

**August 2, 2017**

The Lincoln County Board of Commissioners met for a regular session on August 2, 2017, 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**.

9:00 AM **Montana Fish, Wildlife and Park (MFWP)**: Present were Mike Hensler, Jim Dunnigan, Wayne Kasworm, Ryan Sylvester, John Blodgett, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

Wayne Kasworm commented that Yellowstone National Park delisted the grizzly bear as of Monday and MFWP will be moving forward delisting North Continental Divide. Commissioner Cole said there has been a lot of print in newspapers about selenium mineral issues in the Kooconusa. Jim said it has been the public perception who may not closely track this issue, that the impression is there has not been anything done which really is not the case. Jim said there has been education and informational meetings and since those meetings, there has been a collaborative working group established with agencies and it's important to note that the working group focuses on the water standards and data collections. Jim said that currently there has been no data that water quality standards have been exceeded. Jim said local MFWP has been conducting data collection and there is not enough information at this time to state that selenium is the reason for any decline in a specific species. MFWP will be holding more public meetings soon to discuss this issue. Commissioner Cole volunteered to participate on the collaborative working group. Jim said that selenium coming into the Kootenai River is a serious concern and the majority is coming in from the Elk. Jim said the concern is that it is accumulating in the reservoir and is important to note that its origin is from coal mining.

Jim said that it's exciting from the standpoint that MFWP is close to a six-year study of Didymo in 4 sections of the river. Ryan said he also monitors Didymo on the Kootenai River and at the dam.

Mike Hensler mentioned the Kootenai River is cold and commented there has been issues with the lack of any ability to regulate river temperature. There has been maintenance work done on the dam cooling system and they now are able to adjust temperatures which may open up possibilities to help fish and insects. Mike said he does not know yet if that can impact or help decrease the Didymo.

Mike Hensler discussed the Northern Pike that was illegally introduced into Bull Lake that is currently flourishing and how MFWP is monitoring the fish species increases and decreases in Bull Lake.

Mike commented that DNRC and EPA determined that Mr. Welch is responsible for the portion of Callahan in front of his property.

Wayne updated the commission about capture operations; 8 grizzly bears in the Selkirk area, 4 in the Yaak and 1 in the Cabinets; this is just to collar and monitor. Trend studies show 1.5% increase annually.

10:00 AM **Schedule A Roads Discussion**: Present were District 2 Road Supervisor Dave Kyriss.

Commissioner Peck said the county is plowing forest service roads similar to Leigh Lake which is up to 9 miles for one home. We need to determine how many of these forest service roads including Troy and Eureka area that we may not be able to afford to continue plowing. Dave discussed the roads in the Bull Lake and Yaak area that are not county roads. Commissioner Bennett said we need to determine a policy that is unilateral for all road districts. Commissioner Peck commented we have been doing this for so long, the property owners probably don't realize it's not a county road. Commissioner Peck named Warland Creek and the Marina as other areas that the county is plowing, but are not county owned. Commissioner Cole said plowing the roads is a number one priority especially bus routes. Commissioner Peck mentioned possibly having a public hearing for further discussion. Commissioner Bennett said we need to inform the citizens that the county is maintaining forest service roads. Commissioner Peck said some of the subdivisions are off of forest service roads increasing time and cost to county road budgets, yet we are not compensating that with user or impact fees to offset those costs and with the lack of SRS funds into road budgets, we cannot keep doing business like this anymore; the citizens may not be aware that Lincoln County is maybe the only county in the State that currently does not levy for road maintenance. No decisions were made at this time.

10:45 AM **Administrative Issues** : Present were Rita Windom, Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Robin informed the commission that she received minutes from the Planning Board for June 28, 2017 North Star Landing Public Hearing held in Eureka for commissioner approval. Robin also submitted minutes for July 11, 12, 18, 19, 25 & 26, 2017 for approval. Robin said she would like all minutes approved so she can get them on the county website. Robin said all minutes were completed on time, but have not been approved yet by the commission, understanding that commissioners were absent and traveling during the month of July. The commissioners commented they have reviewed all the minutes. **Motion** by Commissioner Peck to approve minutes for June 28, July 11, 12, 18, 19, 25 and 26, 2017 as written. Second by Commissioner Cole, motion carried unanimously.

Darren submitted a letter from Johnson Controls for the jail heating/cooling system. The estimated cost is \$53,470 with possible additional work for \$30,945. Commissioner Peck stated he would like to see more detail. Commissioner Cole clarified that the hallways are good in the detention center, but the cells are not; pushing up to 90 degrees. Commissioner Bennett recommended getting more detailed information on the Johnson Controls bid before making any decisions.

11:00 AM **Public Comment Time:** Present were Rita Windom, Jennifer McCully, Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Jennifer said we need 40% of employee participation on the county health insurance for the upcoming Health Screening and currently we have 42 people signed up and we need a minimum of 58 employees. Jennifer informed the commission that without the Health Screening the county insurance premium could increase.

Rita said the courthouse is a historic building and belongs to the people. Rita informed the commission that the library has wanted to move for a long time and feels they are a perfect fit to go to the college; then the county would have an empty building to move administration offices while doing detention remodeling. Rita said that access between the library and courthouse could be accomplished easily and there is lawn to expand. Parking could be accommodated. Rita said she would hate to see the county move all the offices, spending a lot of money, stating the courthouse is not a justice center. Rita reminded the commission of the permanent files (originals) located in the Clerk and Records Office vault; those records cannot be lost and must be stored forever. Rita said she is aware of the overflow in the jail that is factoring into these decisions. Rita informed the commission that due to her past tenure as a county commissioner, she does receive phone calls from taxpayers and feels the citizens do not want to pay more taxes. Rita suggested the commissioners to expand on the thought from what was reported in the newspapers, and encouraged more thinking towards moving sheriff administration to the library. Commissioner Cole said the conversations are taking place, but no decisions have been made. Darren commented there is the idea to expand the courthouse building.

11:15 AM **Property Discussion/Commissioner Bennett:** Present were Alan Gerstenecker and John Blodgett. Present via VisionNet from Eureka were Robin Haidle and Nikki Meyer.

Commissioner Bennett did call the Johnsons and informed them the county does not choose to purchase their property at this time.

Commissioner Bennett said there is a piece of property in Troy in the Kootenai Vista Subdivision that former Commissioner Larson brought to the commission about abandoning a road and the commission did move to abandon the road. The neighbors want to purchase the abandoned road. Commissioner Bennett will pursue looking into the legal procedures. Commissioner Bennett said he reviewed the minutes and the purpose to abandon was so the property owner could purchase it. Commissioner Bennett said it will probably need to go through the public bid process.

Another piece of property Commissioner Bennett said he is looking into is in the Yaak and there is county property next to it. When people bought the lot, they were unaware that the shooting range shoots through their property. A boundary line adjustment of 2.12 acres would be exchanged. Commissioner Bennett said it would be an exact sq. footage exchange for a boundary line adjustment survey.

Commissioner Bennett wanted to brief the commission on what he is working on, but will bring more information as he continues his research.

11:30 AM **Community Action Partnership of NW MT (CAPNM)/Patrick Malone:** Present were Alan Gerstenecker and John Blodgett. Present via VisionNet from Eureka were Robin Haidle and Nikki Meyer.

Patrick Malone discussed the Community Service Block Grant that funds the CAPNM Program. CAPNM services Flathead, Lake, Libby and Sanders Counties. CAPNM serves individuals and families by identifying and using available community resources and services to promote long-term self-sufficiency and independence. Services include housing programs, asset development, energy programs, and employment and training assistance. Patrick said he is requesting a county support letter for the 2018/2019 budget and work plan that is submitted to the State for approval. Patrick submitted a draft letter for commission consideration.

1:15 PM **310 Application/Doug Dutton:** Present were Jake Mertes, Alan Gerstenecker and John Blodgett.

Jake said Doug wants to pick rocks by hand out of Libby Creek. Most of the rocks are exposed outside the creek. Jake said Mr. Dutton will have to get a floodplain permit. Lincoln County is the landowner so they are here seeking commissioner approval to move forward. Commissioner Peck informed Mr. Dutton that the area (off of Trainer Street) is for non-motorized access to the creek. Mr. Dutton is looking for masonry grade round creek rock to be used for building fire places. There was confusion about the permitting process requirements. Jake will contact DNRC to clarify the permitting process. Darren will place this issue on next week's agenda.

1:30 PM **Planning Department:** Present were Kristin Smith, Jake Mertes, Marc Liechti, Glenn Gibson, Alan Gerstenecker and John Blodgett.

Kristin informed the commission that Mark Romey is no longer conducting fire assessments for the county subdivision approval process. Kristin recommended Glenn Gibson to the commission stating it would be beneficial to have another person available for this service. Commissioner Peck commented the experience Glenn Gibson would bring is more than qualified. Glenn submitted his resume for review. **Motion** by Commissioner Peck to add Glenn Gibson to the list of qualified fire risk evaluators. Second by Commissioner Bennett, motion carried unanimously.

Kristin submitted a letter from APEC Engineering stating their requested preliminary plat extension request was not processed, most likely due to a clerical error in the planning department. Marc clarified that although the extension request was not processed, the developers moved forward as if it was approved. Marc said the project is still ongoing and it was difficult to get approval letters. Marc said he is requesting an extension for 1 year. Commissioner Peck asked what the factors are for requesting another extension. Marc said some alterations were made and they are waiting for DEQ approval. It was clarified that this is the fourth extension request. Commissioner Cole said traditionally the county allows for three extension requests. Kristin said it is not written in the subdivision regulations that the county can only approve three extensions, but it is county practice and the intent is to have developers ensure the subdivision has been approved by other agencies and acquired funding before bringing it to the commissioners for approval. Kristin clarified that since the third extension was not processed, the county would move forward with the third extension. Kristin said the planning

staff recommendation would be to grant the third and final extension for one year until July 31, 2018. **Motion** by Commissioner Bennett to approve the third and final extension for Montana Wild Resort Subdivision expiring July 31, 2018 subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.

Jake said the Planning Department received a third request for extension for Rexford Bench #4 Subdivision. Rexford Bench #4 consists of 2 residential lots on less than 20 acres. Jake said the request meets requirements and the planning staff recommends approval of the extension request. **Motion** by Commissioner Bennett to approve the third and final extension for Rexford Bench #4 Subdivision for a period of one year to expire August 1, 2018 subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.

**2:00 PM Libby Shooting Range Discussion:** Present were Alan Gerstenecker and John Blodgett.

Commissioner Peck commented that everyone is aware there have been some violations and one that he considers to be very serious. Commissioner Peck said he originally met with the forest service and they were going to issue suspending the permit until certain conditions are met. Since that meeting, the forest service has changed their approach, and are no longer going to suspend. Commissioner Peck stated the bottom line is that the violation still happened and he is considering shutting down the rifle side of things for a couple of weeks until violations come into compliance; it would become a county closure, not forest service. There is a credibility issue with agreements that have been made and violated. Commissioner Peck reminded everyone that the annual safety inspection by the NRA is August 22<sup>nd</sup>.

Commissioner Bennett said there is a violation of trust when agreements have been made. Commissioner Peck commented on the long process we went through to get where we are and looking at expansion which will add safety and noise mitigation, but we have to have the credibility moving forward. Commissioner Cole clarified that the forest service is the owner, county is the lessee and the Libby Rod and Gun Club is the management side of the agreements.

Commissioner Peck said there is going to be a gated key access installed soon. Commissioner Peck said that shooting off a sanctioned area (range boundaries) on a forest service use permit is a serious violation and we have to live by the lease and the agreement. **Motion** by Commissioner Peck to close everything but the scatter gun area and archery area at the rifle range on Farm to Market Road from August 12 through August 20<sup>th</sup>, 2017 due to significant safety violations and failure to meet forest service permit agreement. The 9-day stand down at the rifle range includes everything except shot gun range and archery. Commissioner Peck said this is the most disgusting thing he has had to do since he has taken office.

Commissioner Peck said we need more shooters to step up with the process; very few counties have taken on shooting ranges and this is probably why. Commissioner Peck stated that he hates seeing people that do the right thing being penalized, but for the long-term welfare of the range and its existence, it has to be brought into compliance.

***NOTE: The dates of closure changed from August 12 through August 22<sup>nd</sup> to accommodate the NRA safety inspection.***

**Other:**

- Darren informed the commissioners that no applications were received for the Deputy County Attorney position.
- Darren informed the commission that the sheriff's budget includes the purchase of a couple new cars and they are seeking permission to follow through. Commissioner Peck said reliable vehicles for the sheriff's department is a critical part of their infrastructure and officer safety. Commissioner Bennett commented this is why we are trying to encourage departments to establish capital improvement plans for these types of purchases. Commissioner Peck said that from here on out the only way we are purchasing vehicles is to first exhaust grant opportunities, knowing that Lincoln County would qualify.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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