

**August 23, 2017**

The Lincoln County Board of Commissioners met for a regular session on August 23, 2017, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson.

Commissioner Cole opened the meeting with the **Pledge of Allegiance**.

**10:15 AM Weed Department Update/Dan Williams:** Present were Mike Cuffe, Paul and Mertie Gardner, Larry Alexander, Ann Marie Crites, Alan Gerstenecker, John Blodgett, and Nikki Meyer, Eureka via VisionNet. Dan submitted mapping of Lincoln County roads that have been sprayed/treated this year. Dan said he would like to have a layer of county roads that are color coded as paved or graveled for next years weed treatment season. Dan explained the weed treatments and what can be expected in the following years. Commissioner Cole commented about subdivisions that may not be keeping up with weed control responsibilities. Dan felt there is not a lot of that going on but said it can happen if there is a lack of communication. Nikki asked about spraying when it is dry. Dan said herbicides only work on actively growing plants, so spraying when it's hot and dry may not be effective.

**10:30 AM Emergency Facilities Agreement and Approval:** Present were Mike Cuffe, Paul and Mertie Gardner, Alan Gerstenecker, John Blodgett, and Nikki Meyer, Eureka via VisionNet. Darren said this discussion is for J. Neil's Park and the agreements for the fire camp. Darren asked if the county can have a standard agreement in place. Commissioner Peck clarified that agreements are different depending on the agency because of different uses, but agreed those discussions should take place in February or March. **Motion** by Commissioner Peck to approve the land use agreements for the Gilbralter Fire with the Forest Service and the Tamarack Fire with MT DNRC for fire camp facilities. Second by Commissioner Bennett, motion carried unanimously.

**10:45 AM Administrative Issues:** Present were Mike Cuffe, Paul and Mertie Gardner, Alan Gerstenecker, John Blodgett, and Nikki Meyer, Eureka via VisionNet.

Darren asked for direction regarding the **MACo Conference** this year scheduled for September 17-21, 2017. Commissioner Cole said that after attending several of these events, he feels it is a helpful and worthwhile conference. Commissioner Peck commented that there are significant discussions at the MACo Conference. Darren pointed out there are good agenda items that would be beneficial to have commissioners attend. Darren said he will sign up all three commissioners to attend.

The commissioners reviewed the minutes for August 9 and 15, 2017. **Motion** by Commissioner Bennett to approve the minutes for August 9 and 15, 2017 as presented. Second by Commissioner Peck, motion carried unanimously.

**11:00 AM Public Comment Time:** Present were Mike Cuffe, Paul and Mertie Gardner, Larry Alexander, Ann Marie Crites, Alan Gerstenecker, John Blodgett, and Nikki Meyer, Eureka via VisionNet.

- Paul is here to talk about his tax assessment statement stating that he has talked with neighbors and feels assessments have significantly increased for residents in the Rexford area. Commissioner Cole said that recently the commissioners did meet with the Department of Revenue and from that meeting he learned that if properties are near water, the tax assessments will see an increase. Commissioner Bennett explained the Department of Revenue assessment cycles going from 6 years to 2 years and how it affects personal property assessments. Commissioner Bennett recommended the Gardner's to visit with the Department of Revenue to learn more about any resources for relief. Commissioner Peck commented that the Department of Revenue does use a confusing complex formula.
- Larry is here to talk about his history living in Libby and expressed frustration and disappointment with the county and local organizations/agencies for the lack of improvements to the Libby area. Larry said he feels Libby should be working towards a public pool but feels local organizations are the issue as to why this has not happened. Larry showed a binder with Libby pictures and information that he compiled stating they could be used and would be beneficial for local internet sites. Commissioner Bennett commented that the Libby Area Chamber recently spent \$58,000 on a new community website. Commissioner Bennett gave a history of the two attempts for a community pool that went to the voters but did not pass.
- Ann Marie talked about issues for a neighbor regarding property at the top of Whiskey Hill and if there is a way to purchase an easement on a parcel of land. Ann Marie said that in 2014 the commissioners absolved all tax debt against property due to a deceased property owner. Commissioner Bennett said he will do some research for further clarity. Ann Marie said she is grateful the county has a junk ordinance and that it is being enforced.
- Mike Cuffe commented about his years working with Vic White going back to making plywood together and expressed that he is very proud of Vic's work in the Gilbralter Fire. Mr. Cuffe said he is gathering information and has been researching the selenium issue in the Kootenai River and Reservoir. Commissioner Cole commented that Mr. Cuffe has been communicating with folks up North and encouraged Commissioner Peck and Commissioner Bennett to attend a meeting in Kalispell in October to learn more about this issue. Mr. Cuffe said that it's a big, complicated issue that is not going to go away. Commissioner Bennett expressed his interest in keeping informed of this issue. Mr. Cuffe said it is valuable to all of us to stay a part of the conversation.

**11:15 AM Jail Vents Discussion/Johnson Controls:** Present were Rich Jarvis, Russ Trutzel, Jon Miller, Alan Gerstenecker, John Blodgett, and Joe Nagle.

Rich said he has examined the jail facility and he described the data logging that helped determine options and cost for jail ventilation. Rich explained and submitted a ventilation project proposal for commissioner review.

There was discussion about how to accommodate a ventilation project in the spring and how it would impact the current facility and accommodate a future jail expansion. Commissioner Peck recommended adding the cost to the sheriff's budget so cost is in place for this fiscal year.

**1:30 AM Planning Department Update:** Present were Kristin Smith, Jake Mertes, Amy Guth, Jeff Zwang, Kevin Nelson, Steve Gunderson, Alan Gerstenecker, and John Blodgett.

- **Grassy Knoll Subdivision:** Jake informed the commission that the Planning Department has been in communication with developers and they would like to change the density from 5 single family residential dwellings to 5 multi-family dwellings/duplexes equivalent to ten dwelling units. The Lincoln County Commissioners did approve the subdivision for 5 single family residential dwellings on September 16, 2015. Final plat has not yet been recorded. DEQ did approval for 5 single family dwellings on December 4, 2015. The developers have submitted a rewrite application to DEQ requesting a change in density as stated. That review is ongoing. Jake said that in January of this year, former Lincoln County Planning Staff informed the developers that they would not be required to submit an amended subdivision application. Jake said this is incorrect as the property that was reviewed by planning staff, Lincoln County Commissioners, and the public was for impacts from single family residential lots and allowing a change of this sort without review would be in violation of the Montana Subdivision and Platting Act, the Lincoln County Subdivision Regulations and the conditions of approval by the Commissioners. Jake said the Planning Staff recommendation is to require the developers to submit an amended application for review.

Amy said the September 2015 application plat approval was granted. In January 2017 developers gave notice to change from single dwellings to duplex. The developer relied on information from the county planner that the preliminary plat would not need to be changed or modified and they moved forward with information provided by the county planning department. Amy continued saying that if there is a problem with access, emergency services, or schools, lets modify those issues, but not have the developer completely start from scratch. Amy commented that a lot of money has already been put into this project by the developer.

Jake said the large issue is that when the final plat comes in, it will not match the approved conditions. Kristin said in her perspective, just updating basic materials to state from single dwellings or 5 lots to duplexes would be sufficient. Amy asked if the developer can modify the existing application instead of starting over. Kristin said anywhere in the application that states single dwellings need to be modified to duplexes to accurately reflect changes.

Commissioner Peck questioned how the changes affect the public notice process. Amy said from the developer side, we understand things can go wrong, but a lot of money has been invested and the developer moved forward based on information given from the county agent.

Jeff commented that this is not his area of expertise and has not conducted any research on this issue but feels this may be something for the commission to take under advisement to have opportunity to research and attain legal opinion. Jeff said from listening to the conversation, it appears that everyone in attendance is trying to work together to solve the problem.

Amy said the developers are willing to sit down with Jake and Kristin to get this resolved. Commissioner Peck commented that obviously from the procedure standpoint, that final plat must match preliminary approval. Commissioner Cole tabled the issue allowing the developer and planning staff to work together to resolve the issue and bring it back to the commission for approval.

- **Lake Creek Ranch Phase III:** Jake said the Planning Department has received a request for a one year extension. Jake clarified this is the first extension request for this phase and the request is consistent with provisions in the Montana Subdivision and Platting Act. Planning Staff recommendation is to grant a first extension for Lake Creek Ranch Phase III subdivision for one year to expire August 23, 2018. **Motion** by Commissioner Peck to approve a one year extension request for Lake Creek Ranch Phase III subdivision to expire August 23, 2018 subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.
- **Final Plat Approval for Sinclair Creek Cedars Subdivision:** Jake said all conditions have been met and planning staff recommends commissioner approval. **Motion** by Commissioner Bennett to approve final plat for Sinclair Creek Cedars Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.
- **Final Plat Approval for Velvet Grove No. 4:** Jake said all conditions have been met and planning staff recommends commissioner approval. **Motion** by Commissioner Peck to approve Velvet Grove No. 4 Subdivision subject to planning staff conditions and recommendation. Second by Commissioner Bennett, motion carried unanimously.

**2:00 PM Airport Update on Fire Department Water Supply:** Present were Bill Caldwell, Steve Lauer, Steve Gunderson, John Blodgett and Alan Gerstenecker.

Steve said when Lincoln County Rural Fire District (LCRFD) acquired the property the prior owner removed the water tanks and those tanks need to be replaced. Steve said the LCRFD proposes to install an underground 33,000-gallon water tank supply. Steve said LCRFD is looking for a small piece of property approximately 20' X 60' and he has talked with the property owners and with the airport board. The site is 300' to the South of the South end of the runway and along the border of airport property adjacent to the roadway of Farm to Market Road. After the initial construction, there would be no reason to be inside the fenced area unless a maintenance issue would come up. There are no maintenance concerns as these tanks will be refilled from the water tenders and not from any well or other water supply system. Steve is asking for an MOU to document the project which should take only a couple of weeks.

Commissioner Bennett recommended a lease or an easement. Commissioner Peck agreed that the best interest for the fire district would be an easement agreement.

Steve said the entire project will be paid by LCRFD, but he is here requesting commissioner approval. **Motion** by Commissioner Bennett to approve the installation of the 33,000-gallon water tanks supply and will follow up with a

perpetual easement with LCRFD. It is understood that all costs will be paid by LCRFD. Second by Commissioner Peck, motion carried unanimously. Commissioner Peck said this will help serve that area and maintains the ISO rating.

Bill said there is a small subdivision close to the Eureka airport and the FAA has questioned that there are no agreements with those homeowners to access the airport. Bill said an agreement was signed approximately a year ago, and three homeowners signed, but there is one homeowner who has not. Bill said the airport board has met with the homeowners to discuss issues with the current agreement; there is confusion regarding fees per size of hangar and access fees. Bill wants to revisit the agreement and make it more compatible with FAA requirements and ensure it is reasonable and fair to the homeowners. Commissioner Cole mentioned that once this door is opened that fees will increase, but those fees still need to be fair. Bill suggested the airport board work on a new agreement and will bring it to the county for review and approval.

Commissioner Peck mentioned the airport went over budget and would like to discuss what needs to be done to correct this. Bill said there was some extra cost with snow removal but also questioned if the airport budget increased when the paid employees were added to the budget or if the budget was set up to absorb that cost. Commissioner Peck said we need to sit down and figure it out and adjust the budget where necessary. Commissioner Peck requested Bill to visit with Darren on the airport budget to ensure it is reflected accurately. Bill commented that he did authorize an employee to work extra hours during fire season, which is covered by money received from the forest service for the fire camp.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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