parking area and trailhead from Granite Creek Road.

- Section 1 is the North Norgard section which traverses the City of Libby easement, DNRC, and adjacent private lands;
- Section 2 is the Norgard Trail which connects Montana state trust land to the South Flower Creek Trailhead; and
- Section 3 is the South Flower Creek Ski Trails and South Flower Creek trailhead.



Photo: Kootenai Nordic

SECTIONS 1 - 3: NORGDARD & SOUTH FLOWER CREEK



LEGEND

P Parking Area/Trailhead



0 0.5 1 Miles

- North Norgard Existing and Potential Trail
- Norgard Trail
- South Flower Creek Trails
- Old Snowshoe Trail: North
- KNF official hiking trails
- All Designated Montana Roads

Layer

- Lake/Pond
- Swamp/Marsh
- State of Montana/DNRC
- City of Libby
- County Parcel Lines
- USFS



Figure 2 – Sections 1-3: Norgard & South Flower Creek

A. SECTION 1 – NORTH NORGARD

Current Status:

This section of the trail is accessed from the south side of Cabinet Heights Road along an existing City of Libby easement on private and state lands to a South Flower Creek in-stream crossing. (Note: This section can also be accessed from the north via Upper Flower Creek Road which leads to existing gated state roads.)

The state section in Section 16, T30N, Range 31W, managed by the Montana Department of Natural Resources and Conservation (DNRC), is classified as forest land and is managed by the DNRC for timber production but based on a recent project list, the DNRC anticipates residential development adjacent to the golf course (<http://dnrc.mt.gov/divisions/trust/docs/real-estate-management/real-estate-management-plan-docs/fy22-pit-project-list.pdf>). The state lands are accessible to the public for hunting and trapping with a conservation license and for recreational uses with a state trust lands recreation use permit. The natural surface easement is used by the City of Libby to service the Lower Flower Creek dam for the city's drinking water supply and historically, the City has allowed limited public use for walking and biking. The trail section splits on a path to the south, transitions to the Norgard Trail and the southwest path continues to the Flower Creek crossing.

At present, the desired condition for this section is to: 1) continue use for non-motorized recreation from Cabinet Heights Road across the southeast corner of Section 16, to connect with the Norgard Trail; and 2) develop a new trailhead, trail and parking area on private land near Snowshoe and Granite Lake roads which crosses the SE corner of the state section and connects to both the Norgard Trail and facilitates dispersed recreation opportunities on state trust lands. The location of the proposed trailhead and connector trail is designated on the map in Figure 2.

The longer-term community vision for the parcel is to develop a mountain bike course with terrain and features available for all skill levels, consisting of a series of stacked loops and connections to adjacent public and private lands; however, there are challenges to the development of a course, as described more fully below.

Development on State Trust Lands:

Developing recreational use on this state parcel is challenging because it is state trust land, managed for the benefit of Montana's schools and universities. Unlike other types of public lands, the flexibility of the land manager to provide a community benefit is limited and land transactions require payment of fees. The customary transaction type for managed public trail systems on state lands is the special recreational use license (SRUL). There are several additional transaction types available to secure permanent public access such as a public recreation use easement, land bank or land exchange; however, those transactions are more complicated and expensive but provide a level of permanence and predictability for the community investment on this parcel that is located right on the outskirts of town and adjacent to rapidly developing golf course.

Opportunities:

- **Additional Access/Trailhead:** The development of a trailhead, trail, and parking area is underway. Neighboring private property owners have designated the features in the preliminary plat for a subdivision which is pending final approval, are working with adjacent public and private landowners to create a connected route for the public, and have had discussions with Lincoln County which has expressed a willingness to hold the easement for the benefit of the public. See, Nordic Way Preliminary Plat Map attached as Exhibit A.
- **Trailhead Connection to Highway 2:** Area landowner, HILT Venture, is exploring the feasibility of providing a trail-to-town connection to the proposed Granite Creek Road trailhead. If constructed, the trail would provide a non-motorized connection from Highway 2 uphill to the Granite Creek Road trailhead and then to the entire system. See, Figure 2.
- **Revise Bike Trail System Proposal:** In August 2020, Lincoln County, in coordination with LORA submitted a community-driven development proposal to DNRC for 9.1 miles of mountain bike trails constructed to IMBA standards and 2.5 miles of existing roads. The trail was designed by area mountain bikers with an emphasis on providing an excellent user experience for children. The proposal went through the public scoping process which generated about 60 comments, including those from neighbors. In response to the comments and agency feedback, in October 2020, the DNRC proposed an alternative route that eliminated the flow features in the northwest corner. This proposal is undesirable to the applicant Lincoln County as it would require a high cost for a low benefit in terms of user experience. Community leaders should continue to pursue a bike trail system that would complement and connect to adjacent trails and connections to town. If developed, the trail would be authorized by the State of Montana/DNRC to Lincoln County on behalf of the public.

B. SECTION 2 – NORGARD TRAIL**Current Status:**

The Norgard Trail transitions from state and private lands to USFS land and continues .8 miles to the South Flower Creek trailhead and parking area. It is currently an out-and-back trail that provides non-motorized trail access for hikers, walkers, mountain bikers, equestrians, hunters, wildlife viewers, cross-country skiers, snowshoers, over snow motorized non-groomed trail users. The Norgard Trail is secured by an easement between Lincoln County and USFS which is attached as Exhibit B. This area is located in the municipal watershed for the City of Libby's municipal water system. The City conducted a source water runoff study to ensure the protection of the water quality in the watershed.

The primary parking lot/trailhead known as South Flower Creek Trailhead was constructed by Lincoln County on USFS land and is maintained by Lincoln County. It serves as a central "hub" that provides access to the South Flower Creek Ski Trails, the Old Snowshoe Trail to the south, and the Norgard/North Norgard Trail to the north.

There is an additional parking area on land owned by the City of Libby and adjacent to the ski trails which resulted from restoration activities in the watershed, but there remains a large gravel and debris pile that impedes parking.

A portion of the roadway accessing the South Flower Creek trailhead is unpaved. There is an effort underway to pave the remaining portion of the roadway in order to improve all-season access and to enhance the safety and accessibility of the trail system for a wide variety of users.

Opportunities:

- **Expanded Parking Area:** The preferred location of the parking area to access the South Flower Creek/Old Snowshoe trail system is on the City of Libby property which is bisected by South Flower Creek Ski trails. The South Flower Creek Ski trail system is authorized by the USFS and City of Libby.
- **Additional Access Point/Trailhead:** As discussed above, there are discussions underway with adjacent and nearby landowners to provide additional connections to the South Flower Creek/Old Snowshoe system.
- **Expanded Trail System:** In addition to the new trailhead, LORA is exploring the feasibility of establishing a shorter, stacked loop, accessible natural surface trail system for the disabled, children and families. The system, located on low-elevation USFS lands close to town with moderate elevation changes, could provide much-needed nature-based access close to home.

C. SECTION 3 – SOUTH FLOWER CREEK SKI TRAIL COMPLEX

Current Status:

The South Flower Creek Ski Area is comprised of thirteen miles of ski trails on the Kootenai National Forest (KNF), state lands, and City of Libby properties. Kootenai Cross Country Ski Club (KCCSC) manages the trails under various agreements including a 10-year lease with the City of Libby, cost share agreement with the KNF, and State Land Special Recreation Use License with the State of Montana. Current improvements include a biathlon range, storage shed/event center, timing cabin, gate, signage and related improvements.

The South Flower Creek Trailhead and parking area is intended to serve as the “hub” for the South Flower Creek/Old Snowshoe Trail system. Developed by KCCSC for the purpose of vehicle parking for a nordic ski area, this .5-acre site is located 1.1 miles up Flower Creek Road (FS# 128) and is positioned directly across from the South Flower Creek Trails nordic complex. Ample space is provided for turning around large trailers and there is parking for 35–40 units. An adjacent area is under review for parking (20 units) to be located in front of the main gate and warming hut of South Flower Creek Trails.

Completion of this second parking site (1/5th acre) will allow the dedication of the original parking lot for trailers of equestrian and snowmobile vehicles (snowmobile users will continue to use the Flower Creek Road (FS #128). The parking area currently provides no other services i.e. campsites, picnic tables, fire rings. There is 1 existing vault toilet available near the biathlon range on the adjacent ski course, and a second toilet proposed near the warming hut. The new toilet is approved but is under construction.

Opportunities:

- **Additional Trails:** There is a current proposal under consideration to construct three short connector trails to allow for appropriate distances in biathlon, nordic, and endurance events.
- **Paved Roadway and Natural Surface Parking Area:** See discussion above re: South Flower Creek Trailhead improvements.



CHAPTER 4: OLD SNOWSHOE TRAIL SYSTEM (SECTIONS 4 AND 5)

Sections 4 and 5 are known as the “Old Snowshoe Trail.” This non-motorized trail section will provide a connection from the developed South Flower Creek Trail System to a less developed, more remote non-motorized hiking, biking and equestrian system terminating at the Leigh Lake Road parking area. The Old Snowshoe Trail will be established by the USFS under a cooperative management agreement with USFS and Lincoln County, by Lincoln County as part of its historic right of way, and by agreements from private landowner(s) to Lincoln County. Certain segments of the trail will be located on reclaimed logging roads, while a portion of the trail will be new construction.

When complete, the trail will serve as the “spine” of a “stacked loop” system consisting of trail and gated and open forest roads for hikers/walkers, mountain bikers, equestrians, hunters, winter sports including over-the-snow vehicles. The system will connect to a network of roads and trails which will allow users to travel from the frontcountry to backcountry including non-motorized connections to:

- Leigh Lake Trail, the most visited trail in the Cabinet Mountain Wilderness. The short 2-mile trail parallels Leigh Creek and climbs to Leigh Lake and provides stunning views of this alpine lake and the steep landscape surrounding the lake.
- Snowshoe Lake Trail is a highly used summer and winter use trail accessing a historic mine, stunning landscape, and excellent winter skiing and boarding terrain.
- Deep Creek, less developed trail used for fall hunting, summer hiking, and winter skiing.
- Smearl Creek, less developed trail used for fall hunting, summer hiking, and winter skiing.



SECTIONS 4-5: OLD SNOWSHOE TRAIL

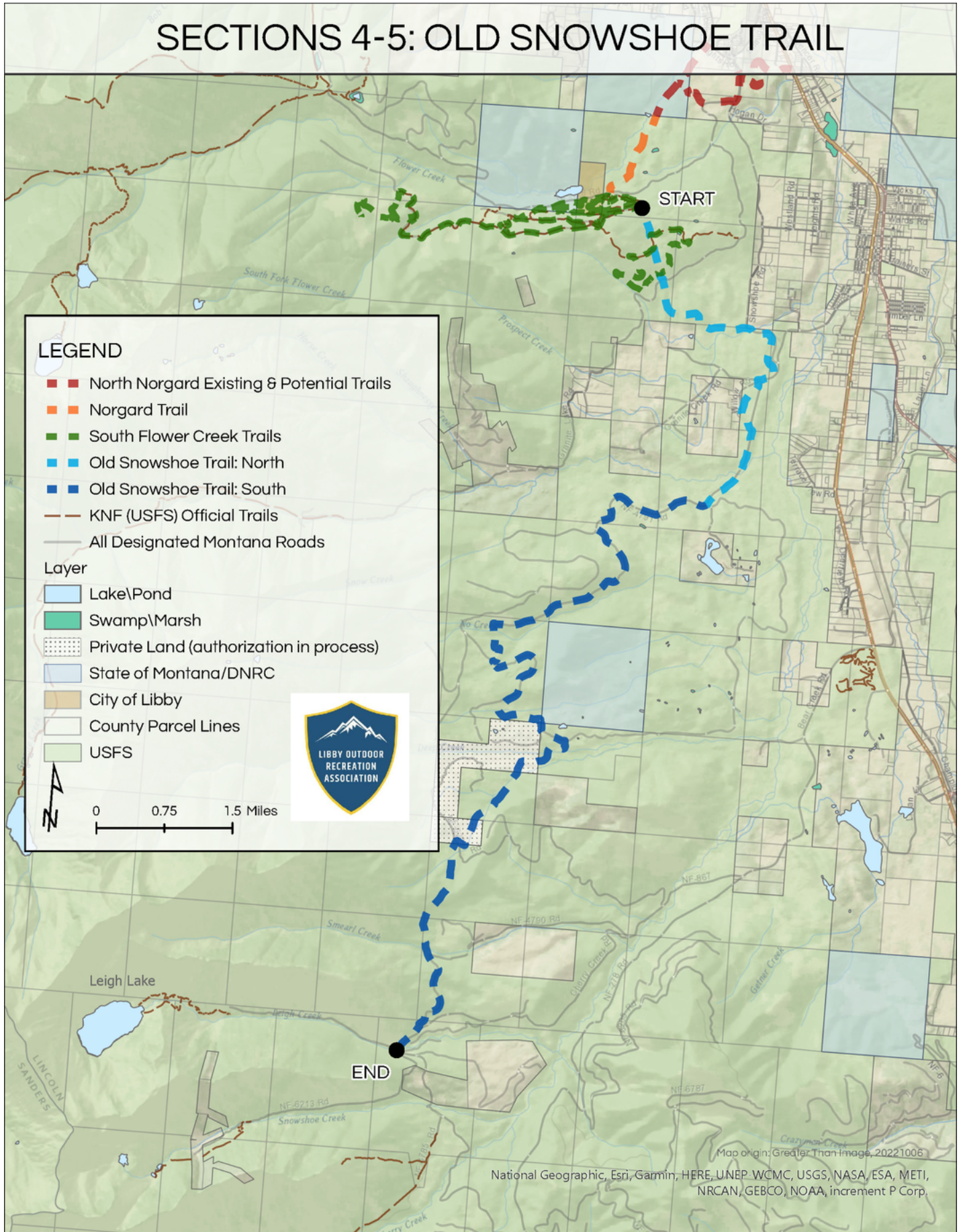


Figure 3 – Sections 4-5: Old Snowshoe Trail

A. OLD SNOWSHOE SECTION 4: OLD SNOWSHOE (NORTH)

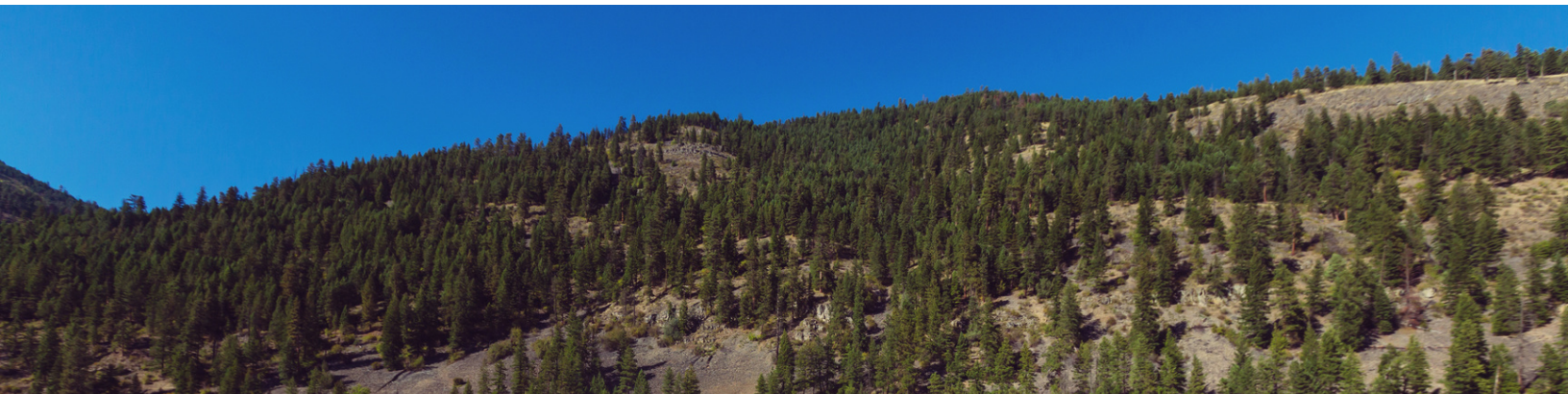
From the South Flower Creek Ski Trails south, the 9.9-mile segment is located on new and existing trails primarily on federal land with short connections on private land, which includes a minimal corner crossing on private land owned and managed by Stimson Lumber. It meanders through the low hills of the buffer zone of the northeastern Cabinet Mountains. Elevation ranges from 2500 to 3200 feet and traverses through the lowland depression landform and mixed forest vegetation.

Section 4 is divided into two segments and each will be included in the master agreement that Lincoln County has with the USFS regarding reciprocal access and cooperative management of the extensive multi-jurisdictional road system in Lincoln County. See Schedule A overview map Parts 1 and 2, attached as **Exhibit C**. Section 4, Part 1 is a 3.7-acre corridor, 7 feet wide and 22,800 feet in length; Section 4, Part 2 is a 4.8-acre corridor, 7 feet wide and 29,600 feet in length.

B. OLD SNOWSHOE SECTION 5: OLD SNOWSHOE (SOUTH)

This section of trail is located on a Lincoln County historic petitioned right-of-way under Montana Code Annotated Sec. 7-14-2601 to 2614. Originally established in 1892 as Lincoln County's first wagon road to service the mines and support trade to Kalispell, for more than a century, Lincoln County has allowed the right of way to be used for recreational purposes. In July 2019, the USFS acknowledged that "Lincoln County has full control and jurisdiction of this route." The elevation changes and grade of the trail system are moderate as it is located primarily on a historic road network that served mines south of Libby.

In Fall 2022, Lincoln County will install two bridges on Deep Creek and Smearl Creek to replace instream crossings and will install 2 culverts on a segment of the existing Old Snowshoe Trail, to reduce water quality degradation and improve and sustain trail drainage. Future activities will include the maintenance and restoration of the mostly intact roadbed.



CHAPTER 5: IMPLEMENTATION

The following is the detailed list of action items, key partners, needed resources, and estimated timeframes for completion. The overall section contains tasks and recommended actions that apply to all sections of the trail system. The tasks and recommended actions for each section follow.

OVERALL SOUTH FLOWER CREEK/OLD SNOWSHOE TRAIL SYSTEM

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
0.1	Adopt Plan by resolution to guide land use and recreation development decisions	Immediate		City of Libby; Lincoln County		
0.2	Design and Construction	1-7 years		Lincoln County; USFS; City of Libby with community support	Equipment, services, funding, volunteer	Government lead and cooperation in design and construction; community support in securing funding, management and maintenance.
0.3	Plan, design and install appropriate signage for clear and intuitive wayfinding system	1-3 years	TBD	LORA; USFS; Lincoln County; Historical Society (interpretive signs)	USFS Lincoln County for street level wayfinding; Tourism Grant; USFS supported philanthropic sources	This wayfinding plan and implementation would serve as the pilot for other systems on federal lands. Could be executed in whole or in part; Include bear-aware signage to minimize potential conflict; Coordinated signage (kiosk, interpretive, trail marking, trailhead and other) based on USFS style guide for trail system.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
0.4	Develop maps and an information package that can be available on paper and online	1-3 years	TBD	LORA with USFS, Lincoln County, City and Chamber of Commerce	Tourism Grant; sponsorship; philanthropy	Pilot South Flower Creek Snowshoe; could be expanded to include other routes, areas and recreation destinations.
0.5	Management	Ongoing				Coordinated and systemwide management and operation of multiple trails segments in coordination with land managers and key partners; primary land manager is USFS.
0.6	Maintenance	Ongoing		LORA, USFS and Lincoln County		Develop annual maintenance plan; coordinate volunteers; execute.
0.7	Funding	Ongoing				Develop 5 year funding plan; Create dedicated fund to serve as local match for grant sources; Local government involvement in LWCF grant funding for larger scale projects.
0.8	Program Development	Ongoing		LORA, with project partners, schools, outdoor educators		Develop programs on the trail system which may include educational programming, guided hikes, volunteer day, group bike rides, etc.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
0.9	Volunteers	Ongoing		LORA and Lincoln County coordinated with other groups		Develop volunteer base and regular maintenance activity schedule; Consider “adopt a trail” for segments or sections of trail.

SOUTH FLOWER CREEK TRAIL COMPLEX – SECTION 1: NORTH NORGDARD

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
1.1	Pursue authorization on State Trust land and private land for public recreation connection to Norgard Trail segment from Cabinet View Road	1-3 years	TBD 1,500-5,000 Est.	Lincoln County and City of Libby with LORA, DNRC, private landowners	Time for transaction preparation; license fee	Authorization on state land may be by special recreational use license (SRUL); Authorization on private land TBD with easement agreement preferred.
1.2	Explore State Trust land trail expansion for bike trails in coordination with DNRC	3-5 years	10,000-50,000+	LORA, Lincoln County, DNRC	\$ for proposal development and acquisition	Explore expanded trail system with DNRC but consider long term lease, or part of acquisition (land exchange/land bank or purchase).
1.3	Establish official parking area/trailhead/connection from Granite Creek Road	1-3 years	TBD	Lincoln County with LORA, Ben and Heather Scott, adjacent landowners, DNRC	Negotiation and legal easement or public dedication	Potential for access exists on Scott and/or adjacent parcels which would provide additional access point to North Norgard Trail and DNRC property; Lincoln County will holds easement on behalf of public.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
1.4	Explore downhill connections to Highway 2 in coordination with potential development activities	1-5 years		USFS, Ben and Heather Scott, private landowner, LORA	Negotiation and legal easement or public dedication	Work with developers in area to establish dedicated public access for key connections; require feasibility and then design/construction; Integrate into system with signage, management and maintenance.

SOUTH FLOWER CREEK TRAIL COMPLEX – SECTION 2: NORGARD TRAIL

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
2.1	Install barricade/ control device to discourage unauthorized motorized use on Norgard Trail	1-3 years	TBD	USFS, Lincoln County, LORA	Equipment, supplies and funding (if necessary)	
2.2	Explore feasibility of expanding trail to add series of loops which may include all abilities routes on state, private and federal lands	3-5 years		USFS, Lincoln County, LORA		Includes additional trail route; requires feasibility and then design/construction

SOUTH FLOWER CREEK TRAIL COMPLEX – SECTION 3: SOUTH FLOWER SKI TRAIL COMPLEX

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
3.1	Improve Flower Creek Road	1-3 years	\$92,000	LORA, South Flower Creek Ski Area, Lincoln County, USFS	Transportation funding sources, County, ARPA/Budget, RAC	Lincoln County has \$50,000 dedicated to paving but need additional \$42,000 Explore infrastructure funding options.
3.2	Expand Ski/Bike area in the “South Flower Creek XC Ski”	1-3 years		USFS, Ski Club	Funding, authorization	1.5 miles of new trail construction; Course designed for sanctioned intercollegiate mountain bike events.
3.3	Explore options with City of Libby for having primary parking area on City property as South Flower Creek “hub” including remediating site for source water protection	1-3 years	\$80–100,000	City of Libby, KCCSC, LORA	Equipment, services, funding	Remediate and testing of gravel pile; Remove gravel/recontour parking area; Expand central hub for outdoor recreation access with signage, kiosk, parking.

OLD SNOWSHOE TRAIL SYSTEM – SECTION 4: OLD SNOWSHOE TRAIL (NORTH)

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
4.1	Establish authorization under cooperative forest road agreement between Lincoln County and USFS (Schedule A)	Immediate		Lincoln County, USFS KNF		LORA which will provide map which identifies GPS located GIS alignment.

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
4.2	FWP 124 Stream Permit	1-3 years	Application Fee	Lincoln County, MT Fish, Wildlife & Parks		Required for extension of existing installation of culvert at Prospect Creek.
4.3	Design and Construction	1-3 years		Lincoln County		Lincoln County will lead.
4.4	Maintenance	Ongoing		LORA with Lincoln County and USFS		In accordance with annual maintenance plan.

OLD SNOWSHOE TRAIL SYSTEM – SECTION 5: OLD SNOWSHOE TRAIL (SOUTH)

	TASK	TIMEFRAME	COST	LEAD/PARTNER	RESOURCES	COMMENTS
5.1	Construct and Install Bridges	Pending		Lincoln County	Equipment, services	
5.2	Construction of Trail	1-3 years		Lincoln County	Equipment, services	Lincoln County Road crew.
5.3	Maintenance	Ongoing		LORA with Lincoln County and USFS		In accordance with annual maintenance plan.

APPENDICES AND EXHIBITS

APPENDIX 1: ECONOMICS OF OUTDOOR RECREATION

Economic Vitality

Economically, outdoor recreation in Montana is a powerhouse generating 2.2 billion dollars in consumer spending and more than 26,000 jobs (5.4% of the state’s employment) (Headwaters Economics). An outdoor recreation-based economy attracts investment to support small businesses and attracts workers. For entrepreneurs who value outdoor lifestyles, Montana’s wide-open public lands provide opportunities to attract a highly skilled workforce while service businesses can offer a workplace culture that values the outdoor lifestyle. According to a survey conducted by Business for Montana’s Outdoors, 70% of businesses state that the “Montana outdoor lifestyle” is factored into the decision-making process to locate or expand their business in Montana (Business for Montana’s Outdoors). According to Headwaters Economics, Recreation Counties show more promise to attract new residents and income to communities, and the effect of this in-migration is also seen in growth in earnings per job. The Summary Findings are as follows:

- Between 2010 and 2016, people have been more likely to move to Recreation counties. This is particularly true for Rural counties, in which the average Non-Recreation county lost 20 people per 1,000 residents due to out-migration while the average Recreation county gained just more than 1 person per 1,000 residents.
- Households moving into Recreation counties have, on average, higher income than households moving into Non-Recreation counties. The average household moving into a Rural Recreation county has a \$8,700 higher income than the average household moving into a Rural Non-Recreation county.
- Recreation counties have, on average, lower earnings per job than Non-Recreation counties, with a gap of \$5,100 in Rural counties. Earnings per job in Rural Recreation counties, however, grew six times faster than in Non-Recreation counties between 2010 and 2016.
- Recreation appears to drive varied economic benefits, including short-term support for tourism-related businesses and longer-term support by recruiting new residents who may be business owners, entrepreneurs, or workers, supporting growth in earnings per job across a community. (Source: Headwaters Economics, Recreation Counties Attracting New Residents and Higher Incomes, p.1)

In a 2020 report prepared by the Institute of Tourism and Recreation Research, “Quality of Life” is the number one reason entrepreneurs “start, relocate and keep their businesses and jobs in Montana.” Access to “outdoor recreation/parks/open spaces” is ranked as the highest attribute of quality of life (26.2%) above the cost of living, public safety, health care, education, and culture (ITRR, 2020).

Sustainable Tourism Development

It is well known that tourism is one of Montana’s leading industries with over 13.4 million non-resident visitors spending an estimated \$3.14 billion in 2020. According to the Institute for Tourism and Recreation Research’s Non-Resident Travel Survey Reporting System, visitors traveling through Glacier Country spent around \$813 million in 2020 (figures reflect COVID uncertainty).

While tourism continues to grow, it is crucial to ensure that the growth is managed in a sustainable way. As defined by the World Tourism Organization, “A sustainable approach to tourism means that neither the natural environment nor the socio-cultural fabric of the host communities will be impaired by the arrival of tourists. On the contrary, the natural environment and the local communities should benefit from tourism, both economically and culturally. Sustainability implies that tourism resources and attractions should be utilized in such a way that their subsequent use by future generations is not compromised.”

Communities with a tourism-based economy are adopting strategies to address these concerns. These strategies are based on extensive community involvement and may include:

- Promote green business practices
- Establish programs to promote affordable housing
- Work with transportation agencies to reduce congestion and promote walkability
- Adopt policies to finance infrastructure upgrades to manage growing population and visitation
- Outreach and education for visitors to minimize impact on the community and environment
- Design standards and regulations to protect community character
- Economic development to diversify the economy, promote equity, and support year-round businesses

Community Revitalization and Health

The concept of “Brain Drain” is a term that has been used to describe the outmigration of young people from rural communities into larger communities for school or work. Contrastingly, the concept of “Brain Gain” describes a movement of people in their 30s and 40s that migrate to rural communities (Winchester). This in-migration of new residents is critical to the vitality of rural communities, as they tend to bring valuable work experience, education, money and more.

The study conducted by the University of Minnesota Extension found that people migrate to rural communities for 1) a simpler life, 2) safety and security, 3) affordable housing, 4) outdoor recreation and 5) quality schools (Winchester). Enhancing the existing outdoor recreation amenities in the Libby area can improve the quality of life for existing residents, while also attracting new long-term residents and employee skills to the area.

The correlation between young people and families and their motivations for moving to and from rural communities continues to be explored. A study conducted in rural Maine and Oregon communities explored the reason(s) why rural youth aspire to remain in or leave their communities. Results showed that in “both states, youth with higher levels of outdoor place attachment were more likely to want to live in a rural place than a non-rural place” (Crandall, 2022). Studies have shown that outdoor recreation is positively correlated with developing high levels of place attachment. Facilitating place attachment through enhancing existing recreation assets in rural areas may assist with community youth retention.

APPENDIX 2: WAYFINDING GUIDELINES

Libby is a unique area with a wide array of four-season recreational opportunities and experiences ranging from developed frontcountry to undeveloped backcountry. These opportunities and experiences lie across a patchwork of ownership and management. Specifically, sections of this trail system cross state land (DNRC managed), private, and USFS lands. In addition, the trail system is located in grizzly and other wildlife habitat. Developing a consistent and cohesive wayfinding plan across multiple types of recreation experience types and ownership allows both residents and visitors to understand where they are, where they are going, what uses are appropriate, lets users know what to expect, and eliminates confusion. The following guidelines should be used to aid in the overarching wayfinding development process for the South Flower Creek/Snowshoe and greater Libby area.

Why Wayfinding Matters

A wayfinding system creates a sense of place, guides residents and visitors to new places and key destinations, instills user confidence, helps maintain user safety, reduces directional confusion, and interprets unique natural and historical resources.

Core Wayfinding Principles

- **Connections:** The primary function of wayfinding is to connect people to places. It's important to consider the needs of BOTH visitors and residents. If you were new to the area, what information would you need to get to the places you want to explore?
- **Predictability:** All elements of wayfinding should be consistent and predictable. This includes placement, distance, and design (colors, dimensions, materials, font). Constructing a predictable wayfinding system provides continuity across different landscapes and therefore prevents confusion and builds user confidence.
- **Simplicity:** A wayfinding system should be simple, clear, and follow a logical sequence. Signage should contain a manageable, easily digestible amount of information. Too much information or too little information can lead to confusion and disruption in recreation flow. Additionally, signage elements should utilize universal symbology and be easily recognizable.

Wayfinding Theory

According to the Universal Principles of Design, there are four steps in the basic process of wayfinding:

- **Orientation:** Determining one's location relative to nearby features and the destination. Utilizing nearby landmarks when developing wayfinding signage can aid in orientation cues. A recognizable example of this would be the "you are here" text and symbology on a trailhead map.
- **Route Decision:** Choosing a route to reach the destination. Providing clear navigational choices and signage at trail intersections (or decision points) can lead to easier decision-making for the users. What is the shortest route to get to the destination? What is the scenic route to get to the destination?
- **Route Monitoring:** Monitoring the chosen route for confirmation that it leads to the destination. Providing visual "breadcrumbs", such as distance markers or affirming directional signage, along the trail can help users gauge their progression along the trail.
- **Destination Recognition:** Recognizing when one has reached the destination. It is important to clearly mark when a user has reached a destination. This can be done through signage or creating natural barriers (dead ends).

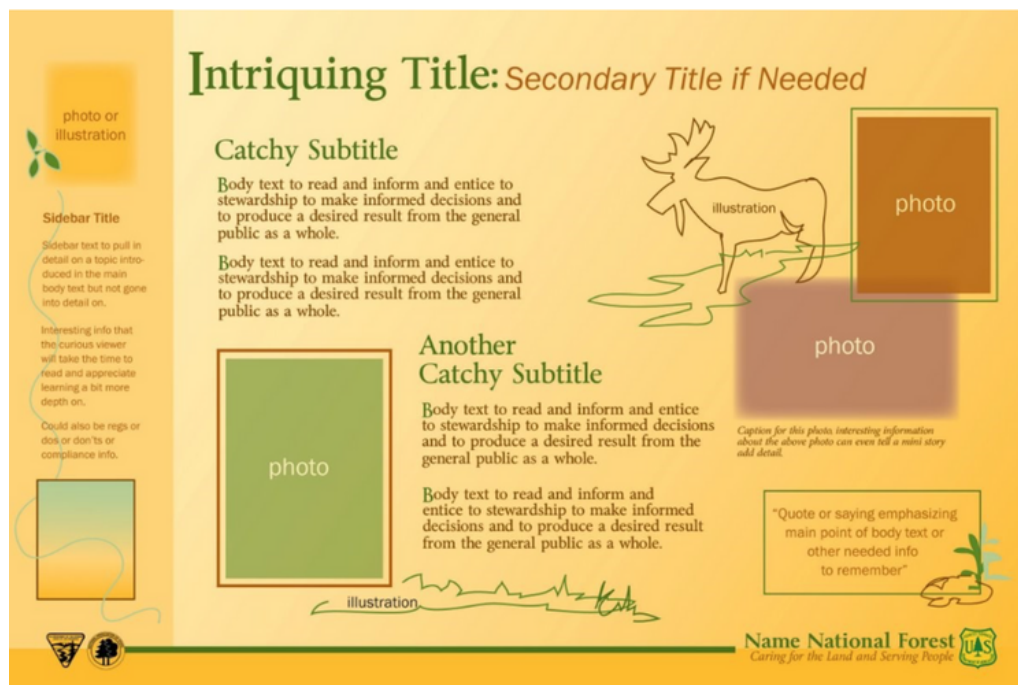
Sign Types/Purpose/Location:

- **Trail Gateway/Monument Entrance Signage**
 - Purpose: Trail gateway signs provide destination recognition to users by clearly defining the entrance to a trail or important location. Similarly, a monument entrance sign identifies a site but is generally a freestanding ground sign.
 - Location: Trailhead parking lots, alternative access points (not accessed by vehicle).
- **Trail Map Kiosk**
 - Purpose: Map kiosks provide orientation for users.
 - Location: Trailheads, major trail intersections, unique features/destinations off-trail.
- **Trail Directional**
 - Purpose: Directional signage assists with orientation and route decision. These signs provide information to trail users about their route choice, commonly at a trail junction. Additionally, directional signage can act as confirmation that users are on the right trail if the trail is long.
 - Location: The beginning of a trail, trail junctions, and sporadically spaced along trail (if long-distance)
- **Regulatory**
 - Purpose: Regulatory signage established and reinforce rules and safety standards (i.e. what is and isn't allowed). These signs should be clear and concise with a singular, prominent message.
 - Location: Wherever applicable, rules should be posted at trailhead (i.e. no hunting, pets on leash, etc.).
- **Mileage Marker**
 - Purpose: Mileage markers help users monitor and estimate their progress along the route. Mileage markers can also aid in orientation in emergency situations.
 - Location: On trails longer than 4 miles, markers should be placed every 1 mile and should include the trail name as well.
- **Trail Interpretive**
 - Purpose: To enhance user experience by providing information on unique natural/historical/cultural sites along the trail.
 - Location: Sign should align with landmark or landscape that is being interpreted and should be roughly 3' - 4' from the trail.
- **Interpretive Signage Principles**
 - 3 C's – Clear, Concise, Correct
 - 3/30/3 Rule – 3 seconds to hook the reader or make a first impression, 30 seconds to engage them to keep reading, 3 minutes to read content
 - KISS – Keep It Short and Simple
 - PORT – Pleasurable, Organized, Relevant, Thematic
 - Tailor vocabulary to 8th-grade reading level

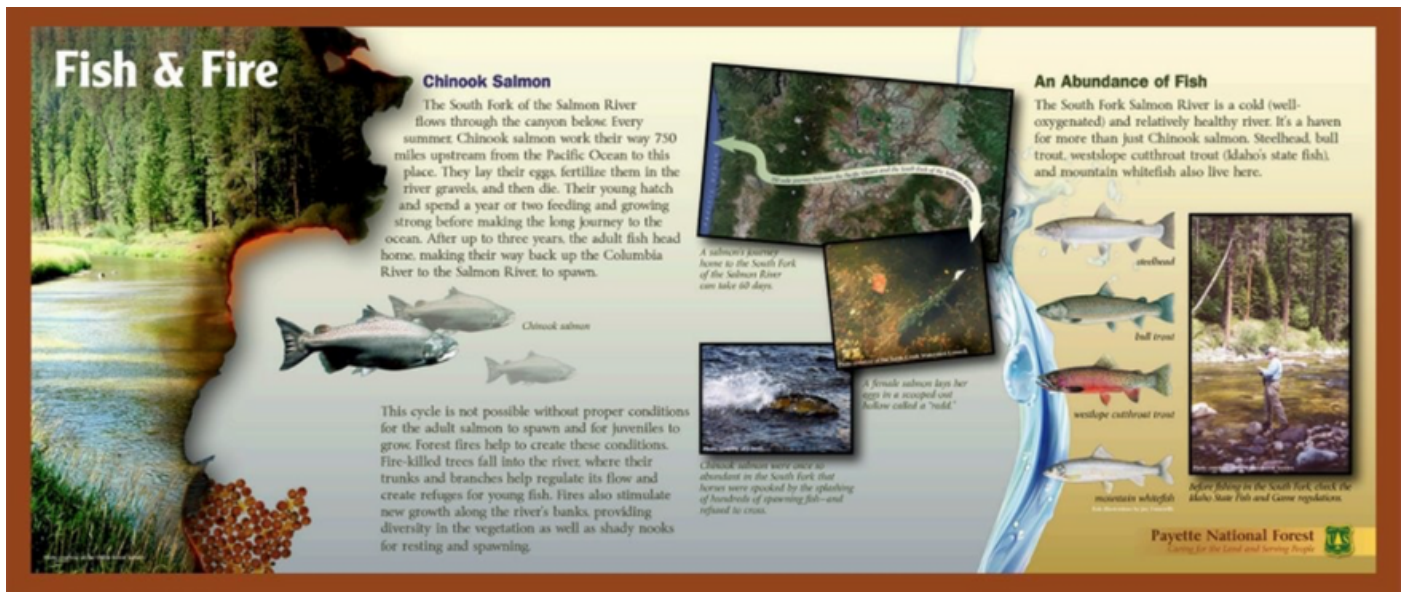
U.S. Forest Service Signage Guidelines/Principles

Due to the location of the trail on USFS land, signage will have to comply with [USFS guidelines](#). These guidelines provide in-depth detail regarding planning, design, construction, accessibility, and placement. Excerpts of relevant principles and design mockups are below.

- **Overarching Signage Principles:** Signs and posters shall be designed, installed, positioned, and maintained to:
 - Fulfill a legal requirement or an important need.
 - Command attention.
 - Convey a clear, simple meaning.
 - Command respect.
 - Give adequate time for proper response.
- **Interpretive Signage:** Use the following to develop [interpretive signs](#):
 - Accurate information based on a solid theme and central message.
 - Detailed information. Refine the level of detail until it has relevance to your audience.
 - Stories or descriptive events to teach concepts. Stories are more effective than simply identifying and providing straight facts. Don't tell everything. Leave something for the visitors to discover. Avoid "encyclopedias on the walls."
 - The 3-30-3 rule. A person should be able to skim the bold titles on the sign and understand the key message in 3 seconds. He/she should be able to read the mid-sized text and get some details in 30 seconds and be able to read the entire text and look at the graphics in 3 minutes. The overall appearance of the sign, as a result of the combination of graphics, colors, layout, and titles, contributes to a visitor's decision to read the sign.
 - Graphics, poetry, or other art forms to illustrate the central theme. A general rule is to make 1/3 graphics, 1/3 text, and 1/3 empty space.



This interpretive signage template provides an example of the 1/3 graphics, 1/3 text, and 1/3 empty space rule.



This sign provides an example of an interpretive sign describing natural processes/resources and wildlife specific to an area.



This interpretive sign provides an example of “experience type” messaging, which provides a brief history of the area and what opportunities are available there. This sign would likely be placed at or near a trailhead.

APPENDIX 3: RECREATION FUNDING SOURCES

Funding Opportunity	Supports	Contact	Link
Recreational Trails Program (RTP)	Parks and trails (construction and acquisition)	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/recreational-trails
Summer Motorized Trail Pass Grants	Enhancing and maintaining OHV recreational opportunities for the benefit of OHV enthusiasts in Montana	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/summer-motorized-trail-pass
Montana Trail Stewardship Grant	Development, renovation, and maintenance of motorized and non-motorized recreational trails and trailside facilities	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/trail-stewardship
Tourism Grant Program	Development and enhancement of the State's tourism and recreation industry	Montana Dept. of Commerce	https://brand.mt.gov/Programs/Office-Of-Tourism/Tourism-Grant-Program
Big Sky Economic Development Trust Fund	Economic development	Montana Dept. of Commerce	https://business.mt.gov/Business-Assistance/Big-Sky-Economic-Development-Trust-Fund-Program/
Land and Water Conservation Fund	Community recreation infrastructure	Montana Fish, Wildlife and Parks	https://fwp.mt.gov/aboutfwp/grant-programs/land-and-water-conservation-fund

Funding Opportunity	Supports	Contact	Link
America the Beautiful Challenge	Habitat, connectivity, outdoor access in underserved communities	National Fish and Wildlife Foundation	https://www.nfwf.org/programs/america-beautiful-challenge/america-beautiful-challenge-2022-request-proposals
Conservation and Outdoor Recreation Cost Share Grants	Outdoor recreation access, land and water conservation projects	National Park Service	https://www.nps.gov/orgs/1837/index.htm
Community Facilities Direct Loan & Grant Program in Montana	Community infrastructure	USDA	https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program/mt
People for Bikes	Biking infrastructure	People for Bikes	https://www.peopleforbikes.org/grants
The Trail Fund	Trail maintenance, research, stewardship training	American Trails	https://www.americantrails.org/apply-for-the-trail-fund
Trail Trust	Trail infrastructure and maintenance	Trail Trust	https://www.trailtrust.com/
Transportation Alternatives Program	Transportation infrastructure, trail construction	Montana Department of Transportation	https://www.mdt.mt.gov/mdt/ta-application.aspx

EXHIBIT A: NORDIC WAY SUBDIVISION PRELIMINARY PLAT

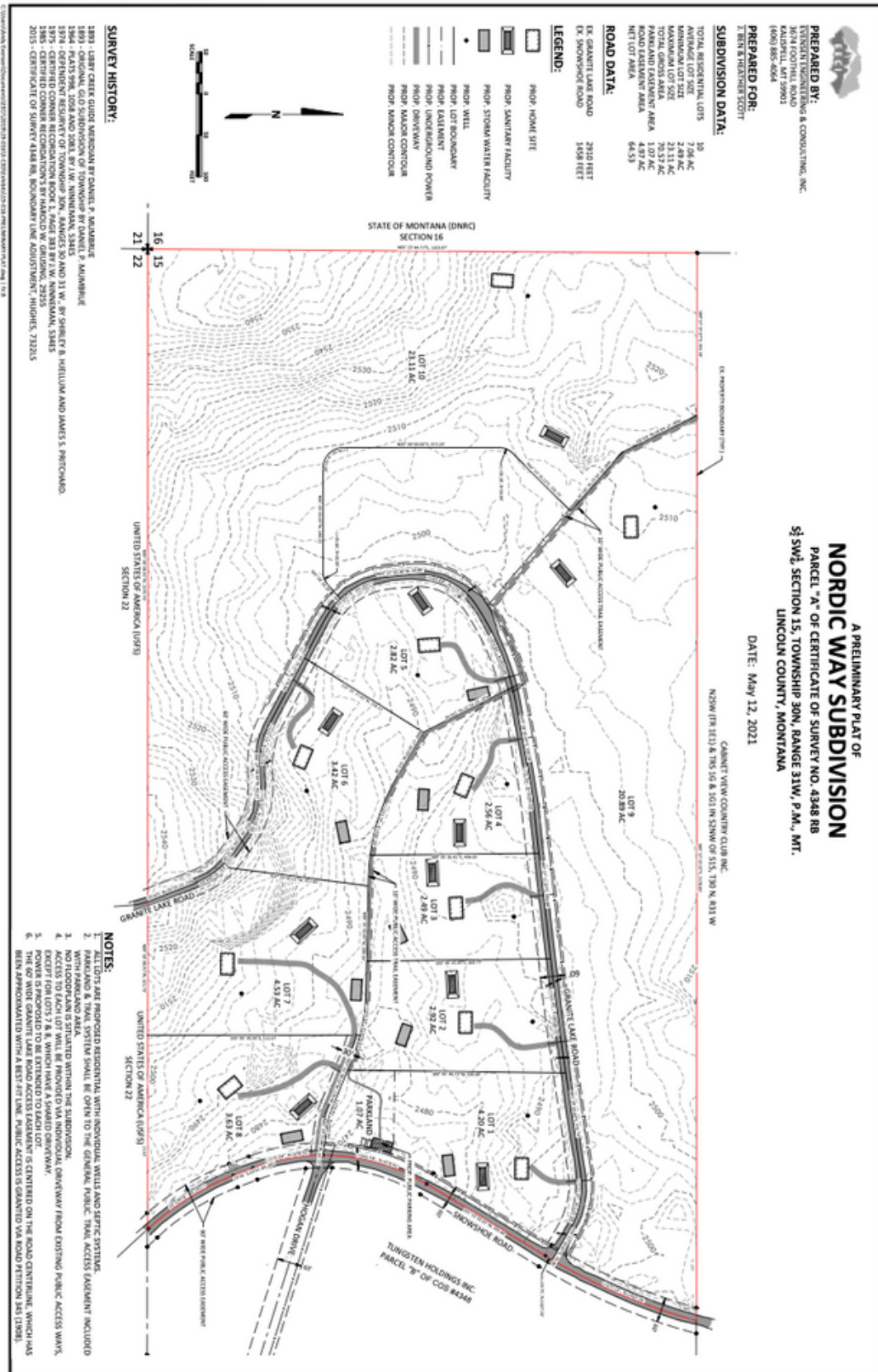


EXHIBIT B: NORGARD EASEMENT

After recording, please send a copy to:
 Kootenai National Forest
 31374 US Hwy 2
 Libby, MT 59923
 ATTN: Lands

281780 BOOK: 379 RECORDS PAGE: 64 Pages: 5
 STATE OF MONTANA LINCOLN COUNTY
 RECORDED: 09/18/2019 3:45 KOI: EASEMENT
 ROBIN A. BENSON CLERK AND RECORDER
 FEE: \$0.00 BY: *Clyde E. Rm A. Pugh*
 FOR: US FOREST SERVICE 31374 HWY 2 LIBBY, MONTANA 59923.

Authorization ID: KNF088
 Contact IDL 535410010602
 Use Code: 751

U. S. DEPARTMENT OF AGRICULTURE
 Forest Service
PUBLIC TRAIL EASEMENT
NATIONAL FOREST ROADS AND TRAILS ACT
 October 13, 1964 (16 U.S.C. 532-538)

THIS EASEMENT, dated this 18th day of September 2019, from the **UNITED STATES OF AMERICA**, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to **LINCOLN COUNTY, MONTANA**, hereinafter called Grantee.

WITNESSETH:

WHEREAS, the Grantee has applied for a grant of an easement under the Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532-538), for a non-motorized trail right-of-way owned by the United States in the County of Lincoln, State of Montana, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant and convey unto the Grantee, an easement for a public non-motorized trail along and across a strip of land, hereinafter defined as the right-of-way of the Norgaard Trail No. 18, twenty feet in width, ten feet on either side of the centerline, over and across the following described lands in the County of Lincoln, State of Montana as described on Exhibit A attached hereto:

NATIONAL FOREST SYSTEM LANDS

- 1. Norgaard Trail No. 18**, beginning at a point on the north line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 21, Township 30 North, Range 31 West, Principal Meridian, Montana, and crossing lands of the Grantor as follows:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Subdivision</u>
30 N.	31 W.	21	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

and terminating at its junction with Flower Creek Road No. 128 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 21, Township 30 North, Range 31 West, Principal Meridian, Montana.

The word "right-of-way" when used herein means said strip of land whether or not there is an existing trail located thereon. Except where it is defined more specifically, the word "trail" shall mean trails now existing or hereafter constructed on the right-of-way, or any segment of such trails.

This grant is made subject to the following terms, provisions, and conditions:

1. Outstanding valid claims, if any, existing on the date of this grant.
2. The easement herein granted is limited to use of the described right-of-way for the purpose of construction, operation, and maintenance of a non-motorized trail and does not include the grant of any rights for non-trail purposes or facilities; Provided, That the Forest Service shall not exercise its right to use or authorize the use of any portion of the right-of-way for non-trail purposes when such use would interfere with the free flow of trail use or impair the full use and safety of the trail; and Provided further, That nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction limits.
3. Any reconstruction of the trail situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor or authorized representative prior to beginning such reconstruction.
4. Consistent with trail safety standards, the Grantee shall:
 - a. Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction limits.
 - b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation or maintenance of the trail and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The Grantee shall perform these activities where it is deemed necessary during a joint review between the authorized Forest Officer and Grantee prior to completion of the trail. The Grantee also shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be necessary to accomplish this objective. This provision also shall apply to waste disposal areas and slopes that are reshaped following slides that occur during or after construction.
5. The Grantee shall:

Establish no borrow, sand, or gravel pits; stone quarry; permanent storage areas; sites for trail-operation and maintenance facilities; camps; supply depots; or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the authorized Forest Officer.
6. The Grantee shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.
7. The Grantee does by the acceptance of this document covenant and agree for itself, its assigns, and its successors in interest to the property here granted or any part thereof, that the covenant set forth below shall attach to and run with the land:
 - a. That the Grantee shall operate the described property and its appurtenant areas and its buildings and facilities whether or not on the land therein granted as a public trail, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Department of Agriculture and in effect on the date of this document to the end that no person in the United States shall, on the grounds of race, sex, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities provided thereon; and

b. That the United States shall have the right to judicial enforcement of these covenants not only as to the Grantee, its successors and assigns, but also as to lessees and licensees doing business or extending services under contractual or other arrangements on the land therein conveyed.

The Chief, Forest Service, may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) after a five (5) year period of nonuse, by a determination to cancel after notification and opportunity for hearing as prescribed by federal law and regulation.

IN WITNESS WHEREOF, the Grantor, by its Forest Supervisor, Kootenai National Forest, Northern Region, Forest Service, USDA has executed this easement pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2 .60, and the delegation of authority by the Chief, Forest Service, dated August 22, 1984 (49 FR 34283), on the day and year first above written.

UNITED STATES OF AMERICA

By: *Chad W. Benson*
CHAD W. BENSON
Forest Supervisor
Kootenai National Forest
Northern Region, Forest Service
U.S. Department of Agriculture

ACKNOWLEDGMENT

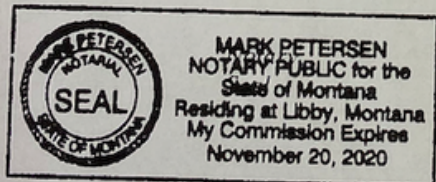
STATE OF MONTANA)
)ss.
County of Lincoln)

On this 26th day of July, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Chad Benson, Forest Supervisor, Kootenai National Forest, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who, being by me duly sworn according to law, did say that he is the Forest Supervisor, Kootenai National Forest, and that said instrument was executed on behalf of the United States of America by its authority duly given and by him delivered as and for its act and deed. And he did further acknowledge that he executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Mark Petersen

Name: Mark Petersen
Notary Public for the State of Montana
Residing at: Libby
My commission expires: November 20, 2016



Burden and Non-Discrimination Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Approved, as to Consideration, Description and Conditions.
By: Mark Petersen Date: 9-16-19

LINCOLN COUNTY, MONTANA

U.S.D.A. - Forest Service - Region One
 KOOTENAI NATIONAL FOREST
 Libby Ranger District
 Lincoln County, Montana
 Principal Meridian, Montana

Prepared by: [Signature] Date: 9.9.19

Checked by: [Signature] Date: 9/11/2019

Approved for Right-of-Way (ROW) purposes

By: [Signature] Date: 9/16/19
 Title: Forest Engineer

LEGEND

- - - Easement Granted
- Subdivision Lines
- USDA Forest Service
- State of Montana

NFSL National Forest System Lands
 CL City of Libby, MT
 P Private

Based on USGS Quad: Little Hoodoo Mtn
 Trail Length: 1.00 miles; 5280 feet
 Trail Width: Ten feet (10') each side of centerline
 Trail Area: 2.42 acres (NFSL)

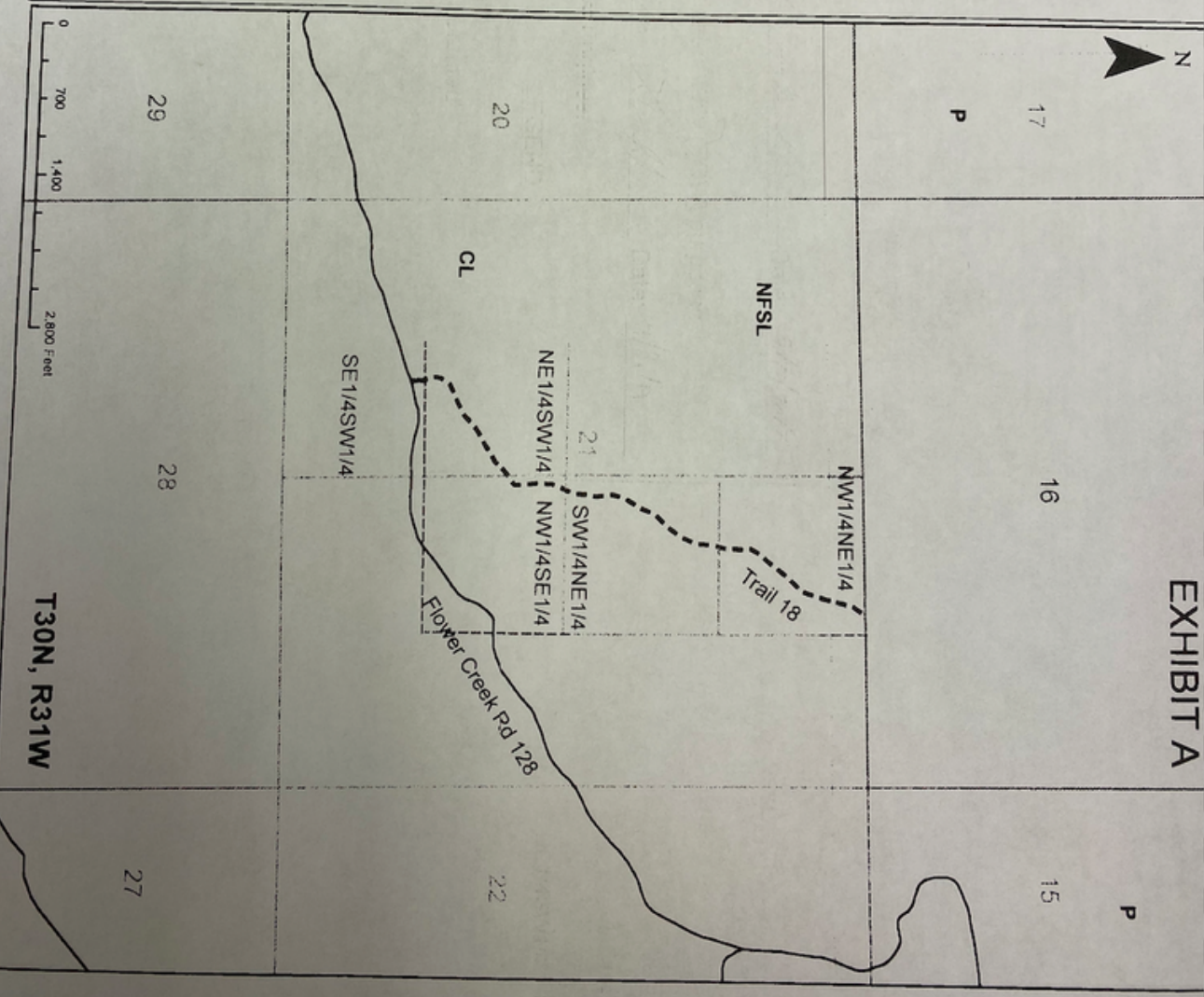
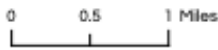
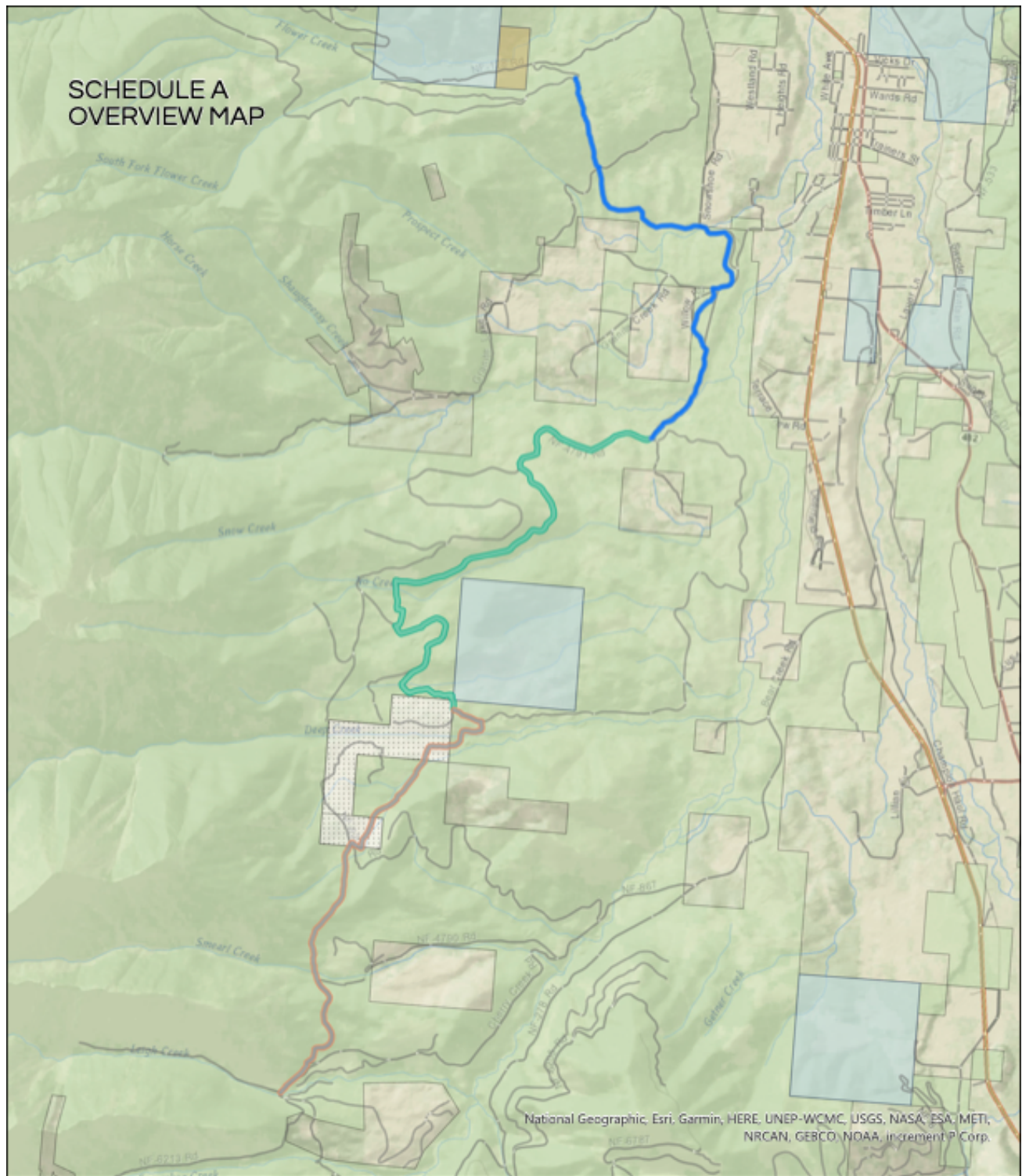


EXHIBIT C: SCHEDULE A



- | | |
|---|---|
| <p>Snowshoe Sch A Parts</p> <p>Name</p> <ul style="list-style-type: none"> — Old Snowshoe Trail (no Sch A) — Part 1 (22800 ft) — Part 2 (29800 ft) | <ul style="list-style-type: none"> All Designated Montana Roads Private Land (authorization in process) State of Montana/DNRC City of Libby USFS |
|---|---|

RESOLUTION NO. 2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA
PROVIDING FOR THE AMENDMENT OF
RESOLUTION NO. 1343 PROVIDING FOR THE ADOPTION OF THE RULES AND
REGULATIONS FOR THE CITY OF LIBBY WATER SYSTEM**

WHEREAS, the City of Libby, Montana passed Resolution No. 1343 providing for the adoption of Rules and Regulations of the City of Libby Water System; and

WHEREAS, it is in the best interests of the City of Libby, Montana and its ratepayers that such Rules and Regulations be periodically reviewed to ensure that they are consistent with changes and improvements in technology and methodology; and

WHEREAS, the City of Libby has reviewed such Rules and Regulations and has deemed it in the best interests of the City of Libby and its ratepayers to adopt the changes set forth herein, necessary for the orderly and efficient operation of the City of Libby Water System to keep up with technological advancement to implement the following amendment;

NOW, THEREFORE, be it hereby resolved, that Rule Sixteen - No. 5, Discontinuance for nonpayment, of the Rules and Regulations for the City of Libby Water System, be amended as follows:

5. **Discontinuance for nonpayment.** When payment becomes delinquent, the Water Department shall give notice of the delinquency on the customer's water bill by including the phrase "Past Due Water" or a similar phrase, and shall impose a \$10.00 late fee. If the consumer has not remedied the delinquency in full within fourteen (14) days after the notice, the Water Department shall notify the customer that its water service will be shut off if the customer has not made payment or other arrangement suitable to the Water Department within three (3) business days, by one or more of the following means:
 - a. The Water Department may send the notice by means of a voicemail, text, or email if the customer has shared electronic contact information with the Water Department;
 - b. The Water Department may place a written notice on the customer's premises in a conspicuous place.

If the customer has not made payment or other arrangement suitable to the Water Department within three (3) business days of the notice, the Water Department shall shut off the customer's water service. The Water Department shall not be liable for failure of the customer to see an electronic or written notice or for the disappearance of a notice from the premises. The Water Department shall keep record of all of the electronic and written notices.

PASSED AND ADOPTED by the City Council of the City of Libby, Montana, and approved by the Mayor, this 7th day of November, 2022.

By: _____
Peggy Williams, Mayor

Attest: _____
Leann Monigold, Clerk/Treasurer