

**January 7, 2015**

The Lincoln County Board of Commissioners met for a regular session on January 7, 2015, in the Lincoln County Courthouse. Present are Commissioner Mike Cole, Commissioner Greg Larson, Commissioner Mark Peck, Executive Assistant Bill Bischoff and Clerk and Recorder Robin Benson.

8:30 AM Commissioner Cole **opened the meeting** with the Pledge of Allegiance.

8:30 AM **Administrative Issues:**

- **Appointment of Chairman for 2015/2016.** Traditionally chairman is for two years. After a brief discussion, Commissioner Larson made a MOTION to nominate Mike Cole, Commissioner Peck seconded. MOTION carried.
- **BSTF Planning Grant:** The Commission signed a letter of support for the Kootenai River Development Council submission of a Big Sky Trust Fund application for a Planning Grant for Digital Marketing Strategy and Build Out of an On Line Presence for Chapel Cedar, Inc. of Troy, MT.
- **City-County Board of Health:** Kathi Hooper was appointed as Deputy Public Health Officer.
- **Montana DPHHS Contract:** Commissioner Peck made a motion to sign the the Task Order for DPHHS Immunization Program, Commissioner Larson seconded. MOTION carried.
- Commissioner Larson made a motion to approve **October 29, 2014 minutes** correcting "Larsen" to "Larson". Commissioner Peck seconded, MOTION carried.
- Commissioner Cole made a motion to approve **December 23, 2014 minutes**. Commissioner Larson seconded, MOTION carried.

9:00 AM **USDA/FS Update:** Kirsten Kaiser and Chris Savage are here today to update the commission on forest activities. The Commission signed the Cooperative Law Enforcement Agreement. Chris would like to rotate the district forest rangers at commissioner meetings potentially semi annual to give reports and to do a better job with communication between agencies. Commissioner Cole encouraged and welcomed more communication. The Forest Plan is now one document which includes a full comprehensive travel management plan. The Forest Plan will need to be publicized 30 days before the it can be implemented. The ROD's biggest change from draft is not to add the Whitefish area as wilderness and to put back in the Ten Lakes area. Chris gave a briefing on the East Reservoir Project and the Alliance of the Wild Rockies Letter of Intent to sue. Commissioner Peck asked how do we as a county offer support on this project? Chris Savage said if the county would file as support of "Friends of the Court" or 3<sup>rd</sup> party as the Forest Service moves forward in litigation. Commissioner Cole asked if there was adequate state support. Chris said that he is impressed with how the state and federal agencies are working together. The group discussed other various projects. Commissioner Cole asked what the timeline is for harvesting? Chris said the Forest Service is working on a final 5 year plan so it can be shared externally. Chris said timber is in demand right now and markets are good. Commissioner Cole asked if harvest was at 150 million in contract right now? Chris presented a graph showing timber sales and said the Forest Service is making an effort to get timber back in the market. Commissioner Peck clarified that some of the timber sales are a carry over from previous years. Chris said about 40 million were new sales and that sales increased in the past 3 to 4 years. Commissioner Cole mentioned that increased sales within the state is a good point and asked what the actual harvest this year is predicted to be? Chris said if the trend in the state continues and fuel prices remain low, he is hopeful to see a lot of activity this year. Commissioner Larson questioned the feasibility of starting up a small mill and although this should be considered, Chris felt we should be looking at specialty products economically instead of looking at a large mill. Kirsten said her district is working closely with the Troy mine and are gearing up again for an environmental assessment of grizzly bear, road management etc... She gave a brief overview of other projects such as the Alford Lake project, Buckhorn project and vegetation management projects, as well as upcoming timber sale projects. She said the supervisors office has hired a couple positions with young families bringing children into our community. Commissioner Cole asked Chris if there was growth in his staffing? Chris said they are starting to fill some positions working within budget restraints. Kirsten said she is still experiencing people who are unwilling to locate here due to the asbestosis issue.

10:00 AM **Kootenai Forest Stakeholders Update:** Present were Ed Levert and Robyn King.

The Kootenai Forest Stakeholder Executive Board would like to schedule monthly meetings with the commission to increase communication and share information. Ed gave a brief summarization of the Mason-Bruce-Girard Study and said collaboration is key in reaching an agreement on the timber sale program. Commissioner Cole asked if a support letter from the commission would be beneficial. Commissioner Peck felt that after reviewing the report, that we need to support it strongly as a county commission. Robyn said we are all looking for common ground. Mr. Levert talked about how to work together to find solutions to problems such as Scotchman Peaks Wilderness vs. snowmobile recreation. There was a consensus of wanting the same thing, but finding common ground and reaching agreements is the goal. Commissioner Cole asked if motorized vehicle use is a harder issue than logging or harvesting? Ed felt it was dependant of the individuals. Robyn feels conversations between agencies have come a long ways, not as contentious and agencies are are willing to work together. Commissioner Cole asked if bundling some of these bills together would be helpful. Commissioner Peck felt although it is painful to lose funds, it is also a great motivator to collaborate and work together to solve problems. Ed said the Forest Service is looking for grant proposals that are ready to go. A requirement is participation of the Forest Service.

11:00 AM **Mariner's Haven Subdivision:** Present were Lisa Oedewaldt, Deb Blystone, Don Truman and Larry Stewart.

Larry said he is here to fix the bond problem and move forward with the project. He explained the need to get rid of the Letters of Credit and to agree to terms of re-bonding in a different fashion. There is currently a \$200,000 for roads-stormwater and a partial bond for the remaining power for \$26,250. Larry said the bonds are outdated and his intentions were not for that to happen.

Lisa agreed that the power is not a part of the original approval and could be released with documentation from Lincoln Electric that they are in agreement that the remaining power will not affect the Mariners Haven Phase 1 project and that the portion is a contract between the contractors and them alone.

As for the roads, Lisa states they are not done but after discussion, made agreement with contractors for real property in the amount of the remaining parts of the road to be complete and the county would need a letter with a stamped certification from a PE stating what is completed, what remains with quantities, amounts, etc...

Commissioner Larson asked if the value of one lot would equal more than the cost. The group were in agreement this is a viable solution. Commissioner Peck made a motion to release the letter of credit with the bank and reestablish a new bond conditionally using property. Conditions are to release the electrical 735 ft. contingent on paperwork from Lincoln Electric. Commissioner Larson seconded the motion. MOTION carried.

1:30 PM **Valhalla Estates** is a 4 Lot Minor Subdivision and is the remainder of Libby Creek Ridge. The subdivision is within the Libby Airport zone so there is a form that will need to be completed. Covenants will mitigate any issues with air quality and will reflect Forest Service comments pertaining to grizzly bear. Lisa stated conditions have been met and recommends approval from the commission. Commissioner Larson made a Motion to approve, Commissioner Peck seconded. MOTION carried.

1:45 PM **2015 County Safety Incentive Program and By-Laws:** Present were Lisa Oedewald and Greg Larson. Lisa presented the Lincoln County Safety Incentive Program and Safety Committee By-Laws to the commission. Commissioner Peck made a motion to approve, Commissioner Larson seconded. MOTION carried.

2:30 PM **Panoramic View Roads/Dust Issue:** Present were Kathi Hooper, Ralph and Nancy Seeley, Lee Tonner, Brad Dodson, Arlene Elletson, Marty Dunbar, Patti Lennard, Scott Lennard and Joel Chandler.

Ralph told the commissioners he chose to wait to meet about this issue again until the new commission took office. Ralph lives in the Panoramic View Estates Subdivision and would like to get this resolved before spring when the dust issue will resurface again. He has been suggesting dust abatement for a long time and is still looking for solutions.

Patty and Scott Lennard bought their property around 1990 and there was virtually no dust. Patty stated that nobody knew there was going to be a gravel pit until it already existed. Big trucks contribute to the dust issue and she explained that the road's surface is like fine powder. Occasionally a water truck would be brought to the site, but it was not often enough. Progress has continued on the subdivision, so there continues to be a dust issue. She said something is apparently wrong when you are in your yard and need to run inside because of dust that is sweeping from the road into their yard and home. Patty stated that what has happened has ruined our quality of life and the citizens should be guaranteed a reasonable amount of breathable air. Commissioner Peck asked if the dust problem is only during construction? Ralph said there is also a lot of public traffic and this contributes to the dust. There is still potential for an amazing amount of dust even when there is no construction activity due to the traffic. Elk herds contributes to the number of people that visit the area. Patty presented a petition so the commission could hear the voice of the people who live in the area.

Ralph presented state rules and county ordinances pertaining to the Clean Air Act and air quality standards which identify particulate matter. Ralph said the subdivision has great potential for more than 50 cars per day to the area and pointed out the guidelines that regulate dust control. Lincoln County has stiffer regulations than what is set by the state. Ralph said he visited with Kendra Lind when the developers first started hauling, and sent a video to the State of Montana DEQ. Ralph feels the statutes clearly state dust abatement is required by law.

Kathi said the county does have restrictive air quality standards but the requirement for subchapter 3 "Dust Control Regulations" applies only to the sweeping and sanding District. The contingency is when the air quality monitors that are set up in Libby rise above the 2.5 standard. Ralph said the county regulations apply to the area because the subdivision is within the air quality district. Kathi said the regulations apply when the air quality district as a whole exceeds the standard, not a small specific area. After discussion about the regulations and responsibility, Patty said she still makes the appeal; the county allowed a 2 mile gravel road without dust abatement for the citizens and home owners in that area. The county granted the subdivision and so far has done nothing to help.

Kathi said she has to apply the state rule, not the county ordinance, but the county can help enforce the state rule and contact the violator. Commissioner Peck wanted to be clear that there is no question there is an issue, but responsibility needs to be defined. Commissioner Cole said this meeting has allowed for a lot more information, but the issue will not be solved today. It was questioned why the homeowners were not notified during the subdivision review process. Commissioner Peck said the road maintenance agreement within the subdivision should deal with this type of issue. Lisa Oedewaldt explained that the gravel pit is not permitted through the county. Commissioner Cole suggested the commission look through the county rules and ordinances and meet again in a month. Commissioner Peck said the county would be willing to coordinate and help facilitate with the agencies. Commissioner Peck wanted to be clear that he is not trying to push the problem away, but help facilitate a solution. Ralph said the solution will have direct impact on the

future of the area. The commissioners and Environmental Health will take the information presented under advisement and the group will meet again on February 4<sup>th</sup>.

3:30 PM **Personnel Issues**

Robin Benson discussed the transition within the the Clerk and Recorder's department. The commissioners unanimously approved the hiring of a full time deputy clerk to fulfill her prior position. Other personnel issues were discussed.

4:30 PM The **meeting was adjourned**.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

**ATTEST:** \_\_\_\_\_  
Robin A. Benson, Clerk of the Board