

August 18, 2021

The Lincoln County Board of Commissioners met for a regular session on August 18, 2021 in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Bennett, Commissioner Teske, and Clerk and Recorder Robin Benson. County Administrator Patrick McFadden present via VisionNet. Commissioner Letcher was excused.

Commissioner Bennett opened the meeting with the **Pledge of Allegiance and Prayer**.

9:30 AM Asbestos Resource Program (ARP) Update: Present were ARP Director, Virginia Kocieda, Pamela Monroe, Seth Carbonari, and Derrick Perkins via VisionNet.

ARP Director Virginia Kocieda submitted the following report:

[Asbestos Resource Program \(ARP\) Report for Commissioner's](#)

August 18th, 2021 9:30 – 10:00am

In July 2021, ARP received 28 hotline calls. 27 were from Libby, 1 from Troy. Most of the requests were for U.S. Environmental Protection Agency (EPA) comfort letter/MT Department of Environmental Quality (DEQ) status letter requests.

ARP also received 107 utility locate tickets from properties within the Superfund site: 97 from Libby, 10 from Troy.

Altogether, ARP performed 43 site visits in July 2021.

ABATEMENTS:

153 Bighorn Way, Troy – planned soil removal

117 Mineral Avenue, Libby – planned vermiculite removal

SAMPLING:

9677 US Highway 2, Troy

386 Riverside Drive, Troy

FUNDING

The ARP program is funded through a Memorandum of Agreement with DEQ. This is funding coming from a cooperative agreement between DEQ and EPA. The agreement designates \$600,000 over two years starting with costs from July 1st, 2020, until May 31st, 2022. Total costs incurred by ARP & reimbursed by DEQ since July 2020 is approximately \$311,687 leaving a remaining balance of \$288,313.

OUTREACH

ARP is participating at the Libby Vendors Market Presents Family Fun Day today from 2pm – 6pm. We will have an identify vermiculite game and brochures to share with parents.

LIBBY ASBESTOS SUPERFUND OVERSIGHT COMMITTEE (LASOC)

The next LASOC meeting will be held this Thursday, August 19th, 2021, from 3:00pm – 4:00pm. Representatives from DEQ will be joining Lincoln County members in the Commissioners room. The meeting will be open for the public to attend in person or virtually. You can find call-in information on the Commissioner's Agenda Calendar, posted notices at the Courthouse, and on the ARP Facebook page.

The second modification on the Memorandum of Agreement (MOA) with DEQ to ARP to continue serving administrative duties for LASOC was finalized by DEQ in July. The modification has been recorded at the Clerk and Recorder's Office.

10:00 AM USFS Fire Update: Present were District Ranger Seth Carbonari, Forest Supervisor Chad Benson, representing Great Basin Team 5 Trevor Riding and Sam Hicks, Nikki Meyer and Derrick Perkins. Trevor briefed the commissioners on local fire activities. The scope of work is continued with limited resources. Three crews total and only 2 crews that can go direct to the fire line. Still need to work to build lines of defense farther out to stop fire progression. Making good progress, the current weather has been helpful. Rain slowed the fires and helped but did not end the fire events. Overall, continuing with contingency lines and going direct when possible, keeping safety as the first priority; there is a high probability of success. There was a brief discussion about rumors that were heard but are not true. If it is not safe to work in an area, firefighters are continually working elsewhere where needed. Helicopters will fly when they can, aircraft support is requested daily, decision is made by the pilots and is based on safety. Visibility is the number one safety factor.

Commissioner Teske commended the fire team and holding a public meeting in Troy was appreciated.

Chad Benson commented that the forest service is looking at restrictions, and the forecast is possibly more moisture; will keep commissioners in tune as those decisions are made. If we get the weekend rain as predicted, we will be at a better place. Fire Teams have been actively involved and those efforts will continue.

District Ranger Seth Carbonari submitted the following report:

Lincoln County Commissioner's Meeting
August 18, 2021
Eureka, Montana



Updates from the Rexford/Fortine Ranger Districts:

- 1) Fire Season:
 - a. Still in PL5 nationally and Regionally. Getting rain here but still a real shortage of resources.
 - b. RJ McDole is the new FMO. 25 years on the forest.
 - c. Have good numbers of firefighters. Lucky with starts. Good rain.
- 2) Current planning projects:
 - a. The Pinkham Meadow Decision Notice was signed in July.
 - b. Grave Creek Blowdown was signed in July.
 - c. Marston Bugs II was signed this week.
 - d. Working on Sunday Creek- next large project Possible targeted CE.
 - e. Working on Edna-Fortine roadside fuel reduction project. CE
- 3) Timber Sales Update:
 - a. In progress
 - i. Deep Grave- almost finished- ~10,000 ccf
 - ii. Highway Dickey- ½ finished- ~12,000 ccf
 - iii. Laughing Ant- not started-~800 ccf
 - iv. Hagadore Frass- ¾ done- ~14,000 ccf
 - b. To be advertised
 - i. Thirsty Frank- ~18,000 ccf
 - ii. Green Poverty advertisement sold 8-17 ~3 ccf
 - iii. Williams Grave ~2,300 ccf
 - iv. Dead Triangle ~10,000 ccf
 - c. Future
 - i. Meadow GNA ~6,500 ccf- 1st GNA sale on district.
 - ii. Dreamweaver ~9,000 ccf
 - iii. Still Pinkham ~13,000 ccf
 - iv. Banks Saddle ~10,000 ccf
 - v. Young Dodge- possible small sale through GNA ~100 acres
- 4) Recreation
 - a. Busy but not overwhelming. More of a local feel with border closed.
- 5) Other
 - a. Used GNA dollars and process to grade the Gut Creek Road.
 - b. Roads- more and more requests for access across FS as land is subdivided or owners discover they don't have legal access when they go to sell.

Commissioner Bennett commented that we will see more access requests and suggested setting up a template to acknowledge some of those circumstances.

Commissioner Bennett invited Seth to give an update to the commissioners monthly or as needed.

10:30 AM **Administrative Issues:** Present were Paul D. Wachholz, Robert Haidle, Darwin D. Pluid, Nathan Lucke, Derrick Perkins, Sheriff Darren Short, Dallas Bowe and Pamela Monroe.

- Robin submitted the minutes for August 11, 2021 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Bennett, motion carried.
- Patrick asked the meeting to be closed for 5 minutes for a personnel issue. Commissioners asked to wait until Administrative Issues was completed.
- Robin commented that the Clerk & Recorder's budget has been finalized, but the election budget requires an official decision regarding the Election Administrator wage be set at a Grade 18. There is no budget increase request, wage is absorbed in current budget. **Motion** by Commissioner Teske to allow grade increase from 16 to 18. Second by Commissioner Bennett, motion carried.
- Commissioner Bennett talked about a port authority tenant abatement request. The tenant only leased for a few months but received an assessment for a year of taxes due. Commissioner Bennett suggested to abate taxes as a whole and setting up an account in the Treasurer's Department to prorate taxes. **Motion** by Commissioner Teske to abate taxes in the amount of \$176.82 as presented. Second by Commissioner Bennett, motion carried.
- Commissioner Bennett commented that DNRC is looking for a letter of support for a timber sale up Butler Creek.
- Commissioner Bennett received a letter from Kootenai Pets for Life regarding a cat issue in South Lincoln County; they are having to turn cats away due to lack of capacity.
- Patrick said that Road Supervisor Marc McCully visited with him about a dump truck that is down from a broken suspension. Repair cost is more than the truck is worth. Marc is requesting approval to spend approximately \$100,000 to replace the truck. Patrick clarified that Marc has explored all options. Commissioner Bennett said he would like to wait until Commissioner Letcher returns and asked Patrick to post the issue on the commissioner's agenda.

Meeting Closed for a Personnel Issue (approximately 5 minutes)

10:45 AM **Public Comment Time:** Present were Paul D. Wachholz, Robert Haidle, Darwin D. Pluid, Nathan Lucke, Derrick Perkins, Sheriff Darren Short, Dallas Bowe and Pamela Monroe.

Pamela spoke about the vaccination rate in Lincoln County is low but there is a spike in cases and questioned if the commissioners are doing anything about that. Commissioner Bennett commented the commission is not specifically doing anything, but the county health department is actively involved. Pamela questioned vaccination locations, saying it has been difficult for her to schedule the recommended booster. Commissioner Bennett will follow up with Kathi Hooper. It was commented that Lincoln County is 38% fully vaccinated.

11:00 AM **Planning / The Ranch at Eureka Public Hearing:** Present were Planning Consultant Kristin Smith, Paul D. Wachholz, Robert Haidle, Darwin D. Pluid, Nathan Lucke and Pamela Monroe.

The Ranch at Eureka Subdivision sits northwest of the intersection of Airport Drive and Tetrault Lake Road, north of Eureka. The developers are proposing dividing into 31 lots; 30 residential lots and 1 parcel of parkland. The property contains about 500 acres of grassland and 100 acres of coniferous forest.

The proposal includes a newly proposed paved road system with two cul-de-sacs. Looping access to the subdivision will be via Airport Drive and Tetrault Lake Road.

Developer is requesting a variance from section VI-G-1 of the Lincoln County Road Design Standards for maximum length of roads leading to cul-de-sacs.

Planning Board Review was July 20th, 2021

Commissioner Public Hearing was August 18, 2021

Public Notice was posted 7/29/2021 in The Kootenai Valley Record and Tobacco Valley News

Kristin gave an overview of the Lincoln County Planning Department Major Subdivision Report which included maps, Finding of Fact/Impacts, and Planning Department Recommendations with 11 conditions. Kristin also provided the variance request that summarized why the developer does not believe shorter cul-de-sac road lengths or the emergency access is warranted for the project. Fire Risk Assessment was submitted and briefly discussed. Kristin clarified the variance decision was based on input, design, fire departments, and engineering for the length. There are several contributing factors to ease the granting of the variance.

The Planning Board Recommendation is to grant the variance request and grant preliminary approval to The Ranch at Eureka Subdivision subject to conditions and based on the findings in the staff report.

Nathan Lucke gave a brief history of his subdivision work and expertise, commenting this is his first subdivision project in Lincoln County. Nathan commented the subdivision application and process has been approved by both the planning board and planning staff.

Commissioner Bennett questioned if the comment letters from the forest service and a few residents were acknowledged.

Nathan commented the forest service letter was unique and expressed trespass concerns. Nathan said he found it odd that it was suggested the public cannot go on forest service property. Nathan said he feels comfortable with the proposal as is.

Nathan said the other comment letter he received expressed a neighbor concern gaining access. Nathan explained the subdivision will be a gated community and the location of the park was not specifically chosen so people could access forest service property but was based on homesites and layout as the best place for parkland for the residents within the subdivision. The parkland in the subdivision is not a public park, and benefits property owners within the subdivision. Nathan said he feels comfortable with the proposal as is.

Pamela asked if/how subdivisions impact property taxes.

Commissioner Bennett explained the average home price in Lincoln County went from \$170,000 to over \$300,000. We are all in the same boat; Lincoln County has been discovered and development is being constructed. Commissioner Bennett spoke about the services the county provides is based on property taxes.

There was a brief discussion regarding home values, supply and demand, taxes and development.

Motion by Commissioner Teske to grant the variance as requested and approve preliminary plat for The Ranch at Eureka Subdivision subject to 11 conditions and based on the findings in the staff report and planning staff recommendation. Second by Commissioner Bennett, motion carried.

11:15 AM **County Bid Opening / Meadow Peak Communications Tower:** Present were Sheriff Darren Short, Brent Shrum, Pamela Monroe and Derrick Perkins.

Brent Shrum opened the sealed bid package stating that only one bid was received. The bid was submitted by Buchholz Fabrication out of Kalispell for \$108,873.00. Sheriff Darren Short read from the bid and clarified the scope of work. Brent Shrum talked about the cost increase for raw materials over the past year, explaining why the bid came in a little higher than the grant. There was a brief discussion of potential funding sources to cover overage costs.

Motion by Commissioner Teske to award bid to Buchholz Fabrication as presented. Second by Commissioner Bennett, motion carried.

Sheriff Darren Short explained the current communications site on Meadow Peak and how improving antenna off the ground to tower benefits the sheriff's department and improves communications, especially in the Happy's Inn area.

11:30 AM **Water Diverters Snowshoe Mine Road / Steve Byington:** Present were Steve Byington and Derrick Perkins. Steve talked about constructing water diverters on a portion of Snowshoe Mine Road to help keep the road in good shape and help with maintenance. Steve said he has visited with Road Supervisor Marc McCully and received support for the project. Steve explained the diverter plan to the commission. Commissioner Bennett commented he has no issue as long as it is coordinated and approved through the road department. Commissioner Teske agreed.

11:45 AM **Libby Asbestos Superfund Oversight Committee (LASOC):** Present were Derrick Perkins. Commissioner Bennett explained that George Jamison's term expired on LASOC as the citizen representative. Operating procedure is person stays in office until filled by the Governor. Position was advertised and Jamison was the only applicant received. **Motion** by Commissioner Teske that it be recommended to the Governor to reappoint George Jamison to serve on LASOC as a citizen member. Second by Commissioner Bennett, motion carried.

12:00 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

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