

December 9, 2015

The Lincoln County Board of Commissioners met for a regular session on December 9, 2015, in the Commissioner's Office of the Lincoln County Courthouse. Present were Commissioner Mike Cole, Commissioner Greg Larson, Commissioner Mark Peck and Clerk & Recorder Robin Benson.

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

9:30 AM **EMA Update:** Cancelled/Emergency Management on call due to potential flooding issues.

10:00 AM **EPA Update:** Present were Christina Proggess, Nick Raines, Gary Neff, Alan Gerstenecker, and Bob Henline. Christina updated the commission on the remedy selection and said EPA is working through a draft of the ROD hopefully to be completed no later than end of January. IC's are the main concern with the community and were the majority of comments received. Christina feels that EPA has a good path moving forward with the ROD and continued efforts are being made to encourage community participation in the remedy.

Community outreach, flyers and postcards have been distributed within the community as an effort to educate the public on why it is important to participate especially since there is "last call" for investigations and cleanups on private properties.

EPA is collaborating with DEQ, county and community about developing institutional controls (IC's). Tentatively planning a meeting in February to discuss what the IC's might look like and further discussion regarding funding.

Next steps are: Port Authority Property (OU5), BNSF Rail Corridor (OU6), and Highway Corridors (OU8).

Christina feels the cleanup construction season was successful for 2015 with approximately 100 cleanups completed.

Planning discussions are taking place for the 2016 investigations and construction season.

The mine site remedial investigation (data collection) has been gathered and a final risk assessment should be completed by end of January. This has been extensive data collection with multiple agencies involved. EPA is finalizing the feasibility study. Forest areas and boundaries are a key topic of interest.

Commissioner Peck said there are no current plans to remove the Public Health Emergency status; the ROD, in no way removes the Public Health Emergency status.

11:00 AM **FWP/ISFW Update:** Cancelled

11:30 AM **Planning Dept.-Public Hearing/White Pine:** Present were Lisa Oedewaldt, Deb Blystone, Byron Sanderson, Donna White, Alan Gerstenecker, and Gary Neff, Deanna Bidwell, and Philip Gunning.

- White Pine Subdivision is located in T30N R31W Section 8. Land owners are Dave Kneller, Phillip & Barbara Soucy, and Scott & Patricia Lennard. Surveyor is KSI, Libby. The proposed single-family residence subdivision is southwest of Libby, MT adjacent to Panoramic Views Subdivision. The developers intend to create 6 lots from the 121.13 acre parcel(s). The Planning Board recommends the commission to grant preliminary approval to White Pine Subdivision, subject to conditions and based on the findings in the staff report. Gary Neff asked about the annexation process and about fire/water resources and using Flower Creek/Dam. The City of Libby would have to be involved in the fire/water resource issues. Phillip Gunning, an adjacent property owner asked how the subdivision will affect his access. Lisa said the easement for access is intact and cannot change. The subdivision will not change Parmenter Creek Trailhead #140. Non buildable areas due to sloping will be defined on the plat map. The commission will review and take this under advisement and will revisit this on December 16, 2015.
- **Final Plat Approval/Wilderness Club Amendment 11.** Being an amended plat of Lot 48A of the amended plat of lots 48-70. Easements, and golf course, common area/open space and future phases, The Wilderness Club Phase 4 located in the NW4 Section 32 T37N R27W. **MOTION** by Commissioner Larson to approve final plat for Wilderness Club Amendment 11 subject to conditions and based on the findings in the staff report. Second by Commissioner Peck and so ordered upon unanimous consent of the board.
- **Final Plat Approval/Border Lane Estates** located in the West Kootenai area, SW4SW4 Section 11, and the NW4 Section 14 in T37N R28W. **MOTION** by Commissioner Peck to approve final plat for Border Lane Estates subject to conditions and based on the findings in the staff report. Second by Commissioner Larson and so ordered upon unanimous consent of the board.
- **Preliminary Plat Extension MBDI** located in SE4SE4 Section 25 & GOV. Lot 1, Section 36 T31N R31W. The developers are asking for a 1 year bond extension. **MOTION** by Commissioner Peck to approve a 1 year bond extension for MBDI Subdivision subject to planning staff recommendations. Second by Commissioner Larson, and so ordered upon unanimous consent of the board.

1:00 PM **Dept. of Transportation Update of Projects:** Present were Shane Stack, Ben Nunnallee, and Justin Juelfs. Ben presented a map of the highways within Lincoln County showing locations of upcoming projects. DOT is working on the design for a paving project on US Hwy. 2 near the Idaho border; construction is planned for 2017. Two corrosion treatment bridge projects are being planned for 2020 also near the Idaho border mile post 6.4 and 11.6. The Kootenai River Bridge is included in the bridge project. There is a road/foundation grading project planned near the Swamp Creek area, US Hwy. 2 mile post 49.0 – 53.8, approximately a 5 mile stretch. The project is currently delayed to extend the time for soil to consolidate for stability. There is no start date yet until there is a good foundation before putting in a road. In 2016, DOT will be involved in the sidewalk project on Balsam Avenue, Libby and the Walking Path Project on US Hwy. 37 North of Eureka. Shane expressed his appreciation for the county commission and looks forward to continued communication and a strong working relationship.

2:00 PM **Kathi Hooper/Animal Control:** Present were Donna White, Loyde L. Miller and Menga E. Miller. Kathi updated the commission regarding the hiring of the vacant position within the animal control department. The position is advertised through December 15, 2015. Currently there are low numbers at the Libby animal shelter, reflecting the spay/neuter program as an effective program. The majority of the animals in the Eureka shelter actually go to Canadian families through the Friends of the Shelter Program. Many of the Libby animals go to the Eureka shelter. Kathi said there was an unusually big problem with bears in the Fortine area this summer. There was a brief discussion about the unique summer regarding bear activity. Commissioner Peck feels that we should not overreact because of one active year out of the past 20 years with increased bear activity and feels that bear resistant garbage containers/collection may not be necessary at this time.

2:20 PM **EMA Emergency Update on Local Flooding/Kirk Kraft and Lisa Oedewaldt:** The City of Libby is declaring a State of Emergency and Lisa asked the County Commission to declare a State of Emergency for Lincoln County as well to be prepared for potential flooding and providing for the City and County to work together. Due to the rainfall there are potential hazards at the lower Flower Creek Dam. **Motion** by Commissioner Peck to declare a State of Emergency for flooding in Lincoln County. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

2:30 PM **Loyde and Menga Miller/Close Alleyway Pinewood Village:**

The commission received a petition and letter from Loyde Miller requesting to have the utility easement blocked behind his property located at 72 Timberlane, Pinewood Village, Libby. Commissioner Larson and Commissioner Peck have visited the site. Menga said the easement is being used as a road and was only meant for utility services. Loyde and Menga expressed their frustration and problems due to the easement being used as a road. The Miller property is located approximately in the middle and people can access the easement from both ends. The petition is signed by 11 people in support, but not all signatures are neighbors. Commissioner Peck said the easement is actually an alley and read 7-14-2616 MCA regarding closing a county street or alley. Commissioner Cole said the commission needs to do some research and determine the aspects of the law and possibly consult with the county attorney.

3:00 PM **Tim Orthmeyer/Eureka Airport Project 2016:** Present were Bill Caldwell and Donna White.

Tim presented the Libby Airport Master Plan and Libby Airport Layout Plan. Tim is requesting signatures from the commission prior to sending the plans to the FAA for approval.

A master plan study is planned for the Eureka airport. Tim said he is writing grants for the full amount available to the Libby and Eureka airports and is requesting commission signatures to move forward with the grant applications.

MOTION by Commissioner Peck to approve non primary entitlement 2016 in the amount of \$297,859 grant application for the Eureka Airport to fund the Eureka Airport Master Plan and commit a 10% match of \$33,000. Funding will come out of Fund 2900 PILT. Second by Commissioner Larson, and so ordered upon unanimous consent of the board.

Bill said he is currently communicating with the FAA regarding the possibility of improvement to the instrument approach at the Libby airport.

3:30 PM **Emergency Burning Resolution No. 952:** Present were Jake Mertes, Ed Levert, David DeShazer, Mark Decker, Gary Halvorson, Carolyn Peck, Gary Lamey, Greg Lamey and Del & Sally Hufford.

Resolution # 952 temporarily amends the Lincoln County Control of Air Pollution Ordinance to aid many people, including elderly residents with only wood stoves for heat if an air quality alert is called restricting the burning of wood stoves. Validation as a sole source of heat will allow that device to be used during an air pollution alert, subject to the smoke discharge limitations of 75.1.204(4). The Emergency Ordinance shall take effect December 9, 2015 and be in effect for 90 days. **MOTION** by Commissioner Peck to approve and sign Resolution No. 952. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

The group discussed the problems with the county ordinance regarding air quality and burning during the month of November. Jake discussed part of the ordinance (75.1.101) that could be amended with DEQ and EPA approval to mitigate the issue. It is probable that slight modifications to the definition {75.1.403(11)} and the rule (75.1.406) would not negatively impact air quality. Commissioner Peck said the commission will work to make the changes in the county ordinance and visit with DEQ, EPA and the county attorney to amend the county ordinance and mitigate a solution to this problem. Commissioner Peck said he will visit with Chas Vincent and Jerry Bennett about the air quality state permitting process to burn slash piles.

4:00 PM **Administrative Issues:**

- The commissioners read the minutes for November 17, 2015. **MOTION** by Commissioner Peck to approve minutes as written. Second by Commissioner Larson, and so ordered upon unanimous consent of the board.
- The Commission read and signed the 2015/2016 Agreement for Inmate Excess Medical Insurance and/or Claims Administration Management Agreement. Correctional Risk Services, Inc. (CRS) will provide the Montana Association of Counties (MACo) and the County, inmate excess medical insurance for those county jail inmates that the County is directly responsible for payment of medical costs subject to the terms and condition of the participation agreement.
- Commissioner Peck explained that LCRFD Board Member list shows terms expire for all board members on the same date. It was acknowledged that it was a County error. According to 7.33.2106 MCA, board members need to have staggered terms. **MOTION** by Commissioner Larson to adjust the expired terms dates to correct this and to be compliant with statutes. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.

- Robin Benson showed a picture of map drawers that were donated to Lincoln County from the US Army Corp of Engineers, Libby Dam. Twelve drawers were donated and will be used in the county annex storage for map preservation.

4:30 PM **Public Comment Time:** There were no public comments.

5:00 PM **The meeting was adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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