

January 10, 2018

The Lincoln County Board of Commissioners met for a regular session on January 10, 2018, 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**.

10:00 AM **Health Department Update:** Present were Jennifer Nelson, Jennifer McCully, Bryan Alkire, Jake Mertes, Noah Pyle, Mike Hartmann, Nancy Huus, Carl J. Leggins, Undersheriff Huff, Sheriff Bowe, D. Griffeth, Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Bryan said we may be able to start recycling plastic down the road, but it is up in the air at this time. China banned the import of plastics. Jennifer said some manufacturers in China are looking for other locations. Jennifer said the plastic market is down due to the decrease in carpet; people prefer laminate and hard wood flooring. All plastics are going to the landfill right now.

Jennifer Nelson said the trailer ordinance draft is now one page and she has been researching how other counties handle junk trailers in their counties. Jennifer said she has received public comment regarding the age of manufactured homes (mobiles). Jennifer clarified the intent of the ordinance is to improve or restrict substandard housing coming into Lincoln County. We would like to control the quality of mobiles coming into the county. Commissioner Peck said one concern is there are mobile homes that people own and live in that are in good shape. Commissioner Bennett commented that instead of picking a year, maybe we need a different way of determining what is junk; mobile homes are an affordable housing for many. Commissioner Cole said there are issues with abandoned mobiles. Jennifer feels the county should have some authority with trailer prior to 1976, especially regarding safety. Commissioner Peck commented there are mobiles already here that people are living in; the issue is stopping more coming in from out of county. Jennifer said there should be opportunity for a variance within the ordinance. Commissioner Peck said maybe the best thing to do right now, is just focus on incoming; there has been no study on internal, so we do not know how big of a problem we already have. Jennifer said what initially brought this to light are older trailers that have safety issues; mentioning a trailer recently moved into a trailer court that burned. Jennifer said there are supposed to be moving permits attained prior to moving trailers. Sheriff Bowe said we don't have enough knowledge on this; we are not trained for this. Commissioner Peck said it would be interesting to hear from the mobile home park owners and get ideas from them on how to monitor this.

Jennifer said the DOR is very interested in this because there are a lot of mobiles that people are living in that are not taxed. Jennifer said the fallacy with older trailers is that people see a trailer as low-income housing; you cannot get a loan on anything prior to 1976. Jennifer said these trailers are not necessarily built for our weather conditions and people may be able to have a low rent, but they have a \$300 power bill with holes in the flooring and ceiling so it defeats the purpose of low income housing. Jennifer reminded the commission that the county does put in money to moving these as part of the junk trailer program, not to mention the affect this has at the landfill, so the question is how do we stop more of these coming into the county when the county puts money into removal.

Jennifer Nelson said Bob Payne's wrecking yard has failed every inspection since permitted. DEQ attended and conducted the last inspection and has issued a letter to Mr. Payne informing him the license will be denied. Currently he is not licensed, it is in litigation with DEQ because they denied the boundary change due to noncompliance. Jennifer said the issue is coming before the Environmental Review again in February. Bob has a 30-day appeal period and DEQ has given him until July to remove vehicles since he is out of compliance with his license.

Jennifer McCully said we are having an issue with pertussis, commonly called whooping cough in Lincoln County. Jennifer said pertussis is contagious and is potentially dangerous for infants, elderly, or high-risk citizens. Jennifer said she is taking the issue to the Board of Health for further discussion.

Jennifer introduced Nancy Huus to the commissioners; Nancy is here to cover for mental health for 30 to 60 days and work on long term planning. Nancy said that her role is just to help with a sustainable plan for the providers. Sheriff Bowe said we need to sit down soon and hammer some things out to find solutions and processes.

Noah is the new manager for ARP. No changes as of now and he is working with the IC Committee and the Board of Health for the continuation of our Asbestos Resource Program and its services to the public.

10:30 AM **Administrative Issues:** Present were Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

- Robin said she has visited with Kathi Hooper who has reviewed the Montgomery Tax Abatement. Robin said she needs a motion for approval and that after visiting with Nancy Higgins, the payment would come out of solid waste funds. **Motion** by Commissioner Bennett to approve the Montgomery Tax Abatement per adjustment by Kathi Hooper. Second by Commissioner Cole, motion carried. Commissioner Peck was absent.
- Robin, Lincoln County Safety Committee Vice Chair, gave a brief history of the Lincoln County Safety Committee, loss control credits and the mod factor and how it factors into the workman's comp premium. Robin is requesting a motion to approve the Lincoln County Safety Program By-Laws and Lincoln County Safety Incentive Program for 2018; no changes other than updating the year. **Motion** by Commissioner Peck to approve the by-laws and safety incentive program for 2018 as presented. Second by Commissioner Bennett, motion carried unanimously.
- The commissioners read the minutes for special session December 20, special session December 21, 2017 and regular session January 3, 2018. A correction from "Cole" to "Peck" was made on December 20, 2017 minutes. **Motion** by Commissioner Bennett to approve all minutes as presented with one correction on December 20, 2017. Second by Commissioner Peck, motion carried unanimously.

10:45 AM **Public Comment:** Present were Jeff Koskela, Barbara Turner, Leslie Paternoster, Benjamin Scumate, Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Barbara Turner introduced herself as owner of Alternative Releaf Medical Marijuana facility in Libby. Barbara informed the commission that no other county in the state has an ordinance regulating facilities. Barbara showed the 80 pages of state regulations that she complies by and explained new regulations that are coming into effect. Barbara stated that to say this is a safe regulated system is putting it lightly.

Commissioner Cole asked if she ever has kids looking into the windows of her facility since kids walk by on their way to school and when walking to Save-Rite? Barbara said windows are mirrored and she has never had students try to come inside the facility. Barbara reminded the commission that 62% of the people in Montana voted in favor of this law. Barbara expressed that marijuana is a safe and therapeutic remedy to disease and illness. Barbara said her facility represents over 200 citizens in Lincoln County and they are also voters. Barbara said that to keep a safe regulated system in Lincoln County is to know the providers and she may also assist with the closure of the mental health facility. Commissioner Bennett said the county is looking at the whole process, but as a county commissioner, the state has given counties authority. Commissioner Bennett said he has no issue with a facility that is in place and complying with the law, but as a commissioner, it's our job to discuss the safety and welfare of our community; how do we deal with this in 3 to 5 years. Commissioner Peck clarified that the county is not looking at telling you to abandon, we are looking at it from a bigger picture and we all agree that patients benefit from the use of marijuana, but it's our job to make sure all dispensaries are complying. Barbara mentioned a facility in Libby that has a small sign and expressed concern that it may not be complying with regulations. Commissioner Peck expressed that he is unaware of any other facility and this is exactly what he is concerned about. Commissioner Peck said a legitimate practicing facility within the law is ok, but there is other stuff that can kick up and we need to acknowledge this and have authority. Barbara said she is hopeful we can work together, and expressed that she is well educated and schooled in the medical marijuana statutes and guideline. Barbara expressed that she would like to work alongside the county and participate in drafting a good ordinance.

Benjamin read a statement for his mother Leslie Paternoster saying she is 58 years old and has a doctorate of education and was a registered nurse for 30 years. Leslie has a type of ALS that is passed down genetically through family. Leslie is a medical cannabis patient and is unable to sleep and twitches uncontrollably if she does not take her medical cannabis. Leslie could relay many stories to convey how cannabis has made her disease bearable and is here to discuss how ordinance regulations may affect patients like her, expressing that it is very difficult and exhausting for her to travel. Libby is her home and would like to think that the commission as our civil servants would work to help those suffering instead of making it difficult for upstanding citizens to access their medicine. Leslie is pleased that she can voice her opinion to the commissioners and thanked the commissioners for their time and consideration.

Speaking for herself, Leslie said governments tend to over regulate; alcohol kills more people than marijuana. Leslie stated that she is begging the commission to not over regulate.

1:30 PM **Planning Department:** Present were Kristin Smith, Jake Mertes, Brett McCully, Patricia Sargent, Gerald Wallace, Dave DeGrandpre, Robert Mast, and Alan Gerstenecker.

Vahalla Estates: Jake informed the commissioners that all conditions have been met for Vahalla Estates Subdivision.

Motion by Commissioner Peck to approve Vahalla Estates Subdivision final plat subject to planning staff recommendations. Second by Commission Bennett, motion carried unanimously.

Bull Lake Ranch Subdivision: Jake informed the commissioners that all conditions have been met for Bull Lake Ranch Subdivision. **Motion** by Commissioner Bennett to approve Bull Lake Ranch Subdivision final plat subject to planning staff recommendations. Second by Commissioner Peck, motion carried unanimously. Patricia Sargent expressed the Bull Lake Fire Department was not aware of this subdivision. Kristin said the Planning Staff report states the fire department was notified. Kristin said the planning department will look closely at their records to verify that Bull Lake Fire Department was notified.

Jake informed the commission that he has not received a final plat for Hammond Subdivision, so it may be cancelled on the commissioner calendar.

Kristin recommended further discussion regarding the Glen Lake Irrigation District not attaining permits regarding lake shore construction.

Dave is here from Land Use Planning and said the Community Development Block Grant applications have been submitted. The applications are to help Lincoln County update its growth policy. We are now waiting to see if our application was accepted.

2:00 PM **Port Authority Discussion:** Cancelled

2:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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