

November 14, 2018

The Lincoln County Board of Commissioners met for a regular session on November 14, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, Commissioner Bennett, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson.

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

9:45 AM Controlled Groundwater Area (CGA) Area Discussion: Present were George Jamison, Brett McCully, Ben Kibbey, and Alan Gerstenecker. Also present were Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Commissioner Bennett said he realizes the Board of Health (BOH) is looking for direction; it seems from the ports perspective, not saying no to the CGA, just not right now. Commissioner Cole agreed there are some options to be pursued. George said the EPA letter is requesting a response by November 13. Commissioner Bennett said the groundwater area includes the port, the county and city and there has never been a collective discussion. George recommended delaying the decision to allow for more time. Commissioner Peck commented it is necessary to stay focused and that we move forward expediently. Commissioner Peck said the sponsor decision can be delayed until conversation with the city. George said he will respond that the BOH is waiting guidance from the port and the city and requests an informational meeting in February or March with all parties.

10:00 AM Health Department Update / City of Troy Landfill Contract: Present were Kathi Hooper, Jake Mertes, Noah Pyle, Brett McCully, Barbara Guthneck, Alan Gerstenecker and Ben Kibbey. Also present were Josh Letcher, Nikki Meyer, Mike Brandon, Peggy Brandon, Kurt West, and Ed Braaten, Eureka via VisionNet.

- Kathi requested approval of an amendment to the annual Public Health and Emergency Preparedness (PHEP) grant. Kathi said the added funding of \$10,321 is to be used for training and exercises to prepare for disaster response. **Motion** by Commissioner Bennett to sign Amendment Number One to Contract No. 19-07-6-11-030-0 PHEP Contract. Second by Commissioner Peck, motion carried unanimously.
- Kathi requested approval of the lease agreement with the City of Troy. The agreement provides for the use of City property as a Class III Solid Waste landfill and Transfer Station. **Motion** by Commissioner Peck to approve the 25-year agreement with the City of Troy. Second by Commissioner Bennett, motion carried unanimously.
- Kathi said the Community Decay Ordinance is on the agenda for November 28th for the first reading and is being advertised.
- Kathi commented the scrap metal pile to be crushed in the early spring has been advertised and is now accepting bids.
- Kathi said she is conducting research on refuse assessment on RV hookup that may be permanent. DOR is looking for guidance on how refuse fees should be applied. Kathi explained that RV's are also in trailer courts; trailers are paying refuse, but RV's are not. RV parks are not paying refuse fees consistently although some are permanent. The state position is that the presence of RVs in trailer parks is handled through zoning which Lincoln County does not have. Kathi said it is a complex issue. Commissioner Bennett commented that whatever we do, we need to be consistent. Kathi said Lincoln County really does not have guidelines for RV's. Josh commented that he did talk with the DOR and assessments appear to be confusing and not consistent. Kathi said she is looking for a fair and consistent way of paying refuse assessments, for businesses as well, but it's going to take a lot of time and is going to be a big project. Kathi said it started with questions about RV's but it is a bigger picture. Commissioner Peck commented that identifying the problem is the right approach and then having the information go out to the public.
- Kathi said the controlled air quality burn went smooth; there was no impact.

10:30 AM Administrative Issues: Present were Barbara Guthneck, Alan Gerstenecker and Ben Kibbey. Also present were Josh Letcher, Nikki Meyer, Mike Brandon, Peggy Brandon, Kurt West, and Ed Braaten Eureka via VisionNet.

- Robin presented the minutes for October 24, 2018 regular meeting for Commissioner approval. **Motion** by Commissioner Bennett to approve October 24, 2018 minutes as presented. Second by Commissioner Peck, motion carried unanimously.
- Commissioner Peck updated everyone on the grizzly bear meeting that he recently attended. There was no discussion about delisting. The county was commended for bear proofing green box sites.

10:45 AM Public Comment Time: Present were Barbara Guthneck, Alan Gerstenecker, Ben Kibbey, and Ben Scott. Also present were Josh Letcher, Nikki Meyer, Mike Brandon, Peggy Brandon, Kurt West, and Ed Braaten, Eureka via VisionNet.

- Barb asked what the commissioners will be considering on the fairground issue scheduled later on today's agenda. Commissioner Cole commented the focus of discussion will be the bleacher project.
- Peggy Brandon asked who determines when roads are going to be plowed. Commissioner Cole said road department foreman's follow the county policy and can receive phone calls from citizens. Peggy expressed frustration that Edna Creek Road is icy and was not sanded and there were several accidents. Commissioner Cole said he will contact the road supervisor.
- Peggy asked about the youth building replacement at the fairgrounds. Darren said he can get the budget numbers to Peggy, but he believes there is approximately \$30,000 set aside specific for that project.
- Ben Scott explained that he is trying to clean slash piles up on Flower Creek and has spent approximately \$3,000 trying to get rid of the slash piles. Ben is requesting clarity on who to talk to about when the piles can be burned. Commissioner Peck said it's an air quality issue, so Ben should visit with Kathi Hooper and Jake Mertes.

11:00 AM Board Appointments: Present were Alan Gerstenecker and Ben Kibbey.

Robin presented district board vacancies and applications as follows:

- Em-Kayan Village Water/Sewer Board; 2 Vacancies; 2 Applications received: Gleason Arnold and Cathleen Broers
- Eureka Cemetery Board; 1 Vacancy; 1 Application received: Pamela J. Pluid
- Lincoln County Fair Board; 3 Vacancies; 2 Applications received: Alecia R. Davis and Sara Sherwood
- Lincoln County Weed Board; 3 Vacancies; 3 Applications received: Kirsten Holland, Richard Weldon and Peter Kitts
- Tobacco Valley Industrial District; 1 Vacancy; 2 Applications received: Tracy McIntyre requested the appointment be postponed until after the next TVID Board meeting on November 15, so the board can review the applications and make a recommendation to the commissioners.
- Tax Appeal Board; 1 Vacancy; 1 Application received: Alecia R. Davis
- Wilderness Plateau Water/Sewer Board; 3 Vacancies; 4 Applications received: Teresa Currey requested the appointments be postponed until after the next Wilderness Plateau W/S board meeting in January, so the board can review the applications and make a recommendation to the commissioners. The board wants to consider adding an additional member.
- Lincoln County Planning Board; 4 Vacancies; 2 Applications received: Michael G. Hobbs and John Damon. A resignation letter was received from Josh Letcher.
- Trego/Fortine/Stryker Fire Service Area Board: Robin explained that she advertised the T/F/S FSA board vacancy last April and no applications were received. Robin said she received an application from Dale Baldwin to be reappointed for another 3-year term.

Motion by Commissioner Bennett to appoint all applicants as presented. Second by Commissioner Peck, motion carried unanimously.

11:15 AM Fairground Improvements: Present were Wendy Drake, Barbara Guthneck, Jennifer Nelson, Alan Gerstenecker and Ben Kibbey. Also present were Josh Letcher, Nikki Meyer, Barbara Guthneck, Mike Brandon, Peggy Brandon, Kurt West and Ed Braaten, Eureka via VisionNet.

Commissioner Cole said today's conversation is to continue with discussion regarding fairground improvements. Commissioner Bennett commented there was an error in the proposal cost; \$355,000, not \$380,000. Commissioner Bennett commented that he is looking at what Libby and Troy has done and with fairness in mind, Libby received a grant for fairground improvements and Troy received a grant for Riverfront Park in Troy. Commissioner Bennett said he is interested in hearing what Eureka folks have to say. Commissioner Bennett continued saying that if we are looking at a direct contribution from the county, of \$100,000 and look at approximately 33,00 as in-kind work, it would leave approximately a \$220,000 balance. If it was set up as a 10-year payback from the Tobacco Valley Rodeo Club, it would be a payment of around \$22,000 per year.

Commissioner Peck commented the project would be a very good thing for Eureka but wants to ensure we are improving the rodeo and fairgrounds for a quality building for youth activities.

Commissioner Cole said the whole concept is to build a facility to create revenue for the fairgrounds. We continue to grow and Eureka is becoming a bigger player in the rodeo environment; a very positive revenue generating event for many years.

Barbara asked if the rodeo is paying for the fairgrounds use. Commissioner Cole commented on many of the rodeo association in-kind hours, cash contributions and time involved to upgrade the fairgrounds.

Kurt West commented its great any time we bring improved infrastructure to Eureka and asked if water/sewer infrastructure is to be included in this project. Commissioner Cole said the infrastructure has been discussed, but not resolved. Commissioner Bennett talked about how groups using the parks in Libby and Troy are responsible for portable toilets. Commissioner Peck commented that he agrees with Kurt; we should take a look at options because we know there are failed systems. Commissioner Peck commented that he would like to ensure the follow-up meeting regarding fairground discussion to be held in Eureka. No decisions were made at this time.

11:30 AM County Forester Update: Present were County Forester Jennifer Nelson, Alan Gerstenecker and Ben Kibbey. Also present were Josh Letcher and Nikki Meyer.

Jennifer said she has been attending many meetings and getting acquainted with the forest service, Ed Levert, DNRC, Kootenai Stakeholders and Jodi as the state GNA forester. Jennifer commented she has also been working with the Fire Safe Council and with Brent Teske on the pre-disaster mitigation plan update.

Jennifer talked about grant opportunities she is working on. Commissioner Peck commented that a good grant opportunity would be to create a more interactive mapping program, to clarify areas that have been treated and/or needs treated; wildfire mapping assistance and tools for communicating wildfire risk.

Jennifer discussed the post fire mitigation grant that has opened up. It is a FEMA supportive grant and Lincoln County qualifies due to the fires from 2017. Lincoln County may be applying for more than one grant; money would be used for firewise assessments and firewise work on the ground.

Jennifer said she is looking at a 22-acre county owned area close to the elementary school. The county owned area is forest service wrapped and needs treated and some private property to provide some buffer.

Jennifer said she has visited with the forest service about what they see as priorities for the Libby area; Pipe Creek, Bobtail, and Sheldon areas were discussed. Department of Emergency Services suggested those areas be combined as one project.

Jennifer suggested looking at the Gilbralter fire area because there is a lot of timber and homes in that area.

Commissioner Cole said there are also areas on the West Kootenai. Jennifer and Mike Cole will get together for discussion regarding North Lincoln County.

Jennifer said she has been asked to serve on the Kootenai Stakeholders Libby team as a team member; Ed Levert is the chairman of the Libby team. Robyn King asked for Jennifer's assistance to reinstate that team. The commissioners agreed for Jennifer to spend some time as a team member.

Commissioner Peck talked about the Young Growth Project; analysis of 440,000 acres that were managed in the 60's and 70's, but have not been looked at since. There are about 122,000 acres within the Wildland Urban Interface; county would manage 122,000 acres over a 15-20 year period. Commissioner Peck said the details are still to be worked out,

but this could have great potential for Lincoln County; there is a lot of excitement both from the agency and local standpoint. Commissioner Peck expressed that it's a pretty dynamic time period for forest land management, a cultural shift is taking place.

1:30 PM **Planning Department:** Present were Jake Mertes, Kristin Smith, Brad Lord, and Brett McCully. Also present were Josh Letcher, Eureka via VisionNet.

Cowell Creek Estate Final Plat: Jake said all requirements have been submitted and all conditions for approval have been met. **Motion** by Commissioner Peck to approve final plat for Cowell Creek Estates Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.

Wilderness Club Phasing Plan 2018: Jake said APEC submitted a request on behalf of the Wilderness Club developers to approve an updated phasing plan. The original phasing plan from 2011 has expired as Phase 5 was not recorded within the established deadline. The developers are proposing an updated plan that sets new dates for the completion of phases 5 through 10. Phases 1-4 have been recorded. Jake said planning staff recommendation is to approve the update to the Wilderness Club Phasing Plan. **Motion** by Commissioner Bennett to approve the revised phasing plan subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.

1:45 PM **Amendment Resolution 2018-06 / Lease Agreement CAPNM / Planning Agreement with Port Authority / Tax Abatement Jeff & Lisa Sooter:** Present were Alan Gerstenecker, Ben Kibbey and Brett McCully.

Darren presented the Annual Lease Agreement for office space rental at the North Annex for Community Action Partnership Northwest Montana (CAPNM) for \$250.00 per month. **Motion** by Commissioner Peck to approve the lease agreement as presented. Second by Commissioner Bennett, motion carried unanimously. Commissioner Bennett suggested a letter to go out that lease amount may increase next year.

Amendment Resolution 2018-06: Resolution 2018-06A, a resolution amending an error on the County Coroners salary. **Motion** by Commissioner Bennett to approve Resolution 2018-06A as presented. Second by Commissioner Peck, motion carried unanimously.

Commissioner Bennett presented a draft agreement between Lincoln County and the Port Authority for subdivision and certificate of survey administrative services provided to Lincoln County. Darren commented the agreement has been approved by the county attorney. Brett said he works 15 to 20 hours per week in the Clerk and Recorder's Office. The fee is \$37.65/hour. Robin commented that Brett McCully does a great job for the county and this is in the best interest of the county and improves public service.

Darren explained a tax abatement request to the commission from Jeff and Lisa Sooter for a total of \$540.00. There were 8 refuse assessments each year since 2016 and the property includes only 2 assessments per year. **Motion** by Commissioner Bennett to approve the Sooter tax abatement request as presented. Second by Commissioner Peck, motion carried unanimously.

2:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board