

**October 10, 2018**

The Lincoln County Board of Commissioners met for a regular session on October 10, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson. Commissioner Bennett was absent.

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

**9:00 AM MT Fish, Wildlife and Parks:** Present were Ryan Sylvester, Jim Dunnigan, Wayne Kasworm, Tonya Chilton, Kim Annis, Alan Gerstenecker and John Blodgett.

Jim briefed the commission on the field season July-Sept., stating it was a successful season. MTFWP is currently walking specific creeks to determine bull trout red counts; counting nests to determine trout population. Jim said there is a fairly strong population; approximate count at 150 nests. Jim talked briefly about the selenium issue stating the press release of the results of fish tissue samples were high in the spring, but the water quality selenium reduced after spring run-off in May. The good news is that samples are taken and there is a chain of custody. Jim commented a large number of fish tissue samples of multiple species were tagged from the reservoir; no data stating increase in selenium in fish.

Ryan said it was above average year for sturgeon. Growth and survivor study completed; results will be out soon.

Tanya commented on the moose study and mule deer research conducted by MT Fish, Wildlife and Parks. There is obviously a lot of concern about moose population. There are moose changes through time, habitat makes it harder to see them without forest management. There are 30 moose collars out between Fisher River and most in the cabinets allowing for research on the moose movement and calf survival. Tanya commented that she has learned that one uniqueness of the research is the adult female survival rate really drives the total moose population survival. Female moose survival in the KNF is doing well, but calf survival has decreased. Moose population has been increasing about 2% annually. It's important that hunters take their moose carcasses to the landfill and not leave on public lands to help decrease the spread of disease. Tick parasite and brainworm are two of the diseases found in the moose study research. There are mule deer studies in the Fisher River area, Whitefish range and Rocky Mountain front. There were 22 mule deer captured/tagged across the Fisher and there is no movement until mid-May. All but two captures went to the cabinets; they all went high, not necessarily long distance.

Wayne informed the commission of the court loss or turnaround of the Yellowstone bear delisting. The judge ruled a few weeks ago and wanted more description about the remaining population and how it would be managed and a plan to improve the Yellowstone population over a period of time. The judge also questioned the process for estimating population or recalibration and questioned how management would adjust accordingly. Commissioner Peck commented judges are to rule on the law, and not make it up as you go along, from a science standpoint, the ruling should be offensive.

Kim commented that bear prevention mitigation at dumpster sites is doing well. Kim said it has been a lower bear/human conflict year than in many years.

**10:00 AM Health Department Update:** Present were Jake Mertes, Jenn McCully, Kathi Hooper, Noah Pyle, Bryan Alkire and Jerry Snell from Kootenai Disposal. Also present was Nikki Meyer, Eureka via VisionNet.

Jerry Snell from Kootenai Disposal stated that all his recycling material goes to Kalispell except for cardboard. China is no longer taking low grade materials, there is no longer a demand. Jerry said that Kootenai Disposal is being charged to send mixed material/paper and there is no money from sorted material either; there are no outlets or distribution. Envelopes with plastic windows and colored paper are no longer accepted. Kathi commented that she gets public complaints about not accepting plastics anymore and now we are changing paper recycling. Bryan said we are hand sorting materials at the landfill although the public is doing a great job. Bryan commented the landfill can process newspaper and magazines; office paper is an issue. Kathi said the landfill will be getting new information out to the public for further education. Hopefully the market will change.

Kathi informed the commission that the Yaak Hill green box site is being fenced this week and the Junk Trailer Program will receive a total of 14 trailers this year.

Kathi commented that she sent out the draft community decay ordinance to the commission for review. Commissioner Peck said the next step is to start the ordinance process; public hearing and advertising. Commissioner Peck commented the City of Libby has recently adopted a decay ordinance and it would be beneficial to have both ordinances coincide as much as possible. Commissioner Cole expressed the importance of public involvement and would like to see a public response. Commissioner Peck expressed there are too many areas affecting the values of neighbors, diminishing values combined with health hazards. Commissioner Cole said we are lacking the efficiency of enforcement. Commissioner Peck said the ordinance can be used as a tool to hammer people and we need to balance that and it's a tough thing to do. The more judicious we are getting this to the public, the better it will be received.

Kathi said that DNRC issued a press release for the upcoming Flower Creek burn. Kathi said she is working with Dr. Black on a process to get air purifiers for those homes and people with air quality concerns. Kathi stated that it's better to have this done in a controlled environment.

Noah said he will attend an O&M breakout session with EPA and DEQ to discuss O&F planning and commented there has been no feedback from EPA regarding the pilot study on revisiting inspected properties.

Kathi said that Virginia received her *Sanitarian in Training* certification and Trista received her LPN commenting on two great additions to the public health department.

Jennifer said Trista is giving out flu shots and has had nine off site clinics.

Robin said it is noteworthy that MACo contacted Ernie Anderson as the Vice Chair of the County Safety Committee to video tape the process of opening and closing the containment cans at the Libby landfill to potentially use as a safety training video during MACo Safety Conferences.

**10:30 AM Administrative Issues/Tax Abatement for Refuse Fees:** Present were Kathi Hooper, Alan Gerstenecker and John Blodgett. Nikki Meyer

- Kathi said Charles Hinz was being billed for two refuse fees, but there is only one dwelling. Charles is requesting a 3-year refund for a total of \$405.00. **Motion** by Commissioner Peck to approve the refuse assessment refund to Charles Hinz in the sum of \$405.00. Second by Commissioner Cole, motion carried.
- Robin presented the minutes for October 3, 2018 regular meeting for Commissioner approval. **Motion** by Commissioner Peck to approve October 3, 2018 minutes as amended. Second by Commissioner Cole, motion carried unanimously.
- Commissioner Peck said that he would like to invite Rich Stem (retired forest service) to visit in mid-November to work on issues, how to work with the forest service and spearhead the young growth project and hold NEPA training sessions. Commissioner Peck commented there is DNRC money available.

**10:45 AM Public Comment Time:** Present were John, Alan and Nikki. Dan Williams, Darren Short, Brian Griffeth. Dan commented there will be a weed board meeting on the 15<sup>th</sup>, requesting a commissioner to attend. Dan said that Rocky Schauer is stepping down from the board and Dan said he is retiring September 12, 2019. The Weed Board would like to know the process of how and when we can hire. The Weed Board would like to see someone in place before Dan retires. Dan expressed there is an entire network of programs and processes that need to be rolled over to the next Weed Director. Darren agreed that we should bring someone in early for training.

**11:00 AM Lease Agreement Discussion (Brian Griffeth) City of Troy Lease Agreement:** Present were Wendy Drake, Brian Griffeth, Darren Short, Alan Gerstenecker and John Blodgett. Also present was Nikki Meyer, Eureka via VisionNet.

Coldwell submitted the lease agreement to maintain the youth facility in Troy. Brian said the facility can be used as a detention facility for overflow of inmate population when necessary. Cost is approximately \$2,000, up to \$3,500 a year. Commissioner Peck commented that we need to maintain it; the jail is the biggest liability we have right now. Commissioner Peck said the commission has asked to get a committee together for the purpose of research options for a strategic long-term plan to rebuild, expand or build new. Brian commented that with the closing of the local mental health facility, the detention facility has become a repository and the county needs to consider an added wing for those inmates. Brian said when the misdemeanor probation officer is fully up and running it will help with inmate population significantly. **Motion** by Commissioner Peck to approve the Troy Detention Facility lease agreement with the City of Troy. Second by Commissioner Cole, motion carried.

Brian submitted an overview/proposal of the sheriff's department vehicles and discussed options for upgrading vehicles. Brian said the capital improvement plan (CIP) is lacking in the sheriff's department regarding vehicles. Current budget for vehicles is \$30,000 with a potential \$50,000 grant. This will provide for 2 vehicles to be replaced. Current inventory of vehicles has an average age of 8 years with an average mileage of 190,000. The Sheriff's Department has 20 vehicles in service right now. Of the 20 vehicles, 3 are inoperable or unsafe. All of the jail transport vehicles are mechanically unsound and are not able to be used for transports outside of the county. At the rate of replacement from past practices, vehicles are being driven well past their usefulness thus creating a fleet with high mileage and high maintenance cost. Past practices were not prudent in order to meet and maintain proper capital improvement. Currently 6 vehicles are older than 10 years; one vehicle is 9 years old but has almost 200,000 miles. To plan for a more fiscally responsible capital improvement, we must look at taking an aggressive initial approach. This plan will allow us to hold back 7 vehicles to be replaced after 5 years. Brian suggested getting caught up and create a long-term CIP for vehicle maintenance. The proposal is to purchase up to 10 vehicles to also include a new detention transport van. Brian talked about trade-off/selling some of the current vehicles and when transporting long distances, potentially could offer to transport for other counties for a fee to help with cost. The next step would be to create and implement a more comprehensive CIP and budget for future improvements in a more manageable timeframe. Darren Short informed the commission about the importance of pursuit rated vehicles being cheaper to purchase through the state program at approximately \$38,000 then the current vehicles without the pursuit rating at \$52,000, saving cost of each vehicle purchase. Darren Coldwell said the finance department is not opposed to this, but if we are going to borrow, we do need to give local dealerships/banks opportunity to participate. Commissioner Peck commented there is a lot of credence to this and expressed support of long-term planning. Darren said he will follow-up with Brian and visit with local banks/dealerships. Commissioner Peck stated that we need to try to keep dollars in the county whenever possible, but we cannot afford to pay 20,000 more per vehicle either.

**11:30 AM Libby Airport Runway Rehabilitation Project:** Present were Wendy Drake, Alan Gerstenecker and John Blodgett. Tim Orthmeyer and Mike Carlson via phone conferencing.

Tim discussed the pavement rehabilitation project at the Libby airport requiring a 10% match approximately \$200,000 from the county. Tim recommends taking advantage of the omnibus passed by congress for smaller airports. Funding for general aviation is 100% and would have no local match. Tim provided a grant application for commission review, and suggested applying for enough money for future projects since it is a 100% funding grant. Application to include 3 million to include projects bid in 2018; program rolls through fiscal years 2019 and 2020. Asking commission approval to submit

the grant application by October 31, 2018. Tim said it is important the commission understands the program and can make a decision based on this new program. Commissioner Peck asked if the grant includes contingencies. Tim said he felt comfortable to state the grant would include contingencies.

Darren commented that Lincoln County has had categorical fire catastrophes and the forest service basically takes over the airport; there may be timing to consider. Tim said that working around fire season would be part of the planning process. Commissioner Cole asked about other fees and costs. Tim said there would be no cost to the county, stating the intent of the funding is to provide for small airports to get projects complete that otherwise could not be affordable. Commissioner Peck asked if local contractors would be able to bid. Tim said it would depend on the capabilities the construction companies could provide. Tim said legislator support letters would be beneficial to the grant award process. **Motion** by Commissioner Peck to approve Tim Orthmeyer to pursue the FAA grant application as presented for repaving the runway and taxiway at the Libby airport. Second by Commissioner Cole, motion carried.

1:30 AM **Planning Department:** Present were Jake Mertes, Alan Gerstenecker, Byron Sanderson, Brett McCully, Kenneth E. Davis and Sam Shupe.

**Shelterwood Park Subdivision:** Located in Troy. Jake said all conditions have been met and the planning staff recommends final plat approval. **Motion** by Commissioner Peck to approve final plat for Shelterwood Park Subdivision in Troy subject to planning staff conditions and recommendations. Second by Commissioner Cole, motion carried.

**Reynolds Family Transfer:** Jake said there is no intent to evade subdivision regulations and planning staff recommends approval to use the exemption. **Motion** by Commissioner Peck to approve the family transfer from Ynocensia Reynolds to her daughter Sheila Brodacznski as presented subject to planning staff conditions and recommendations. Second by Commissioner Cole, motion carried.

2:00 PM **EPA Update:** Present were Mike Cirian, Dania Zinner, Kathi Hooper, Noah Pyle, Tony Berget, Alan Gerstenecker, and John Blodgett. Also present were Lisa Dewitt and Chad Campbell via phone conferencing.

Mike Cirian said all exteriors allowed are completed in operable units (OU) 4 & 7, and commented that after thirteen years of doing cleanups, we are now actually looking at the end of this phase. There are a lot of workers that have put time in this project over many years and they have opportunity to follow the company and/or work for other companies in the same line of work. Commissioner Peck asked as OU3 progresses if there are any projected opportunities. Cirian said there will be some work, W.R. Grace has already hired Thompson to do some work. Commissioner Peck commented about having an event at the Memorial Center to acknowledge the workers who have worked and contributed over many years.

Cirian said there is a large group of people/agencies working on O&M and Institutional Controls and he is hoping to have a draft soon and move into O&F phase.

Cirian said he will be doing a final drive through of OU3; W.R. Grace will take control of the site. Cirian requested to keep the county road closed until remedy is in place. W.R. Grace is conducting a thorough feasibility study for options of what the remedy will be. Cofferdam/spillway construction is taking place. Dania said there are expectations for W.R. Grace to conduct a complete detailed evaluation as part of the feasibility study on the OU3 dam site.

Dania said EPA is working on a consent decree with BNSF on OU6 to establish that BNSF will do the remedial design, O&M, and Institutional Controls to close out that operable unit.

Lisa said there are 4 operable units in O&M status or partial O&M status as follows:

OU1-Environmental Covenant needs to be in place before O&M status

OU2-Partial deletion

OU5-Environmental Covenant needs to be in place before O&M status

OU8-O&M

Tony Berget asked about the spill on River Road across from Riverfront Park. Tony said MTDOT is not aware of the spill and it sounds like there may be some exposure. Tony stated there is a potential trail that the Eagle Scouts may use again. Tony expressed strongly that the area should be cleaned, realizing it could be hard to do due to steep terrain. Tony said that after conducting his research he would suggest the commission talk to their legal advisors and request comment from EPA in writing if the area will be cleaned up and if not a statement as to why the area should not be cleaned up. Cirian said EPA has never stated it would not be cleaned, there is minimal exposure, but EPA has money set aside and an evaluation would need to be done. Cirian said the question is always what the exposure is. The state would also need to be involved in the conversation. Tony said the trail does exist and it is a walking path used by the public providing river access. Commissioner Peck said we need to note this and since the funding is there potentially figure a way to get it done. Cirian said he would be willing to tour the area with the commission.

2:40 PM **Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

**ATTEST:** \_\_\_\_\_  
Robin A. Benson, Clerk of the Board