

December 12, 2018

The Lincoln County Board of Commissioners met for a regular session on December 12, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, Commissioner Bennett, and Clerk and Recorder Robin Benson. Also present via Skype was County Administrator Darren Coldwell.

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

9:00 AM **Kirsten Kaiser /Three Rivers Forest District Update:** Present were Josh Letcher, Alan Gerstenecker, and Ben Kibbey.

Kirsten submitted an outline of topics for discussion (summarized below). Contact: Kirsten Kaiser (kakaiser@fs.fed.us), District Ranger at 406-295-7438 for more information.

Avalanche Forecasting on the KNF begins December 13 and extends until early April. Kootenai info posted at <http://www.idahopanhandleavalanche.org/archive/kootenai>. Ben Bernall is available for outreach/education to schools. Avalanche safety class in Troy January 11-13, 2019.

Swinging Bridge Replacement at Kootenai Falls implementation is scheduled for spring 2019; official source of information is on the Lincoln County website, www.lincolncountymt.us.

Yaak River Campground Boat launch: The structural boat ramp located on the Kootenai River was completed in October 2018 with significant investment from the Corps of Engineers at Libby Dam. Boat Ramp name is pending.

Other topics noted are: Snipetown Suction dredging on the Yaak River, Yaak River Mining Claims, Starry Goat-2019 Implementation, Black Ram Project, and Trails.

Other District Information:

- Grooming of Ross Creek and Cougar Ridge cross country ski trails begins at weeks end (snow permitting)
- PNT 2018-61 hikers registered at Canuk Pass (15 we part of a boy scout troop day hiking)
- No commercial mushroom permitting for 2019
- Vacant positions: hydro tech, database, prevention tech engine foreman
- Vegetation management planning areas
 - Knotty Pine/BMU 12-includes proposed Cougar Ridge cross country ski route expansion (loop trail)
 - Grizzly/BMU 11
 - Spar/BMU 3
 - SF Yaak/BMU 17
 - NE Yaak/BMU 16
- YCC
 - Kirsten commented on lack of funding, thus crew unlikely; KNF working on grants. There was a brief discussion of potential funding options and county involvement.
 - Thank you to Jerry Bennett for visiting with the YCC group 2018

The commissioners commended Kirsten and Three Rivers Ranger District for all the projects, sales and recreational work conducted.

10:00 AM **Health Department Update:** Present were Kathi Hooper, Noah Pyle, Jennifer McCully, Ben Kibbey and Alan Gerstenecker. Also present was Nikki Meyer, Eureka via VisionNet.

Jennifer talked about the Headwaters Foundation Grant to implement programs focused on age 0-5 initiatives; healthy pregnancy, positive parenting and school readiness. Lincoln County was chosen as a pilot opportunity and will be receiving \$50,000 for the planning phase.

Jennifer updated the commission on inmate health. The public health department is communicating with the sheriff's department on a process working through the county nurse.

Jennifer talked about potential funding; the state is applying for a grant on behalf of the Treatment Court Program.

Kathi said the licensed establishment process is almost complete; wrapping up those inspections.

Kathi said Payne Wrecking Yard did sign a consent order with DEQ to discontinue the MV Wrecking Yard. Mr. Payne has until August 31, 2019 to remove all junk vehicles except 20 personal vehicles that must be properly shielded and will not be allowed to operate a wrecking yard. Documentation is required of proper disposal of vehicles.

Kathi informed the commission on professional development programs and trainings for public health department employees.

Kathi commented that late fall slash burns went smoothly, and Environmental Health will be offering it again in the future.

Kathi said she is continuing to look at refuse assessments and has identified a college intern to look into refuse assessments in more detail.

Funding for fencing at the Fortine green box site has been secured.

Compactor has been rebuilt and is back at the landfill.

Noah said ARP is working on developing an outline with DEQ on how to assess properties for a joint site inspection in preparations for the transition of the superfund site from EPA to DEQ lead.

10:30 AM **Administrative Issues/Libby Park Board and TVID Appointments:** Present were Wendy Drake, Leigh Riggelman, Josh Letcher, Alan Gerstenecker, and Ben Kibbey. Also present were Nikki Meyer, Eureka via VisionNet.

- **Libby Park District Board Appointment:** Robin informed the commission that she received a request from the Libby Park Board to advertise for one vacancy. No applications were received at that time. Daniel Youso recently applied and did interview with the Libby Park Board. The Libby Park Board is requesting the commission to appoint Daniel Youso to the Libby Park Board to fill an unexpired term. Election Administrator Leigh Riggelman commented that Fire and Park District Boards are by election, and the statute is that members can be appointed but will need to file for an unexpired board term at the next regularly scheduled special district election cycle. Robin said letters from the Election Department had been sent to all Fire and Park Districts. Filing begins December 13, 2018 through March 28, 2019. **Motion** by Commissioner Bennett to appoint Daniel Youso to fill the unexpired term until the next regularly scheduled special district election in May 2019. Second by Commissioner Cole, motion carried. Commissioner Peck abstained due to family relationship.
- **Tobacco Valley Industrial District Board Appointment:** Robin reminded the commission that it did approve the TVID Resolution last week allowing the TVID Board membership to extend from 5 to 7 members. Robin said that on November 20th, the TVID Board did approve Ethel White, Melissa Brandon and Jason Moothart to serve on the TVID Board and is requesting commission approval. **Motion** by Commissioner Peck to approve the re-appointment of Ethel White and to appoint Melissa Brandon and Jason Moothart to serve on the TVID board per their recommendation. Second by Commissioner Bennett, motion carried unanimously.
- Robin presented the **minutes** for November 16 County Canvass, November 29 Post EPA Discussion, December 5, 2018 regular meeting for Commissioner approval. **Motion** by Commissioner Bennett to approve minutes as amended. Second by Commissioner Cole, motion carried unanimously.
- Wendy requested approval to pay the final EPA payment due out of PILT for \$105,687.70. **Motion** by Commissioner Bennett to approve EPA payment of \$105,687.70 to be paid out of the PILT Fund. Second by Commissioner Peck, motion carried unanimously.
- Commissioner Peck is requesting permission to write a complaint letter to the Frontier Public Works Commission for failure to perform maintenance in the Chain of Lakes area; there are 250 homes affected. Commissioner Peck said this is routine maintenance, not a disaster situation; batteries should have been replaced. Commissioner Peck will draft a letter.

10:45 AM **Public Comment Time:** Present were Josh Letcher, Alan Gerstenecker and Ben Kibbey. Also present was Nikki Meyer, Eureka via VisionNet.

There were no public comments.

11:00 AM **Public Decay Ordinance 2018-05, 2nd Reading:** Present were Kathi Hooper, Josh Nemeth, Josh Letcher, Alan Gerstenecker, and Ben Kibbey. Also present was Nikki Meyer, Eureka via VisionNet.

Josh explained the amendments that were made from the comments taken during the first reading and stated he has received no further comments. Josh said the purpose of the amendments were for clarification, public protection, enforcement clarification and for the public to understand the purpose of the ordinance. The Community Decay Ordinance is limited to the county only, although the City of Libby could adopt it. Josh said there will probably be amendments to the litter ordinance due to some overlap.

The commission and Darren commended the Board of Health and the county attorney's office for their work and assistance. Commissioner Bennett asked if there is anything that can be done in the process with departments to assist the county attorney's office regarding resolutions and ordinances. Josh commented that he has spoken to departments that he does not want to write their documents, but he and Robin are available to assist.

Motion by Commissioner Peck to approve the Community Decay Ordinance 2018-05 as submitted. Second by Commissioner Bennett, motion carried unanimously. The Community Decay Ordinance will go into effect 30 days after signing.

11:15 AM **Alyssa Ramirez, Update on Library Grant:** Present were Alan Gerstenecker and Ben Kibbey. Also present was Nikki Meyer, Eureka via VisionNet.

Alyssa discussed two fundraisers the library is currently running. The Adopt a Magazine Fundraiser is to help with magazine cost which is approximately \$4,000 annually. The Libby Friends of the Library will contribute \$700.00. The Adopt a Kid Fundraiser is to help maintain classic and current kids' books.

Alyssa said the library is facing a staffing shortage, and the biggest issue is moving crates. Alyssa said she is taking a closer look at how the library functions and streamlining process and workflows.

Alyssa discussed a potential grant opportunity for \$25,000. The grant will be an opportunity for improvements to the Troy Library. Alyssa is working with Tina Oliphant and will know more in March.

The library board is researching strategic goals and is working on branding the library with a new logo. The library is having its centennial in 2020 and may incorporate branding into that.

11:30 AM Fairgrounds and Rodeo Discussion: Present were Wendy Drake, Josh Letcher, Alan Gerstenecker and Ben Kibbey. Also present was Nikki Meyer, Eureka via VisionNet.

Robin submitted a draft Promissory Note and Agreement for Improvements to Lincoln County Fairgrounds between the Tobacco Valley Rodeo Association and Lincoln County. The draft Promissory Note and Agreement were written by Josh Nemeth, County Attorney's Department for commission review.

Commissioner Cole opened the meeting for further discussion. Commissioner Cole recused himself from any decisions. Commissioner Bennett commented on a period of time for the rodeo association to use the fairgrounds at no charge for 15 years while making loan payments. Consistent usage fees of the fairgrounds property and buildings should be established through the fair board.

Commissioner Cole clarified the county would front the entire loan and the rodeo would pay back 50% of project cost. Commissioner Peck commented there should be no additional cost on the fair for any use of the fairgrounds by the rodeo association. Commissioner Cole discussed a potential MOU between the rodeo and the fair board.

Commissioner Peck said he would like to see the rodeo payments going into a CIP Fund for continued and future fairground improvements. This would help with the commitment to have infrastructure/sewer upgrades in place to support the upgrade.

Commissioner Cole clarified that receipts and invoices would be submitted to the county finance department for payment of claims. Funds will not go directly to the rodeo association.

Motion by Commissioner Peck to approve the Promissory Note and Agreement for Improvements to Lincoln County Fairgrounds between the Tobacco Valley Rodeo Association as written with two caveats: #1- A special fund be set up to receive TVRA loan payments to be used for long term management of the fairgrounds. #2- To establish a usage fee after the contract period and commit to the infrastructure sewer/water projects. Second by Commissioner Bennett, motion carried.

Commissioner Bennett said he would like to see \$35,000 to \$40,000 buy-in from the community. TVRA can show either in-kind services or cash payment and amend the dollar amount reflectively or put a 10% match in the contract. Darren suggested a 10% in-kind or donation match.

Robin commented the agreement will have amendments to the physical address and legal description of the fairground property boundaries to include meets and bounds.

Motion by Commissioner Peck to amend previous motion to include the requirement of a 10% in-kind or donation demonstrated through documentation and change verbiage of contract to state up to \$177,500. Second by Commissioner Bennett, motion carried. Lincoln County will match 50% of the total project cost, up to \$177,500.

Josh commended the commission on the openness of the process and discussion over several public meetings.

Josh asked how the guarantee of the repayment is reflected. Commissioner Bennett said the promissory note/contract is the guarantee.

1:30 PM Planning Department: Present were Jake Mertes, Kristin Smith, Brett McCully, Kurt Rayson, Richard Thompson, Josh Letcher, Wayne Hirst, Kenneth E. Davis and Byron Sanderson.

White Pine Subdivision: The Planning Department received a request from Kootenai Surveyors on behalf of the developers of the White Pine Subdivision to extend their preliminary approval period. This is the first extension request. Planning Staff recommends approval of a one-year extension until December 16, 2019. **Motion** by Commissioner Bennett to approve the one-year extension until December 16, 2019, subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.

Little Bear Subdivision Public Hearing: Jake provided a PPT presentation showing the proposed Little Bear Subdivision. Recommendation from planning staff is to grant preliminary approval to Little Bear Subdivision subject to 17 conditions. Brett commented this subdivision has been in the works for approximately 10 years and he was assured by County Administrator Darren Coldwell that this would not be a conflict because of his work within the Clerk and Recorder's Office. **Motion** by Commissioner Peck to approve preliminary plat for Little Bear Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously. There were no public comments.

McMillan Bluff Subdivision Public Hearing: Kristin provided a PPT presentation showing the proposed McMillan Bluff Subdivision. Recommendation from planning staff is to grant preliminary approval to McMillan Bluff Subdivision subject to 17 conditions and recommendations. **Motion** by Commissioner Bennett to approve preliminary plat for McMillan Bluff Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously. Kristin said there were a couple public comments she received regarding impacts to wells in the area; those comments will be forwarded to DEQ. There were no other public comments.

2:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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