

July 22, 2020

The Lincoln County Board of Commissioners met for a regular session on July 22, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, Commissioner Bennett, County Administrator Patrick McFadden and Clerk and Recorder Robin Benson. Commissioner Letcher was present via phone conference.

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

10:30 AM **Administrative Issues:** Present was Derrick Perkins. Also present were Nikki Myer, Eureka via VisionNet.

- The commissioners signed a support letter for the renovation and repurpose of Asa Wood School into an assisted living facility. The commissioners believe the proposed facility will provide needed services to the aging population within our community, while maintaining the current onsite services such as the Libby School District kitchen, Libby Food Pantry, and the Libby Area Community Garden.
- Robin presented the minutes for July 15, 2020 regular meeting for approval. **Motion** by Commissioner Bennett to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Peck explained that a tax bill for Mr. Zibov in Eureka was sent to the wrong address. Mr. Zibov is requesting penalties and fees to be waived. **Motion** by Commissioner Bennett to waive penalties and fees as requested. Second by Commissioner Letcher, motion carried unanimously. Commissioner Peck will follow up with the Treasurer's Department.
- Commissioner Bennett talked about the need for a tracking system for contracts/agreements to be placed on the calendar when they are to be reviewed or renewed, especially annual contracts and agreements. Robin said the C&R Office does have a contract master. Patrick said he will coordinate efforts with the Clerk & Recorder's Office.

10:45 AM **Public Comment Time:** Present were Gerald Fritts, William Langhorne and Ron Goodman. Also present were Nikki Meyer, Rita Henderson, Katherine Wright-Handy, Paul Tribble, Deborah Ann Tribble, Randy Wilson, Lety S. Frey, Christine Wagner, Dennis A. Wagner, Cindy Ruth, Andrew Belski, and Larry Stewart.

Commissioner Peck explained that each person would be provided 3 minutes due to time constraints and clarified no decisions would be made until any issue is placed on the agenda.

There were no public comments. Every person present is in attendance for either the Asa Wood Discussion or the North Star Landing Extension Request.

11:00 AM **Asa Wood Discussion / Mr. Fritts:** Present were Gerald Fritts, Ron Goodman and William Longhorne. Also present were Nikki Meyer, Rita Henderson, Katherine Wright-Handy, Paul Tribble, Deborah Ann Tribble, Randy Wilson, Lety S. Frey, Christine Wagner, Dennis A. Wagner, Cindy Ruth, Andrew Belski, and Larry Stewart.

Gerald is representing American Covenants Senior Housing out of Kalispell and is coordinating efforts as the Asa Wood School is converted into senior housing. After review of the kitchen facilities, the manager of the proposed project is looking at attaching additional space for a new kitchen for the school district. Gerald said he does not have final pricing or design yet; architects are still working on that. Should have final cost by end of August and he will keep the county informed as we move forward. Estimated total budget is 10.5 million. Currently anticipating approximately 45 rooms. Commissioner Bennett stated the project will benefit the community and it also gives good use to the building. It is a win win for the school district and the community.

Ron commented that he feels the school and public are very much in support of this project.

Commissioner Bennett asked about the timeframe.

Gerald said he anticipates final costing and final funding applications to be completed in August and September. We could get costing back that may be outside our financial parameters and we may have to readjust. Currently, we are planning on a very nice facility, but adjustments to specifications may be determined as costs come in and we will have a community meeting and announcement, mainly for contractors to get involved in the project.

11:15 AM **North Star Landing Extension Request:** Present were County Planner Jake Mertes and William Longhorne. Also present were Nikki Meyer, Rita Henderson, Katherine Wright-Handy, Paul Tribble, Deborah Ann Tribble, Randy Wilson, Lety S. Frey, Christine Wagner, Dennis A. Wagner, Cindy Ruth, Andrew Belski, and Larry Stewart.

Jake said the planning department received a request to extend the final plat deadline for North Star Landing Subdivision which is due for completion on July 12, 2020. North Star Landing Subdivision was granted preliminary approval on July 12, 2017 with 29 conditions of approval. This is the first request for extension. Issues with DEQ approval and the pandemic restrictions have slowed progress to completion. The request for extension is consistent with provisions in the Montana Subdivision and Platting Act. This major subdivision was given preliminary approval after three planning board meetings, and two public hearings with the county commissioners. There was a significant amount of public interest at the time. Planning staff recommends scheduling a public hearing August 19th in Eureka to allow for public comment and review and uphold/amend conditions of approval as needed. Jake said Tara Depuy, Attorney for MACo strongly encouraged a public hearing and public notice as well as the Montana Association of Planners. Jake commented, it's the right thing to do. Jake said we may want to change the venue to the Eureka high school auditorium.

Commissioner Bennett asked about setting precedence requiring a public hearing for every major subdivision. He understands public concern, but also understands the developer's frustration to get through DEQ and other agency timelines.

Commissioner Peck clarified that due to public concern, he would like to hear what they have to say.

Commissioner Letcher agreed the public has a lot of concern on this subdivision.

Patrick suggested extending today's timeframe to allow people present to comment.

Randy Wilson said his well is 140' from the drain field of Northstar Subdivision and felt it would be reasonable to hear an update from the developer of what has been completed/not completed. Randy said there are 3 new wells and questioned where the new drain field is and also questioned how familiar the commissioners are with what has or has not been conformed to the approved plan.

Lety Frey said her property is surrounded on 3 sides by the subdivision and expressed concerns on roads that are so bad, that her tenant was not able to get in and out without a 4-wheel-drive vehicle. Lety talked about road and easement approach, drainage issues with rainwater, and fire hazards. Lety expressed that since Commissioner Letcher is a realtor, there is a conflict of interest on his opinions and votes regarding this subdivision.

Cindy Ruth said her property borders the subdivision and expressed concern that heavy equipment is running down a little road and she did notify the forest service. Cindy read a letter written by her husband sharing why he feels the extension should be denied. Her husband questioned if the commissioners or any other agency are aware of alterations since preliminary plat approval. Cindy said she and her husband has been in contact with DEQ and nothing has been submitted to DEQ, so finds it odd the developers blame DEQ. Cindy said there is plenty of documentation of no dust remediation, erosion, water supply, and sanitation issues.

Paul Tribble stated that he owns adjacent property. Paul expressed that he feels the commissioners were very gracious to even agree to a preliminary approval from the very beginning since there were always significant problems. Paul said the developers are not using time wisely. Paul said he has had to haul water in and expressed frustration over the amount of blowdown; we need to realize this thing is out of hand. Totally support public hearing with new data.

Dennis Wagner expressed concerns about increased fire danger, traffic dust, noise and water as well as agreeing to the concerns brought up by other people here today.

Larry commented that the DNRC process is the predominate holdup, not DEQ and all concerns brought up today can be easily addressed. Larry expressed the conditions and process you go through now can be inundating. Larry said he will gather all the engineers again, although he does not know if that is legally required, but he is more than willing to attend another public hearing.

Commissioner Peck thanked everyone for their attendance and comments. We will see everyone at the public hearing on August 19th.

12:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

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