



## CITY OF LIBBY

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

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

# REGULAR COUNCIL MEETING #1654

JUNE 3, 2024 @ 7:00 PM

COUNCIL CHAMBERS – CITY HALL

### CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Jeff O'Connell
- Roll Call
- Welcome
- Approve minutes of City Council meeting #1650 May 20th.

### ANNOUNCEMENTS:

### COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- Wildlife
- 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. Public Hearing Noble Investments Properties LLC zoning change request.
2. Approve Resolution 2033, Noble Investments Properties LLC zoning change.
3. VFW request for burial of Thomas Elmont Hodgkinson.
4. Approve Dispatch contract with Lincoln County Sheriff's Office (LCSO).
5. Approve contract with Lincoln County Rural Fire District (LCRFD).
6. Approve all claims received to date.
7. Approve all business license applications received to date.
  - a) John & Mandy Love, 131 Cabinet View Country Club Rd., Individual, Vacation rental of house.
  - b) Northwest Community Health Center Pharmacy at Highway 2, 1401 Minnesota Ave., LLC, Pharmacy.
  - c) Old World Construction, 113 Grizzly Gulch Rd., Fortine, MT., Individual, Home remodeling.
  - d) The Libby Haus LLC, 1403 Idaho Avenue, LLC, Short-term rentals primarily for healthcare professionals.

**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.

Discussion to amend Libby Development Fund Policy and application process.

**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:** 5/30/24

## UNAPPROVED MINUTES

The City Council held meeting #1653 on Monday, May 20, 2024, in the Council Chambers at City Hall.

### **Call to Order:**

The meeting was called to order at 7:00 pm by Council President Zimmerman.

The Pledge of Allegiance was completed, prayer was by Matthew Coblenz, and roll call commenced. Present were Councilors, Melissa Berke, Ian Smith, Hugh Taylor, Brian Zimmerman, Administrator Sam Sikes, Clerk/Treasurer Leann Monigold, and (via Zoom) Councilor Gary Beach and City Attorney Dean Chisholm. Mayor Peggy Williams and Councilor Kristin Smith were not in attendance.

Councilor Zimmerman welcomed all present.

**Approve minutes of City Council meeting #1650 April 1st, Public Hearing April 8th, City Council meeting #1651 April 15th, #1652 May 6th, Public Hearing 6:00pm May 6th, and Public Hearing 6:30pm May 6<sup>th</sup>:**

Councilor I. Smith **MADE A MOTION** to approve the minutes and Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

### **Announcements:**

### **Committee Reports:**

**Administrator:** Administrator Sikes reported 5 residential building permits and 1 commercial permit was sold in March for a total of \$ 19,365.05, 4 new buildings, 1 addition, and 1 remodel. 28 permits have been sold for the year for a total of \$31,651. Last year at the same time 36 were sold for a total of \$25,658. Reminding everyone the permit money must be it own code enforcement standing fund and is no longer in the general fund.

DEQ will be in Libby in June doing an Operating Unit Inspections, approval will be sent to allow them to enter city property. When a date is set Mr. Sikes will inform the Council, so members could join them to walk the inspected area and discuss with the DEQ how to help the trees by the Fred Brown Pavilion.

**Cemetery/Parks:** Councilor Melissa Berke reported a meeting was held on the 7<sup>th</sup> to talk about a request about using city property for grant funding. She directed him to partner up with a nonprofit because it was not something the city should deal with.

**Finance:** Clerk/Treasurer Monigold announced Glenda Cady had been hired for the open Deputy Clerk position, there were 28 applicants for the position. Glenda started on May 8<sup>th</sup> and is catching on quickly and will be a great asset to the city.

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

**New Business:**

**Approve Libby Area Business Association’s Street closures on Mineral Ave. from Styches Bent West to inside of 3rd Street intersection for Summer Solstice event, June 22nd 10 am – 3:30pm and from Timberline to Cabinet Mountain Brewery for Halloween Trick-or-Treat, October 31st 3:30-6pm. and use of City barricades:**

Gail Burger explained Crazy Days were canceled and the Libby Area Business Association wants to create an event for those 40 to 50 vendors, didn’t want to take away the local income. Ms. Burger explained the areas they are requesting for the street closures, dates, and times and requested the use of the barricades for the Summer Solstice event.

Councilor Berk **MADE A MOTION** to approve the street closures and Councilor I. Smith **SECONDED**.

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

**MOTION PASSED.**

**Montana Department of Transportation update on current road projects in the City/County:**

Bob Vosen district administrator for the Montana Department of Transportation, presented an update on road work in the Libby area. Mr. Vosen Gave a little history and explained the road work and repairs currently being performed and projects planned for later in the summer on Highway 2, Highway 37, and other local area projects. Mr. Vosen answered questions for Administrator Sikes and Councilor Zimmerman about chip sealing, bridge work, and crosswalk signals.

Adam Stevens, 408 E. 9<sup>th</sup> St., inquired where more information could be obtained about the projects. Mr. Vosen referred him to their website, [www.mdt.mt.gov](http://www.mdt.mt.gov).

**Approve bid for sewer main replacement project:**

Councilor Zimmerman read a letter submitted by Mike Fraser, City Engineer.

Administrator Sikes went over the bids for the three sewer main replacements, the first one had an engineer's estimated cost of \$103,000, Thompson Contracting came in with the lowest bid at \$149,000. Second, estimated at \$93,860, lowest bid was \$120,900. Third estimated at \$61,000, lowest bid was \$66,000. Mr. Sikes explained the funding came from the PLC program and enough funding is left to do one more sewer main.

Adam Stevens, 408 E. 9th St., inquired how more information could be obtained about the bids and where to go to get more information about what is going on in the city. Councilor Zimmerman suggested looking on the city website, sending an email, or coming in to ask one of the staff members about getting the information he is looking for.

Councilor Berke **MADE A MOTION** to approve the bid for sewer main replacement project and Councilor I. Smith **SECONDED**.

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

**MOTION PASSED.**

**Approve TD&H bid for Spruce Street reconstruction services:**

Administrator Sikes explained to get SLIPA grant funding for the project an engineering firm needed to be used, estimated costs were \$15,000 and their bid came in at \$14,600. The project will be set up from point A to B for the amount provided by SLIPA funding. If more funding is needed to finish the project, the Gas Tax fund will pay for the remainder.

Councilor Berke **MADE A MOTION** to approve TD&H bid for Spruce Street reconstruction services and Councilor I. Smith **SECONDED**.

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

**MOTION PASSED.**

**Approve Ordinance #2011, adding a new chapter to Title 10 – Vehicles and Traffic – Entitled Recreational Vehicles and removing Chapter 28 (Trailer and Trailer Parks) from Title 14 (building and construction), 2<sup>nd</sup> reading:**

Councilor Zimmerman explained there was a setback change from the 1<sup>st</sup> reading.

Councilor Berke **MADE A MOTION** to approve Ordinance #2011 and Councilor Beach **SECONDED**.

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

**MOTION PASSED.**

**Approve all claims received to date.**

Councilor I. Smith **MADE A MOTION** to approve all claims received to date and Councilor Berke **SECONDED**.

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

**MOTION PASSED.**

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

Councilor I. Smith **MADE A MOTION** to approve all business licenses received to date and Councilor Berke **SECONDED**.

Driveway Detailing.

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

**MOTION PASSED.**

**Unfinished Business:**

**Discussion to amend Libby development Fund Policy and application process:**

Council agreed to postpone discussions until all Council members were present.

**General Comments from Council:** None.

**Adjournment:**

Councilor Berke **MADE A MOTION** to adjourn, and Councilor I. Smith **SECONDED**.

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

**MOTION PASSED.**

Councilor Zimmerman adjourned the meeting at 7:45 PM.

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

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

Quarterly Report  
Cabinet Country Consulting LLC

June 3, 2024

Working with Libby Park District to create a structure for recreational management of facilities in the Libby area. This includes a memorandum of understanding with the Port Authority, Lincoln County and Park District.

Park District first project was cleanup Port recreational facilities grounds.

Swim pond construction is pending Brown Field review of groundwater contamination impact, approved for clearing and grubbing of pond area. Received \$20,000 grant from LOR Foundation to fund the Libby Swim Pond design. Design and material take-off and pricing is complete. Received \$47,000 grant from Lincoln County Credit Union for the purchase of equipment and liner for Libby Swim Pond.

LORA working with USFS for 12 miles of the Snowshoe trail, the Environmental Assessment pre-review process is a restraint. Developed new alignment to bypass USFS lands, work progressing with Stimpson, Montana DNRC and county to clear route on petitioned county road, August/September construction start date.

Pioneer Park approved, design, and construction estimate expected the first week of June (new contractor, original backed out citing to asbestos concerns). LORA held a volunteer cleanup day on May 21<sup>st</sup>, about 20 people helped. Existing trail rework to be done as a Boy Scout Eagle project, in conjunction with bike track.

LORA held public a meeting for comments on improving Ski Dale County Park area, suggestions in order of priority were for the following work: improved sled hill, trail upgrade, bike pump track and skateboard park. Planning is ongoing.

Submitted Natural Resources Damage (NRD) grant abstracts to Montana Department of Justice for the following projects: Balsam Street Sidewalk, Norgard Trail and parking area, Interim funding for Recreation manager, Turtle Pond trail development, Flower Creek rubble pile removal. All are progressing; expect final decision mid-summer, then to governor for signature.

Submitted by:

Tony Petrusha

Cabinet Country Consulting LLC





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PETITION FOR ANNEXATION AND INITIAL ZONING

Project Name | Property Address  
Flower Creek Development | 609 West 8<sup>th</sup> Street, Libby, MT 59923

NAME OF APPLICANT | Applicant Phone  
Noble Investment Properties, LLC | 406.293.1053

Applicant Address | City, State, Zip  
PO Box 1592, 108 J Effar Road | Libby, MT 59923

Applicant Email Address  
cnoble@nobleexcavating.com

*If not current owner, please attach a letter from the current owner authorizing the applicant to proceed with the application.*

OWNER OF RECORD | Owner Phone  
Noble Investment Properties, LLC | 406.293.1053

Owner Address | City, State, Zip  
PO Box 1592, 108 J Effar Road | Libby, MT 59923

Owner Email Address  
cnoble@nobleexcavating.com

CONSULTANT (ARCHITECT/ENGINEER) | Phone  
Max Grebe, LPW Architecture | 406.771.0770

Address | City, State, Zip  
15 5<sup>th</sup> Street | Great Falls, MT 59401

Email Address  
maxg@pwarchitecture.com

Address | City, State, Zip

Email Address

List ALL owners (any individual or other entity with an ownership interest in the property):

**No other owners**

Legal Description (please provide a full legal description for the property and attach a copy of the most recent deed):

**See attachments – Deed and Certificate of Survey**

Please initial here indicating that you have verified the description with the Lincoln County Clerk and Recorder and that the description provided is in a form acceptable to record at their office.

**Description is verified      See attached Certificate of Survey**

1. Land In project (acres) **3.15 acres**

2. Current estimated market value **\$500,000**

Estimated market value of proposed development at 50% build out: **\$ 1.5 million**

Estimated market value of proposed development at 100% build out: **\$3 million**

3. Is there a Rural Fire Dept RSID or Bond on this property?      Yes \_\_\_\_\_ No   x   \_\_\_\_\_

If yes, remaining balance is: \$ \_\_\_\_\_

4. Present zoning of property: **Residential A**

5. Proposed zoning of property: **Highway Commercial**

6. State the changed or changing conditions that make the annexation necessary:

**This property is currently progressing through engineering and plans for site development. The property owner is negotiating for a land sale for a commercial project, which has received a building permit from the City of Libby. The land on HWY 2 is suitable for commercial development which parallels the neighboring land use including the land use across HWY 2.**

HOW WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF (attach separate sheet w/ answers):

**SEE ATTACHED**

- a. Promoting the Growth Policy
- b. Lessening congestion in the streets and providing safe access
- c. Promoting safety from fire, panic and other dangers
- d. Promoting the public interest, health, comfort, convenience, safety and general welfare
- e. Preventing the overcrowding of land
- f. Avoiding undue concentration of population
- g. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities
- h. Giving reasonable consideration to the character of the district
- i. Giving consideration to the peculiar suitability of the property for particular uses
- j. Protecting and conserving the value of buildings
- k. Encouraging the most appropriate use of land by assuring orderly growth



Applicant Signature

3/26/24

Date

## **HOW WILL THE PROPOSED ZONING DISTRICT ACCOMPLISH THE INTENT AND PURPOSE OF COMMERCIAL HIGHWAY ZONING:**

The request for zoning from Residential A to Highway Commercial will allow an undeveloped site located in a high visibility/traffic area to establish appealing structures with improved access to medical care. Ortho Rehab plans to acquire a parcel and build a 2 story facility, which will house space on the second floor for complementary businesses. Plans for this parcel also include space for a future medical office.

While this request for rezoning only includes Parcel C1 and Parcel D, other plans are in formulation for the remaining 9 acres to show congruent uses. At this time engineering is under way for road access and utilities to serve the development opportunities for all parcels in the attached map. Phase 1 will be Parcel C1 and Parcel D, the subject of this application.

### **a. Promoting the Growth Policy.**

The January 2023 Growth Policy touches on the following p goals/objectives which parallel the outcomes of the development and requested zoning change:

- 1) Promote redevelopment of and use of vacant building and sites. (E-6)
- 2) Increase number of workers in sectors currently lacking in the community such as health care (E-7).
- 3) Facilitate redevelopment and encourage development of blighted vacant or undeveloped land (L-1)
- 4) Encourage infill and efficient land use (L-6)
- 5) Encourage use of mixed development in the urban core(L-7)

### **b. Lessening congestion in the streets and providing safe access.**

Ingress to the HWY 2 frontage will not be accessed from HWY 2 to eliminate congestion. Per the attached map, access will occur on 8<sup>th</sup> Street, and the city requested the use of this name for the new road access.

### **c. Promoting safety from fire, panic and other dangers**

Development will include the appropriate setback.

### **d. Promoting the public interest, health, comfort, convenience, safety and general welfare**

This request is for HWY 2 frontage – commercial district. The use will not entail a population density. Parking will be constructed in the back of the property (not facing HWY 2) as the entrance to this area will be from Idaho Avenue.

This development represents investment in the community promoting needed services and jobs.

**e. Preventing the overcrowding of land.**

Architectural drawings and engineering establish green space around the commercial buildings. The development will include set back from HWY 2 with landscaping and hardscape improvements.

**f. Avoiding undue concentration of population**

The development will be used for commercial buildings with some green space surrounding the building and sidewalk. Parking will meet the city requirements.

**g. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities.**

The road access (8<sup>th</sup> Street) will be built to city standards with an understanding that roads may be annexed by the City at a later date. Engineering (to be reviewed by the City of Libby) will include design of 64 foot wide road, sidewalks, street lightening and city utilities to support the ease of a possible City annexation.

**h. Giving reasonable consideration to the character of the district**

This area is located across from a retail strip center and a large grocery store with sizeable parking along HWY2 . The proposed use of this property will be appealing commercial buildings. Parking will be located behind the buildings allowing for an attractive front view on this location.

**i. Giving consideration to the peculiar suitability of the property for particular uses**

The site is currently undeveloped land along a state highway traversing through Libby. The proposed commercial development will match the majority of development along HWY 2.

**j. Protecting and conserving the value of buildings.**

There are no buildings on this property.

**k. Encouraging the most appropriate use of land by assuring orderly growth**

The optimistic schedule for development is starting in 2024 and completion of both parcels in 2025. This development schedule will not compromise appropriate use of the land.

Return to: pas  
Johnson, Berg & Saxby, PLLP  
PO Box 3038  
Kalispell, Montana 59903

309871 BOOK: 405 RECORDS PAGE: 192 Pages: 3  
STATE OF MONTANA LINCOLN COUNTY  
RECORDED: 03/22/2024 9:59 KOI: DEED  
CORRINA BROWN CLERK AND RECORDER  
FEE: \$24.00 BY: Oleisha Starkson deputy  
FOR: KOOTENAI SURVEYORS INC. P.O. BOX 393, LIBBY, MT 59923

**QUITCLAIM DEED**

THIS INDENTURE is made this 22nd day of February, 2024 between **NOBLE INVESTMENT PROPERTIES, LLC and PLAYA DULCE MONTANA, LLC**, collectively being the party of the first part, and **NOBLE INVESTMENT PROPERTIES, LLC**, of PO Box 1592, Libby, Montana 59923, being the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to them in hand paid by the said party of the second part, receipt of which is hereby acknowledged, does hereby transfer, convey, remise, release and forever quitclaim unto the said party of the second part and to its heirs and assigns, all of Grantors' right, title and interest in and to the following described real estate, situated in the County of Lincoln, and State of Montana, to-wit:

See Exhibit A attached hereto and by this reference incorporated herein.

**TOGETHER WITH** all the tenements, hereditaments and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of, in or to the premises and every part and parcel thereof, as well as any and all after-acquired title or interest. **TO HAVE AND TO HOLD**, all and singular the said premises, with the appurtenances unto the said party of the second part, its heirs, successors and assigns forever.

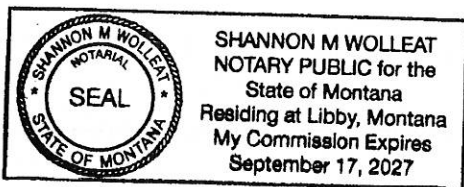
IN WITNESS WHEREOF, the said party of the first part has executed this deed the day and year first above written.

NOBLE INVESTMENT PROPERTIES, LLC

By: [Signature]  
Chris Noble, Member

STATE OF MONTANA )  
                          Lincoln ) ss.  
County of Flathead )

This instrument was acknowledged before me on the 22nd day of February, 2024 by Chris Noble, Member, of NOBLE Investment Properties, LLC



[Signature]  
Notary Public for the State of Montana

PLAYA DULCE MONTANA, LLC

By: [Signature]  
Darren P. Smith, its Manager

ACKNOWLEDGMENT

State of California )

County of San Luis Obispo )

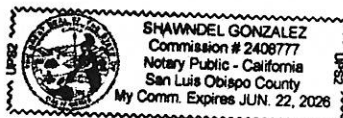
On March 1, 2024 before me, Shawndel Gonzalez, Notary Public  
(insert name and title of the officer)

personally appeared Darren P Smith, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)





## EXHIBIT A

### **Tract 1:**

An irregular tract of land, lying in the city of Libby, Montana, Lincoln County, NE1/4 NE1/4 SE1/4, Section 4 and NW1/4 NW1/4 SW1/4, Section 3, T.30N., R.31W., P.M.,MT., and more particularly described as follows:

Commencing at the southeast corner, Parcel C, COS No. 4951RB, a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS, lying on the northeasterly right-of-way limit of US Highway 2 and the TRUE POINT OF BEGINNING: Thence along said right-of-way limit N46°00'27"W, 144.62 feet to a 5/8 inch diameter with plastic cap marked SANDERSON, 70400LS, being the top of the bank of Flower Creek; Thence continuing along said right-of-way limit N46°00'27"W 20.26 feet to an unmarked computed point lying in the middle of Flower Creek; Thence along the middle of said creek the following two courses: Thence N01°49'41"E, 134.44 feet to an unmarked computed point; Thence N25°37'53"E, 84.66 feet to an unmarked computed point; Thence S46°00'27"E, 40.00 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS, being the top of the bank of Flower Creek and lying on the centerline of "8th Street"; Thence along said centerline S46°00'27"E, 189.86 feet to an unmarked computed point; Thence continuing along said centerline S46°00'27"E, 95.10 feet to an unmarked computed point; Thence S43°59'33"W, 180.00 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS, lying on the northeasterly right-of-way limit of US Highway 2; Thence along said right-of-way limit N46°00'27"W, 33.16 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS and the TRUE POINT OF BEGINNING, containing 1.15 acres. Subject to and together with all appurtenant easements of record.

Parcel C1 of Certificate of Survey No. 5014RB

### **Tract 2:**

An irregular tract of land, lying in the city of Libby, Montana, Lincoln County, NE1/4 NE1/4 SE1/4, Section 4 and NW1/4 NW1/4 SW1/4, Section 3, T.30N., R.31W., P.M.,MT., and more particularly described as follows:

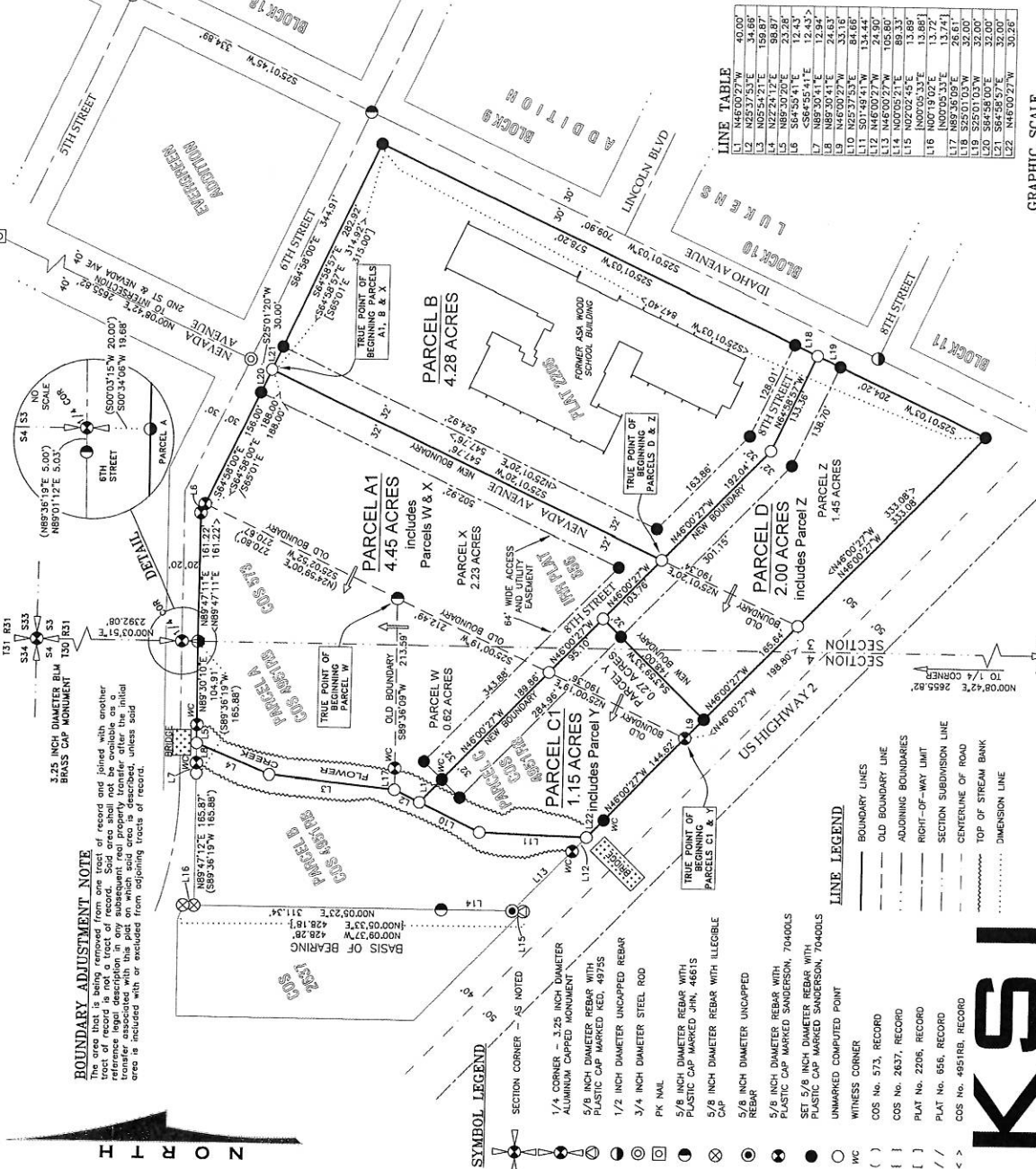
Commencing at the intersection of "6th Street" and "Nevada Avenue", a 3/4 inch diameter steel rod; Thence along the centerline of "Nevada Avenue" S25°01'20"W, 30.00 feet to an unmarked computed point; Thence continuing along said centerline S25°01'20"W, 547.76 feet to an unmarked computed point being the intersection of "Nevada Avenue" and "8th Street" and the TRUE POINT OF BEGINNING: Thence along the centerline of said "8th Street" S46°00'27"E, 192.04 feet to an unmarked computed point; Thence continuing along said centerline S64°58'57"E, 133.36 feet to an unmarked computed point lying on the westerly right-of-way limit of "Idaho Avenue"; Thence along said right-of-way limit S25°01'03"W, 32.00 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS lying on the southerly right of way limit of "8th Street"; Thence continuing along said westerly right-of-way limit of "Idaho Avenue" S25°01'03"W, 204.20 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON, 70400LS, lying on the northeasterly right-of-way limit of US Highway 2; Thence along said right-of-way limit N46°00'27"W, 333.08 feet to an unmarked computed point; Thence continuing along said right-of-way limit N46°00'27"W, 165.64 feet to a 5/8 inch diameter with plastic cap marked SANDERSON, 70400LS; Thence N43°59'33"E, 180.00 feet to an unmarked computed point lying on the centerline of "8th Street"; Thence along said centerline S46°00'27"E, 103.76 feet to an unmarked computed point and the TRUE POINT OF BEGINNING, containing 2.00 acres. Subject to and together with all appurtenant easements of record.

Parcel D of Certificate of Survey No. 5014RB

# CERTIFICATE OF SURVEY

## BOUNDARY LINE ADJUSTMENT

PARCELS A & C, COS No. 4951RB, PLAT No. 656, AND PLAT No. 2206 in the  
 NE1/4 SE1/4, SECTION 4 and NW1/4 SW1/4, SECTION 3, T.30N., R.31W., P.M., MT., LINCOLN COUNTY, MONTANA  
 FOR: NOBLE INVESTMENT PROPERTIES, LLC & PLAYA DULCE MONTANA, LLC  
 DATE: FEBRUARY, 2024



### PURPOSE OF SURVEY AND OWNER'S EXEMPTION CERTIFICATION

We, Noble Investment Properties, LLC, Representatives & Playa Dulce Montana, LLC, Representatives, record owners, hereby certify that the above described parcels are common boundaries pursuant to MCA 76-3-207(3), "divisions made outside of platting". I further certify that the boundaries shown on this plat are in accordance with the Department of Environmental Quality pursuant to ARM 17.36.602(2)(b) and have been reviewed and approved under Title 76, chapter 4, part 1, MCA, if (i) no facilities other than those previously approved are located on the parcel; and (ii) the division of land will not cause approved facilities to be developed on the parcel; and (iii) the division of land will not cause approved facilities to be developed on the parcel.

Noble Investment Properties, LLC, Representative  
 Playa Dulce Montana, LLC, Representative

ACKNOWLEDGMENT  
 The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of Montana, County of Lincoln, by Playa Dulce Montana, LLC, Representative, Chris's people, on this day of February, 2024, at my office in Lincoln, Montana.

Notary Public  
 State of Montana  
 County of Lincoln

ACKNOWLEDGMENT  
 The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of California, County of Contra Costa, by Playa Dulce Montana, LLC, Representative, on this day of March, 2024, at my office in Lincoln, Montana.

Notary Public  
 State of California  
 County of Contra Costa

METHOD OF SURVEY  
 A Trimble R10 Model 2 GNSS System was used to tie previously set controlling corners and road alignments by Calen Williamson, April, 2023.

HISTORY OF SURVEYS  
 COS No. 2206, Plat No. 4025, 1980  
 COS No. 573, Boundary Location for Conveyance, Jack H. Nissenman, 46615, 1977  
 COS No. 2837, Re-encumbrance Survey, Kenneth E. Davis, 49755, 2023  
 COS No. 4951RB, Boundary Line Adjustment, Byron Sanderson, 70400LS

LAND SURVEYOR'S CERTIFICATION  
 I hereby certify that I am a Registered Land Surveyor in the State of Montana, that the survey on the parcel shown herein has been prepared under my supervision and in accordance with the Montana Code of Laws Sections 76-3-101 through 76-3-825, and the Lincoln County Regulations adopted pursuant thereto.

EXAMINING SURVEYOR'S CERTIFICATION  
 Examined this 22nd day of February, 2024, A.D.  
 Steven A. Boyer, Professional Engineer, Lincoln County Examining Land Surveyor

COUNTY TREASURER'S CERTIFICATION  
 I hereby certify that all real property taxes and special assessments assessed and levied on the parcel shown herein are paid pursuant to Section 76-3-207(3), MCA.  
 State of Montana, County of Lincoln, filed this 22nd day of March, 2024, A.D. at 8:52 o'clock  
 Lincoln County Clerk and Recorder by *Starkson* Deputy

CLERK AND RECORDER'S CERTIFICATION  
 State of Montana, County of Lincoln, filed this 22nd day of March, 2024, A.D. at 8:52 o'clock  
 Lincoln County Clerk and Recorder by *Starkson* Deputy

CERTIFICATE OF SURVEY No. 5014 R.O

SHEET 1 OF 2

BOUNDARY ADJUSTMENT NOTE  
 The area that is being removed from one tract of record and joined with another tract of record is not a tract of record. Said area shall not be available as a separate tract of record. The area shall be shown as a separate tract of record after the initial transfer associated with this plat on which said area is being removed. Unless said area is included with or excluded from adjoining tracts of record.

BOUNDARY ADJUSTMENT  
 The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for the State of Montana, County of Lincoln, by Playa Dulce Montana, LLC, Representative, Chris's people, on this day of February, 2024, at my office in Lincoln, Montana.

Notary Public  
 State of Montana  
 County of Lincoln

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CERTIFICATE OF SURVEY No. 5014 R.O

SHEET 1 OF 2







## *City of Libby*

952 E. SPRUCE | POST OFFICE BOX 1428

LIBBY, MT. 59923 | Phone 406-293-2731 | Fax 406-293-4090 | Website:

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

### MEMO

**DATE:** May 30, 2024  
**TO:** Council Members  
**FROM:** Kristin Smith, Chair, Zoning Commission  
**RE:** Recommendation to change zoning of certain parcels on US Hwy 2

---

At its regularly scheduled meeting on April 22, 2024, the Zoning Commission heard and reviewed the request from Noble Investments to change the zoning of parcels C1 and D of Certificate of Survey 5014RB from Residential A to Highway Commercial.

The Zoning Commission supported the analysis presented by the applicant as to the rationale for changing the zoning designation of the parcels and found nothing to contravene the request.

#### ***RECOMMENDATION***

The Zoning Commission recommends City Council adopt the requested change in zoning designation for the parcels identified.

**RESOLUTION NO. 2033**

**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBBY MONTANA  
CHANGING THE ZONING FOR PARCELS C1 AND D OF CERTIFICATE OF SURVEY  
5014RB FROM RESIDENTIAL A TO HIGHWAY COMMERCIAL**

**WHEREAS** the property described in the attached exhibit is within the city limits of Libby, Montana; and

**WHEREAS** said property was given a Residential A designation at the time of annexation; and

**WHEREAS** the City of Libby recognizes the changing uses of the former school property located adjacent to Highway 2; and

**WHEREAS** the City of Libby created Highway Commercial District in 2020 for property adjacent to Highway 2; and

**WHEREAS** assigning a commercial designation compatible with location and new use is desired.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Libby, Montana that the property described as:

PARCELS C1 AND D OF CERTIFICATE OF SURVEY 5014RB

Be changed from Residential A zoning district to Highway Commercial as defined in the City's Municipal Code and as shown on the attached exhibit; and

Property described as:

PARCELS C1 AND D OF CERTIFICATE OF SURVEY 5014RB

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY,  
MONTANA**, on this 3<sup>rd</sup> day of June 2024.

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

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



Dear Mayor and members of city council,

5/23/2024

I am writing this letter to ask you all to consider donating a small plot at the Libby cemetery for a veteran with no family, friends or distant relative. Last November I came to volunteer at the VFW Post as I do twice a week and discovered that someone had left a small wooden box of cremated remains on our doorstep. The man's name is Thomas Elmont Hodgkinson. He passed away on 08SEPT2014. Schnackenberg Funeral Home was helpful to let us know that the man was not cremated by them and there is an ID tag inside the box. Myself and a few other members of Post 1548 worked many hours to search for any possible local and out of state family members. We exhausted all possible leads, including asking multiple law enforcement offices, both local and all-around Washington state, where the man was cremated. Being that the remains were left on the VFW doorstep, we assumed the man could be a veteran, and after many calls, we obtained a copy of the death certificate, and the man is in fact a veteran. Being that we are the VFW, and a non-profit, we serve all veterans. We serve veterans that are transitioning back to being civilians and we serve veterans in death benefits. So, on behalf of every member of Post 1548, I am asking you, the leaders of Libby, to consider donating a small plot within the cemetery to give this veteran his final rite of a resting place with honor. If you allow this, we will handle the interment and ordering a small monument for Mr. Hodgkinson. On behalf of VFW Post 1548, I thank you for considering this matter.

Respectfully,

*Keith W. Kidwell* Sr. Vice Commander/Service Officer

VFW POST 1548

406 293-7316/210 482-0845 cell





**City of Libby**

952 E. SPRUCE | P.O. BOX 1428

LIBBY, MT. 59923 | Phone 406-293-2731 | Fax 406-293-4090 | Website: [www.cityoflibby.com](http://www.cityoflibby.com)

### CEMETERY INFORMATION SHEET

DECEDANT'S NAME Thomas Elmont Hodgkinson  
 DATE OF BIRTH \_\_\_\_\_ DATE OF DEATH Sept 08, 2014  
 CITY RESIDENT \_\_\_\_\_ NON-RESIDENT \_\_\_\_\_ VETERAN X  
 RESPONSIBLE PARTY (address/phone) VFW

SIGNATURE OF RESPONSIBLE PARTY \_\_\_\_\_ DATE \_\_\_\_\_

DATE OF SERVICE \_\_\_\_\_ TIME \_\_\_\_\_

APPROXIMATE ARRIVAL TIME AT CEMETERY \_\_\_\_\_

TYPE OF INTERMENT: Earth Burial Cremains Infant \_\_\_\_\_

LOCATION (IF CREMAINS OR INFANT): Under Marker Head of Grave Foot of Grave

**(ONLY ONE HEADSTONE IS ALLOWED PER BURIAL LOT, EVEN WITH MUTIPLE BURIALS)**

GRAVE DESCRIPTION: BLOCK 1 SECTION 42 LOT 9

OUTER BURIAL CONTAINER: Grave Liner Burial Vault Other: \_\_\_\_\_

UNDER DIRECTION OF: \_\_\_\_\_

SPECIAL INSTRUCTIONS \_\_\_\_\_

LOT FEES \_\_\_\_\_  
 OPEN & CLOSING \_\_\_\_\_  
 TOTAL FEES \_\_\_\_\_

**PAYMENT IN FULL FOR LOT AND BURIAL FEES IS REQUIRED BEFORE INTERMENT WILL TAKE PLACE. (Debit & Credit Cards accepted 3.95% bank service fee applies)**

**AGREEMENT BY AND BETWEEN  
THE LINCOLN COUNTY SHERIFF'S OFFICE  
AND  
THE CITY OF LIBBY  
FOR DISPATCH SERVICES**

This Agreement is dated this 20<sup>th</sup> day of May 2024, by and between the Lincoln County Sheriff's Office (LCSO) and the City of Libby (CITY).

LCSO agrees to provide the following services to the City of Libby:

1. Dispatch Services for City of Libby Police Department (LPD), and the City of Libby Utilities which consists of the Water, Road, and Sewer Departments.
2. Services to the City of Libby Police Department's personnel identical to the service provided the Lincoln County Sheriff's Office deputies, including the following:
  - a. CJIN and NCIC services
  - b. Active list of county and city warrants
  - c. Juvenile and adult probation lists
  - d. Additional information and lists as needed
3. The LCSO Records Unit will assist in maintaining accuracy of arrest and computer records as needed.
4. Libby Police Department Shared Agency access to LCSO Host Agency Motorola Flex Server, per the terms of the separately signed Shared Agency Agreement between the LPD Shared Agency and Motorola Solutions, Inc., which is subject to the LCSO Host Agency Purchase and License Agreement with Motorola Solutions, Inc. LPD Shared Agency is responsible for costs associated with the agency's own terminal network maintenance, hardware, and software to enable and maintain access to the LCSO Host Agency server. LPD will upon request provide CJIN security compliance documentation to LCSO Terminal Agency Coordinator (TAC).

The City of Libby Police Department will abide by and be subject to all rules and regulations regulating the dispatch center and the Lincoln County Sheriff's Office, including LCSO dispatch policies, CJIN compliance and related LCSO standard operating procedures. Conflicts will be settled by the administration of both agencies. All correspondence directed toward administrative and operational matters of the dispatch center shall be addressed first to the sheriff or undersheriff for onward action.

This agreement is entered into by both the City of Libby and the Lincoln County Sheriff's Office when signed, and will be effective for the fiscal year July 1, 2024 through June 30, 2025, and will renew each year until dispatch services to the City of Libby are no longer needed. If no agreement is signed for subsequent fiscal years the annual amount as stated herein will be invoiced to the City of Libby, unless renegotiated in advance between the parties.

LCSO agrees to invoice the City of Libby in July of each year the sum of \$60,000.00 (Sixty Thousand Dollars and No Cents). LCSO also agrees to inform the City of Libby of any fee increase or decrease for services prior to June 1<sup>st</sup> of each year to help with budgeting for the upcoming fiscal year.

Designated Representatives:

---

Darren Short, Sheriff  
Lincoln County Sheriff's Office  
512 California Ave.  
Libby, MT 59923  
(406) 293-4112

Date \_\_\_\_\_

---

Peggy Williams, Mayor  
City of Libby  
952 East Spruce Street  
Libby, MT 59923  
(406) 293-2731

Date \_\_\_\_\_

---

Brent Faulkner, Undersheriff  
Lincoln County Sheriff's Office  
512 California Ave.  
Libby, MT 59923  
(406) 293-4112

Date \_\_\_\_\_

---

Cody Ercanbrack, Chief of Police  
City of Libby Police Department  
605 Mineral Avenue  
Libby, MT 59935  
(406) 293-3343

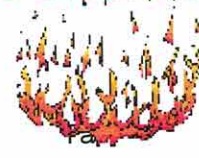
Date \_\_\_\_\_



# Lincoln County Rural Fire District # 1



PO Box 369  
Libby, Mt. 59923



Telephone

(406) 293-9217

(406) 293-3219

Agreement between Lincoln County Rural Fire District #1 and the City of Libby  
February 12, 2024

aka-Lauer/Wood contract-Effective July 1, 2024

After review of any and all discoverable previous documents (original agreement made February 20, 1999 with subsequent changes following) pertaining to sharing of financial responsibilities for employees that conduct work activities that benefit both LCRFD and City of Libby local government agencies based on submitted time cards documenting time spent in hours conducting LCRFD or City of Libby Fire Department activities, the following agreement shall replace any and all previous agreements.

The Fire Marshal's wages shall be paid 50% by LCRFD and 50% by City of Libby

The Fleet Manager wages shall be paid 90% by LCRFD and 10% by City of Libby

These 2 employees are Full time employees of the Lincoln County Rural Fire District, any and all decisions pertaining to their employment, wages, benefits are under the discretion of the board of directors of the Lincoln County Rural Fire District #1.

As of July 1, 2024 the following figures shall be used for payment allocations:

|   |                       |                     |
|---|-----------------------|---------------------|
| Lauer(Fire Marshal) annual salary=\$72,800.00     | 50% LCRFD=\$36,400.00 | 50%City=\$36,400.00 |
| Joe Wood(Fleet Manager) annual salary=\$62,400.00 | 90%LCRFD=\$56,160.00  | 10%City=\$6,240.00  |

Total Annual contract payment from City of Libby paid to Lincoln County Rural Fire District = \$42,640.00

Any increases or decreases in either wages or % of time spent shall be adjusted and submitted to City of Libby annually beginning June 30<sup>th</sup>, 2024 to meet any adjustment obligations.

\_\_\_\_\_  
Lincoln County Rural Fire District#1  
Representative

\_\_\_\_\_  
Lincoln County Rural Fire District #1  
Representative (Print)      Date \_\_\_\_\_

\_\_\_\_\_  
City of Libby  
Representative

\_\_\_\_\_  
City of Libby  
Representative (Print)      Date \_\_\_\_\_