

**May 1, 2019**

The Lincoln County Board of Commissioners met for a regular session on May 1, 2019, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Peck and Clerk and Recorder Robin Benson. County Administrator Darren Coldwell was present via Skype.

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

9:00 AM **Forest Supervisor Update / Cheryl Probert:** Meeting to be rescheduled.

10:15 AM **Lincoln County Rural Fire District (LCRFD) Petition for Bobtail Annexation:** Present were Assistant Election Administrator Chris Nelson, Alan Gerstenecker, Clyde Ross, Steve Lauer, Gerald Brown, Wendy Drake and Luke Hollister.

Steve Lauer, representing the LCRFD Board presented a petition for annexation of 77 properties in the Bobtail area. Steve provided color coded maps showing the property owners and boundaries, not including the Bobtail Cutoff area. Chris said the Election Department has verified the signatures and acreage. In accordance with 7-33-2125, the 40%/40% rule required for annexation of adjacent territory that is not contained within current LCRFD boundaries has been met. Commissioner Peck read Resolution 2019-08 Intent for Annexation. **Motion** by Commissioner Bennett to approve Resolution 2019-08 Intent for Annexation as presented. Second by Commissioner Letcher, motion carried unanimously. Robin commended Chris for all his good work while the Election Administrator has been absent.

10:30 AM **Administrative Issues:** Present were Luke Hollister and Alan Gerstenecker. Also present was Nikki Meyer, Eureka via VisionNet.

- Robin said Fire Service Area (FSA) Board appointments were completed last week. Eureka FSA had 3 vacancies and only one person applied for reappointment. Robin said she did receive a late application from Shawn Vandenberg who is the current board president. The FSA Board is requesting Shawn to be reappointed to the Eureka FSA Board. **Motion** by Commissioner Bennett to approve Shawn Vandenberg to be reappointed to serve on the Eureka FSA Board. Second by Commissioner Letcher, motion carried unanimously.
- Robin presented the minutes for April 23 finance meeting and April 24 regular meeting for Commissioner approval. **Motion** by Commissioner Bennett to approve minutes as presented. Second by Commissioner Letcher, motion carried unanimously.

10:45 AM **Public Comment Time:** Present were Luke Hollister, Jeff Koskela and Alan Gerstenecker. Also present was Nikki Meyer, Eureka via VisionNet.

Commissioner Bennett commented on a small piece of property that is an abandoned public road right of way in Troy that can be turned over to the property owner. He will bring more information to the commissioners at a later time.

Commissioner Bennett commented that he has met with homeowners in the Panoramic View Subdivision over the dust issue. Landowners are willing to set up a road district on any lots sold going forward. Commissioner Bennett said he is in the process of trying to determine how to best fix the dust issue.

Darren said he will be sending out the Schedule A Road Report for commissioner review; this is the first step. Darren commended Heather Benjamin and Maranda Davis for all the work conducted to locate all the homeowners.

Jeff said he is seeking advice about a tire program that was presented to the commission a couple of years ago. Jeff said he saved Troy road \$10,000 and Libby road \$6,000. For the county not to act on this, Jeff expressed that he feels the county is throwing money away. Jeff expressed the county could probably save \$50 to \$60,000 a year using this program. Darren said the road foreman did not want to be limited on the kinds of tires or commit to just purchasing from one business; therefore, the county did not pursue the tire bid program. Darren suggested the commissioners visit with their road supervisors for their input. Commissioner Peck said we should look at this a little closer if that much savings to the county is at play. Commissioner Bennett agreed. Darren clarified the county bid process would have to go outside Lincoln County and expressed concern an out of town bid would be low bidder.

11:00 AM **Eagle Project / Skating Rink Eureka Fairgrounds:** Present were Alan Gerstenecker and Luke Hollister. Also present were Mike Lancaster, Blake Lancaster and Nikki Meyer, Eureka via VisionNet.

Blake asked if the commissioners had any questions about the project and the proposed location. Blake said he talked with a local CPA about creating a non-profit and that is in process. Blake is affiliated with Troop No. 1929 out of Eureka. Commissioner Letcher said there will be a lease agreement and the Eureka Sports League may want to create a board and by-laws. Blake said the CPA is working with him about creating a board for the non-profit. The rink is currently planned 2/3 the size of a national rink, but if the funds exceed expectations, we could shoot for a larger rink. Commissioner Letcher said he would start the lease agreement process. Blake said the total cost is estimated at \$20,000. Commissioner Peck asked for costs for the 2/3 size, but also have the cost estimate for full size to potentially plan ahead for enlarging the rink at a later time. Commissioner Peck expressed that this is a great project for the community. Darren commented the Troy school district received a grant for skating equipment. Blake said he would check into that. The commissioners commended Blake for his work and stated they were very proud of his efforts.

11:30 AM **Fraser Engineering:** Present were Mike Fraser, Luke Hollister and Alan Gerstenecker. Also present was Nikki Meyer, Eureka via VisionNet.

Mike updated the commissioners about the Kootenai Park water system for a concession stand. Mike discussed the well and holding tank options and recommendations; project is in progress.

Mike is requesting direction on what to do and how to move forward regarding the BNSF Quiet Zone Project. Commissioner Peck said there is a conference call set up tomorrow at 10am with BNSF, State of Montana and another engineering firm to work out the details and invited Mike to attend. Commissioner Peck commented there are state grant dollars available to help fund this project.

Mike commented there are some reinforcement issues that need to be worked out regarding the container project at the Eureka Fairgrounds. Commissioner Letcher said two septic systems on the fairgrounds property are permitted. Commissioner Letcher and Mike Fraser will meet at the fairgrounds property to look at the property and any documents showing the water/sewer system.

**1:30 PM Planning Update / Pipe Creek View Final Plat / State Floodplain:** Present were Jake Mertes, Brett McCully, Byron Sanderson, Marc Pitman, Tom Birney, Traci Sears, Mike Fraser, Chris Nelson, Clyde Ross, Ben Kibbey and Alan Gerstenecker.

**Pipe Creek View Subdivision Final Plat** located in Section 28, T33N, R31W: Jake said all requirements for conditions has been met for approval. Planning staff recommends approval of final plat for Pipe Creek View Subdivision. **Motion** by Commissioner Bennett to approve final plat for Pipe Creek View Subdivision subject to planning staff conditions and recommendation. Second by Commissioner Letcher, motion carried unanimously.

Traci said FEMA is here to discuss Lincoln County's participation in the National Flood Insurance Program and the rise of community violations. Traci commented the county's floodplain regulations is dated 2005 and the effective ordinance is based on the 1990 State Model Floodplain Ordinance that is deficient with current state and federal required minimum standards. Traci said she is available to help update the ordinance. Traci said enforcement is a big component of the floodplain program. Traci said the program is a voluntary program, and FEMA offers insurance for community involvement.

Traci asked about the status with Callahan Creek, saying she is aware Jake does not have the time to deal with floodplain enforcement. Traci said the Callahan Creek violation was the most devastating violation that has occurred in the State of Montana. Tom said FEMA is taking the lead on the Callahan Creek floodplain violation. Mike Fraser gave a brief update on the Callahan Creek Project. Tom said the best strategy moving forward with Callahan Creek is to send documentation to FEMA, so we can work with the county and officially close out on the Callahan Creek Project.

Commissioner Peck commented on the many meetings and conference calls with the Core, DEQ, EPA, but FEMA was never involved. Tom said FEMA is the lead agency and wants to work with the county for resolution.

Commissioner Bennett commented that it would have been good to understand the chain of command, but FEMA was never brought up in any discussion; had we known, FEMA would have been contacted.

Tony is requesting all documentation including surveys regarding Callahan Creek be sent to FEMA, so it can be thoroughly reviewed.

Commissioner Peck talked about a Libby Creek project, saying that EPA found veins of asbestos in 42" rock. EPA removed the original material, but the berm was rebuilt with substandard material. It has since washed out. Marc said EPA does have to abide by FEMA standards. Traci said the burden should not be put on the community.

Marc commented that he works with other regions and Jake is on the top of his list, commending Jake on his work.

FEMA, Jake, and Brett are working collectively on the Port Authority berm violation.

Commissioner Letcher commented there needs to be floodplain management education for the commission, and for the citizens with property next to water. Traci said she can provide educational material for the commission and for the public. Commissioner Letcher suggested an open house for communities to educate about floodplain management and how you can protect properties. Traci said she would be willing to conduct a training for Lincoln County.

Tom said FEMA is running out of money and resources because of the volume of events; having flood insurance is the best way to mitigate this for homeowners to get back to rebuild after an event.

**2:30 PM Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

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