

October 2, 2019

The Lincoln County Board of Commissioners met for a regular session on October 2, 2019, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, Commissioner Bennett, Commissioner Letcher, County Administrator Darren Coldwell and Clerk and Recorder Robin Benson.

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

9:00 AM **Noxious Weed Contract: Tansy Ragwort/Rush Skeletal Weed:** Present was Weed Director Mike Bradeen. Also present was Nikki Meyer, Eureka via VisionNet.

The commissioners signed the annual weed grants/agreements for Rush Skeleton Weed and Tansy Ragwort Weed Management for 2019. Mike said the contracts were already approved and signed but there was an error in the funding and administrative changes and the agreements are for those modifications. Darren informed Mike that all contracts/agreements are to be given to the Clerk & Recorder's Office for filing.

9:30 AM **Forest Supervisor Update/ Chad Benson:** Present were County Forester Jennifer Nelson. Also present was Nikki Meyer, Eureka via VisionNet.

Finished fiscal year at 76mmbf; above expectations, the goal is to have an increase in 2020.

The Hoo Doo Project is signed and the forest service will be signing the Ski Dale Project tomorrow.

There is a GNA Project meeting scheduled; Ripley Project will be discussed.

Chad said he walked the Black Ram area and will be continually working on that project.

There was a brief discussion about potential RAC projects.

Chad expressed frustration about the forest service budget and said he is disappointed. There is a regional meeting coming up and the budget will be a topic for discussion.

Chad said there are no mining updates at this time from last month's commissioner meeting.

Chad commented there are 10 to 12 positions he would like to see filled at the forest service, but very few applicants are received. Commissioner Peck spoke about the re-branding efforts to counteract the negative superfund site publicity; we have a strong chamber now and the re-branding needs to be better implemented.

There was a brief conversation about projects meeting collaborative requirements.

The commissioners spoke about a potential project along highway 37, a scenic byway, to open up the view of the reservoir. Commissioner Peck commented this was first brought up several years ago by former commissioner Mike Cole. Chad said he will check into how that would tie in with MTDOT.

Chad said he is still in discussion with the City of Libby regarding an easement on Flower Creek Road.

Commissioner Letcher asked if there was any permitting available for people that put memorials/monuments on forest land when someone died on federal property. Commissioner Letcher said that some of these memorials have been in place for decades and are important to families. Chad said there is no permitting process and realizes it is a sensitive subject and wants to respectfully find a way to work through it.

10:30 AM **Administrative Issues/Review of Actual Hours Worked:** Present were Sheriff Darren Short and H.R. Director Dallas Bowe. Also present was Nikki Meyer, Eureka via VisionNet.

- Review of Actual Hours Worked: The change allows employees while in a leave status (annual leave, sick leave, etc.) shall be considered hours worked for the purpose of calculating overtime payments or compensatory time. If an employee returns from vacation and picks up an extra shift, they now can receive over-time for those hours worked. Darren Coldwell commented that it should not come up often and the federal law did not change, but the State changed its policy. **Motion** by Commissioner Bennett to change the county policy for Pay And Benefits, Overtime and Compensatory Time in section A and in section C to take out the word "not". Second by Commissioner Letcher, motion carried unanimously.
- The commissioners signed a Memorandum of Agreement between MT DEQ and Lincoln County. This agreement sets forth the terms, conditions, understandings, and procedures under which Lincoln County, with funding from DEQ, will provide administrative assistance to the Lincoln Asbestos Superfund Oversight Committee. Commissioner Bennett commented the county attorney has reviewed the agreement. Commissioner Peck commented the agreement can be rescinded at any time. **Motion** by Commissioner Bennett to approve the Memorandum of Agreement as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Robin presented the minutes for September 18, 2019 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 Myrna LC Boswell. Also present was Nikki Meyer, Eureka via VisionNet.

Commissioner Peck commented that John Righter and Sam Shupe were selected to serve on the committee regarding Troy Dispatch; a meeting will be scheduled for next Monday or Tuesday morning. Commissioner Peck said the committee also includes people from emergency services, sheriff's department, Troy Dispatch, and City of Troy.

Commissioner Letcher said Mike Fraser is working on repairing the fishing pond in Eureka and will be applying for FWP grants that come out every spring.

11:00 AM **Jennifer McCully Grant Approval:** Present were Jake Mertes, Myrna LC Bosell and John. Also present was Nikki Meyer, Eureka via VisionNet.

Jennifer submitted two grants for approval: An amendment to the DPHHS grant for \$10,000 to establish a workforce development plan, engaging local public health agencies in Montana and the annual Maternal and Child Health (MCH) Block Grant for \$15,434 to provide maternal and child health related services. **Motion** by Commissioner Bennett to approve the amendment for the DPHHS Grant and the MCH Grant as submitted. Second by Commissioner Letcher, motion carried unanimously.

Jennifer informed the commissioners that Lincoln County was approved for the Drug Treatment Court. Policies and administrative work are being conducted in preparation for the opening of the court.

11:15 AM Frazey Loop Road Casino/Laundromat Discussion: Present were Myrna LC Boswell, Ron Denowh, Karyn Holcomb, Harold VanOverbeck, McKenzie Williams, Kathy Nelson, David A. Nelson, Doug I. Shaw, Steven Kelley, Darold Kelley, Chris Nelson, Jerry Hoover, Jake Mertes, Brett McCully, and Jim Beasley. Also present was Nikki Meyer, Eureka via VisionNet.

Harold said the neighborhood got together as a group to voice concerns about the new development regarding a casino and laundromat and possibly new houses in the Frazey Loop Road area. Concerns are water/sewer; some wells in that neighborhood are 80' or less and there is concern that contamination from a laundromat may be significant. Harold shared concerns about the drain field, potential crime, lighting, home values, property taxes, noise, and also expressed concern regarding the intersection, access and increased traffic. Safety for children and pets were also mentioned as a concern.

Harold questioned the viability of another casino and laundromat since there is already other laundromats and casinos in the town. Harold asked if the homeowners in the area have a say or even should receive notification of new development. Commissioner Peck said there has been no official filing for anything at the county and almost all the concerns expressed will be covered through DEQ and DOT. Commissioner Peck clarified that all commercial business must be permitted ahead of time and that the commissioners do not have much authority if those permits are met; it will need to be permitted before anything moves forward. Commissioner Peck said the sheriff's department would need to answer questions regarding crimes coming from casinos. Commissioner Peck explained the subdivision portion does go through the county and there are subdivision regulations to be met.

Harold said this meeting is informative and he appreciates the time to come and have questions answered.

Jim Beasley said it is his project and he would like to design and construct a casino/liquor store and laundromat with a minor subdivision of 3 to 5 homesites. Jim said it all has to be approved through the state and he is currently gathering that information. Jim said it is not possible in today's time to circumvent the permitting process and that he is waiting to see from the state agencies what he will be allowed to do, and right now, the laundromat does not look favorable, but the casino/liquor store and minor subdivision does look favorable. Jim commented that he has talked with one resident that is hopeful the development does go through in hopes there will be more policing in the neighborhood. There will be no more lighting than what is normal for business. Jim said he thinks people living south of town would welcome a laundromat instead of driving to the other end of Libby. Some trees and the building will help block traffic noise. Jim said that anything that goes in the development, if anything, will all be approved by the state, including well and septic, and all current wells will be considered in the permitting process. Jim talked about the mixing zone and how it will be considered in the permitting process.

Ron Denowh expressed concern about laundry soap in his well water. Jim said it's a valid concern and that is part of the permitting process. Jim said he is in the early design stage and the preliminary review is not favorable for a laundromat. Commissioner Bennett talked about the science and how DEQ is very thorough.

Harold asked if the residents will remain informed of the development. Jake explained the public comment period in the subdivision process and how those comments will be sent to DEQ for consideration.

Myrna expressed frustration that she purchased her home in 1959 and the development will be right in front of her home.

Commissioner Peck said the county follows state law and subdivision regulations; if not met we do not approve subdivisions, but if those regulations are met, there is not much the county can do regarding property rights.

11:45 AM Review and Approval of District Budgets: Present were McKenzie Williams. Also present was Nikki Meyer, Eureka via VisionNet.

Darren submitted the District Budgets to the commissioners for review and approval. Darren explained all dollars need to be accounted for and that all district budgets can be viewed on the county website under the Finance Department.

Motion by Commissioner Bennett to approve all District Budgets as presented. Second by Commissioner Letcher, motion carried unanimously.

12:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

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