

April 4, 2018

The Lincoln County Board of Commissioners met for a regular session on April 4, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson. Commissioner Peck was absent.

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

9:00 AM **USFS Monthly Update:** Present were Chris Savage, Kirsten Kaiser, John Blodgett and Alan Gerstenecker. *The following agenda was submitted by Chris Savage.*

Lincoln County Commissioners
April 4, 2018

Post Fire Salvage – Chris Savage

- Total acres currently proposed for salvage is about 10,475 acres.
- Total acres burned from fires was about 85,000 acres.
- Six salvage projects totaled for the KNF:
 - Caribou, EA: 5300 acres
 - West Fork, EA: 3100 acres
 - Cub, EA: 1600 acres.
 - Tamarack, CE. 225 acres. Completed.
 - Gilbralter, CE. 200 acres. – **Will be signing soon.**
 - Moose Peak, CE. 80 acres. – **Will be signing soon.**
- Caribou, West Fork and Cub will be proposed for Emergency Situation Determination for Chief approval. Would remove objection period and save about 90 days on our timeline for decision.
- Sales will be offered and sold this fiscal year.
- Salvage limitations we are working around include
 - Critical habitat for lynx and previously harvested stands.
 - Access.
 - Fire in low merchantable stands.

Kootenai National Forest Timber Program – Chris Savage

- Currently have 168 mmbf of uncut wood under contract, equates to \$15.04M in remaining value.
- With TRO on East Reservoir and Miller West-Fisher sales, currently have 44.7 mmbf held up in litigation (all Libby RD sales).
- Volume estimated to be sold this year will be approximately 90 mmbf. Primarily will depend on final salvage volume.

Good Neighbor Authority

- Signed the MOU w/ State DNRC last week for GNA
- Projects slated for 2018 include Elk Gem timber sale, young growth surveys, and Ski Dahl.
- State DNRC Libby Unit will be hiring a Forester just to work with KNF on GNA projects.
- Omnibus bill removed the road construction/reconstruction clause for GNA projects. A very positive change for us to now consider projects in Lincoln County.

Commercial Mushroom Harvest – Chris Savage

- For maps and information regarding the Commercial Mushroom Harvest, please see the Kootenai Mushroom Webpage link at: www.fs.usda.gov/kootenai

Three Rivers District Projects – Kirsten Kaiser

The following handout was submitted by Kirsten Kaiser.

Date: April 2018

Three Rivers Ranger District Project Update

Avalanche Forecasting on the KNF

- Last day for KNF forecasting is on April 6th
- <http://www.idahopanhandleavalanche.org/archive/kootenai>
- <http://www.flatheadavalanche.org/flathead-glacier/advisory>

RECREATION

Project: Swinging Bridge Replacement at Kootenai Falls

Summary/Key Points: See February 2018 **Decision and the following design features:**

Aquatic Design Features:

- The contractor will provide bales, wattles, logs and rolls from certified noxious weed free sources.
- The contractor will implement activities that have been designed to prevent non-water, chemical-based drilling lubricants from entering the Kootenai River.
- The contractor will remove all cuttings from site.
- The contractor will implement activities that have been designed, using settling basins or filtering, to prevent drilling slurry fine sediment from entering the Kootenai River.
 - Water used as a drilling lubricant would not be returned directly to the Kootenai River. Instead, an upland water filtering site would be used. Waste water would be routed to a settling container and then drained to the ground away from the river. Thus, only clean, filtered water would be allowed to percolate through the ground.

Wildlife Design Features:

- It is expected that the most intensive disturbance-related project activities (helicopter flights) would occur during non-denning period, specifically in the fall. Project activities such as generator use and construction may occur late in the spring bear use period (den emergence through 15 June) but primarily during the summer and fall.
- Helicopter use is limited to the number of days prescribed in the Biological Assessment (up to 8 days on an annual basis). This allows for efficient and practical use of a helicopter and minimizes impacts to individual bears, if present.

Heritage Design Features:

- For two days in mid-June, no construction activities or closures associated with the project will occur to facilitate traditional use of an area in the vicinity of the project by the Kootenai Tribe of Idaho. It is expected that the Tribe will confirm dates 30 days in advance, on an annual basis.
- Kootenai National Forest Heritage personnel will be notified prior to ground disturbing activities. Construction activities will be monitored by the District Archaeologist.

Public Access Design Features:

Site closure definition- defined as closure of the trail and area starting on swinging bridge trail where it parallels the railroad fence, over the swinging bridge, and the area immediately around the bridge structure on the north bank of the Kootenai River.

Work area closure definition- area in immediate vicinity of equipment, materials, or excavation.

The Contractor will be allowed to close the existing swinging bridge and/or work area/site during construction of the new bridge and/or removal of the old bridge, with the following constraints:

- From September 10th through June 15th the site may be closed to the public for up to 21 consecutive days annually.
- From June 16th through September 9th a limit of a) up to eight site closures to the public, of up to three consecutive days each, OR b) a limit of four site closures to the public of up to five consecutive days each. The total combination of site day closures will not exceed 24 days during this period (on an annual basis).
- No site closures allowed on weekends or holidays, without prior written approval from the Forest Service contracting officer.
- Site closures as described above will be submitted to the contracting officer a minimum of 30 days prior to proposed closure.
- During the performance period, with the exception of closures described above, public access will be maintained to the existing swinging bridge at all times (day and night).
- The traffic control plan will address public safety and site security during the contracting performance period. This would include during work periods with site closures to the public; work periods with no restrictions to public; and non-work periods when there is equipment, supplies or open excavations on site.
- The contractor will flag off and restrict public access to the work area, as long a public access remains to the existing swinging bridge.
- All closures will require advance public notification through multiple media sources. Closures will be coordinated between the Forest Service and Lincoln County.

Noxious Weeds Design Features:

- Wash the sides, tops, and undercarriages of all construction equipment. Remove all seeds, plants, plant fragments, dirt debris from construction equipment. Only equipment inspected by the Forest Service will be allowed to operate within the project area. All subsequent move-ins of equipment to the project area will be treated in the same manner as the initial move-in.
- Equipment will be considered free of soil, seed, and other such debris when a visual inspection does not disclose such material. Disassembly of equipment, components or the need for specialized inspection tools is not required.
- The Forest Service contracting officer will be notified in writing at least 72 hours before moving any construction equipment onto the KNF. Notification will include an agreed upon location where the equipment will be available for inspection by the Forest Service. Inspection will be required after every cleaning.

Vegetation Design Feature:

- Any removal of vegetation will be marked by contractor, and approved by the Forest Service Contracting Officer in advance of removal.

Public Health and Safety Design Features:

The Forest Service will work closely with the contractor, ensuring contractor awareness of high public use periods which include salmon snagging season that begins on an annual basis in early September and extends into December.

The contractor shall provide the following plans to the Forest Service contracting officer prior to any project activity.

- Hazardous Spill Plan
- Traffic Control Plan
- Bridge Erection Plan
- Safety Plan (includes the aviation plan)
- Soil Erosion and Pollution Control Plan
- Staging Plan

Implementation:

- Bridge out for bid on April 16, 2018
- Award early May 2018
- Work could begin June 16, 2018 (unlikely but possible)

Public Information:

- Lincoln County website/Kootenai web page

Project: Yaak River Campground Boat Launch

Summary/Key Points: Currently vehicles utilize banks without a ramp; ramp would be constructed of concrete ties and designed to reduce erosion from water and vehicle traffic. Weir would be placed upstream from concrete ties to help further reduce erosion of the shoreline.

Implementation: Fall 2018

Projects: Campground Fee Increases and Dorr Skeels

Summary/Key Points: Most campgrounds across the Forest will be/have been posted for a pending rate increase for the summer of 2019. The KNF webpage will have a link for pending changes. Dorr Skeels proposed changes include two day use only sites, three reservation only sites, and four, first come/first service sites (from Memorial Day to Labor Day).

Implementation: Summer 2019

Thanks to the County!

Thanks to the County for plowing recreation turnouts/parking lots for cross country skiers, snowmobilers and other winter enthusiasts! (e.g. Cougar Ridge, Ross Creek, Upper Ford, Spread Creek).

Engineering/Roads

D4 has the current list of county bridges in the State's Structure Management System; Lincoln County has 81 Bridges.

Recent FS/MDT communication:

- If county bridge is damaged by a flood event, it is not eligible for Emergency Federal Aid for replacement unless the bridge is in their database, i.e. meets NBIS requirements for inspection
- Jamie Shaw @ 406-523-582 (MDT's Missoula District Coordinator for Bridge Inspections)

Spring Prescribed Burning

- See newsletter
- 581 Acre burn on/adjacent to Stanley Mtn and Bull Lake

Fire Information for Region 1

Firewise Community Day- May 12th at the Curley Creek Fire Hall

Year 2017: 3,900 fires, 1,551,275 Acres- All Lands (an estimated cost to date of \$425,873,971)

- USFS 722 fires for 797,198 acres, \$313.2MM
- Idaho: 276 fires for 112,035 acres, \$22.1MM
- Montana: 427 fires 680,062 acres, \$290.1MM
- North Dakota: 19 fires for 5,101 acres, 1MM

2018 Forecast: The current prediction for this year is that we will have a very similar weather pattern for the Northern Rockies as we did in 2017 with higher temperatures and below average precipitation in Western Montana and Northern Idaho and a very good fine fuels crop. Eastern Montana and North Dakota are predicted to have above average temperatures but near average precipitation.

Next Steps: Annual letter pending

Other District Information

- No commercial mushroom picking or salvage harvest; thus, providing support to Forest
- Crew of 8- YCC
- Other crew size similar to previous years due to RAC funding
- New hires: Team Leader (D4), 2 Assistant Engine Foreman's (SC and D4), Engineer Team Lead (D4) vice Perrine, District Vacancies (engineer, hydro tech, prevention tech, engine foreman, database, facility maintenance)

Commissioner Cole commended the forest service for the efforts put into fire salvage projects but commented his frustration there were only 200 acres designated for salvage from the Gilbralter Fire.

Kirsten discussed efforts to inform the public of closures due to the Swinging Bridge Replacement Project. Public information will be posted on the KNF and County websites, Facebook, and potential newspaper ads.

10:00 AM Resolution 2018-02 New Deed Requirement / Resolution 2018-03 Approve funding for HB 473 / Contract for DPHHS: Present were John Blodgett, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet.

Robin presented Resolution 2018-02 DEED REQUIREMENT FROM EVERY PERSON HAVING AN INTEREST IN NEWLY-DESCRIBED PARCELS. Robin said the purpose of the resolution is to better serve property owners and the public in general. It is the desire of the Clerk and Recorder's Office to ensure all land descriptions by deed are current and accurate for property owner records and the citizens of Lincoln County. Robin said the issue is specific to Family Transfer and Boundary Line Adjustment surveys. Robin commented there are other counties that have this in subdivision regulations and said that when the Planning Department updates its regulations it can be added at that time. The deed requirement will help protect the property owners from having errors or inaccurate parcel descriptions in following recorded documents. Robin said she has visited with both local title companies, the Department of Revenue and the county planner and everyone agrees this would benefit county property owners. The resolution was reviewed and approved by the county attorney's office. **Motion** by Commissioner Bennett to accept Resolution 2018-02 as presented. Second by Commissioner Cole, motion carried.

Darren Coldwell presented Resolution 2018-03 REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS. HB473 requires MDOT to allocate accrued funds to entities for construction, reconstruction, maintenance, and repair of rural roads, streets and alleys, bridges, that government has the responsibility to maintain. The road project selected to be funded is resurfacing of the West Kootenai Road. Commissioner Cole stated it is approximately about a mile of road resurfacing. **Motion** by Commissioner Bennett to approve Resolution 2018-03 as presented. Second by Commissioner Cole, motion carried.

All resolutions can be obtained from the Clerk and Recorder's Office in their entirety. New resolutions can be viewed on the county website: www.lincolncountymt.us

Motion by Commissioner Bennett to approve the annual designation of Lincoln County Earmarked Alcohol Tax Money earmarked for the provision of chemical dependency services. Second by Commissioner Cole, motion carried.

10:30 AM Administrative Issues: John Blodgett and Alan Gerstenecker, Nikki Meyer.

Robin submitted a Viewers Report on behalf of Road Supervisor Marc McCully to continue the road abandonment process; petition submitted to the commission by Steve Byington on February 28, 2018. Robin said she will advertise a public hearing in continuation of the road abandonment process. Public Hearing is set for April 25, 2018. Purpose and intent is to abandon a portion of the county road located on private property and switch it back to private, allowing for a forest service trail access to Snowshoe Lake.

Robin presented the minutes for March 28, 2018 to the commission for approval. **Motion** by Commissioner Bennett to approve the minutes as presented. Second by Commissioner Cole, motion carried.

10:45 AM Public Comment Time: Present were Ron Carter, John Blodgett, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet.

Ron Carter asked questions and discussed the Port Authority with the commission.

11:00 AM Lincoln County Rural Fire District Annexation: Present were Steve Lauer, Election Administrator Leigh Riggleman, Ron Carter, John Blodgett, and Alan Gerstenecker.

Steve Lauer presented petitions for annexation into the Lincoln County Rural Fire District (LCRFD). The petitions have been verified by the Lincoln County Elections Department. Leigh commented that in accordance to 7-33-2125 MCA and 7-33-2125 MCA, all requirements have been met. Leigh said she has all the signed statements in file, had run tax statements showing ownership and acreage and taxable valuations, confirming numbers are correct.

Steve commented that to receive the tax credit of homes within the 5-mile radius of a fire department, the LCRFD is requesting the annexation for Big Horn Terrace properties to be effective as of January 1, 2019 when the new fire hall is complete.

Motion by Commissioner Bennett to accept petitions for annexation into the Lincoln County Rural Fire District as presented. Second by Commissioner Cole, motion carried. Robin said she will write the public hearing notice and the Resolution of Intent to be approved for the following Wednesday commissioner meeting and to set date for the public hearing.

Steve Lauer presented three annexations as follows:

1. Heritage Museum, effective immediately
2. Graham Properties, effective immediately
3. Big Horn Terrace, effective January 1, 2019

Petition submittals can be obtained from the Lincoln County Elections Department.

11:15 AM Eureka Airport Lighting Project and Master Plan: Present were Tim Orthmeyer, Bill Caldwell, Ron Carter, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet.

Tim informed the commission that the Master Plan grant project at the Eureka Airport is complete and approved by the FAA. Tim is requesting final payment to Morrison and Maierle in the amount of \$8,272.00. Final payment to the contractor and final closeout fees total \$11,250.89; 3 invoices to be approved and paid from the grant fund.

Tim said there was overrun on quantities and is requesting an increased grant amendment (letter to the FAA from the County) for \$8,022.00. Tim clarified the total cost increase is \$8,913.00, Federal Share is \$8,022.00, cost to the county is 10% or \$891.00. Commissioner Bennett commented that upon speaking to a former airport board member, overages were covered by the airport fund instead of going to the commissioners. Bill said that may have been when the budget was significantly more, but does not see how it can be paid from the airport budget at this time. Robin said the funding source for the overage needs to be included in the motion to approve the increase. Darren commented that all expenses are usually paid from the department budgets and any overages to budgets are considered at fiscal year-end, Robin agreed. **Motion** by Commissioner Bennett to approve the grant amendment of \$8,913 total, federal share \$8,022, county share \$891.33 to be paid from the airport budget at this time. Second by Commissioner Cole, motion carried. Tim said the infrastructure at the Eureka airport is in good condition; working on maintenance and potential hangar development in the future if demand for hangar ownership or rentals increases.

Bill commented the automated weather has been shut down in Eureka, due to cost of repairs and maintenance, saying that technology and equipment needs to be upgraded. Commissioner Bennett expressed that there should be a capital improvement plan in place for airport improvements and the bigger discussion is options to generate revenue.

1:00 PM **March EMA Update:** Present were Brent Teske, Alan Gerstenecker.

EMA Director Brent Teske submitted and reviewed his March Schedule to the Commission as follows:

3/5-**Libby Asbestos Response Plan** meeting in attendance with Lincoln County, USFS, EPA, and DNRC to review current changes.

3/9-**Kootenai Development Impoundment Dam Emergency Action Plan** review meeting with Hafferman Engineering. Sheriff Bowe signed off on road blocks and evacuation and EMA signed off on the plan.

3/13-**Eureka Stakeholder Public Meeting** was well attended. Discussion focused on contractors, lessons learned, plans update and future fire involvement.

3/15-**Fire Safe Council Meeting** with Ed Levert. There is still grant money available for fire wise projects.

3/16-**Fire Alliance Meeting** at Bull Lake Fire Hall. Fire Alliance includes Marion, Heron and Thompson Falls and discussion focused on state mutual aid.

3/21-Radio Tech Jack Spillman came to **repair communication issues** with DTSAR, LCSO, and LPD and surveyed a location to place repeater to better communicate with McCormick Fire Department and Yaak Mountain. Working with USFS; waiting for price on repeater and solar.

3/27-DNRC Logan Sandman to review **Lincoln County Interagency Fire Management Operating Procedures Plan**.

Current plan is from 2000 and needs updating.

Other:

- Second quarter Local Emergency Planning Committee (LEPC) is scheduled to meet April 9th at Glacier Bank Community Room at 7 pm. Brent clarified that LEPC is mandated by the government to be in place for grant purposes.
- Fire Co-op Meeting to be announced
- Working on Eureka School grant for a generator and has put out a bid. Estimated cost of generator and transfer is \$28,000; grant is only for \$19,000.
- Corps of Engineers tabletop flood exercise is scheduled later this month.
- Adding a bigger culvert on Education Way would help mitigate some of the snow run off issues. On Pioneer Road, water comes off the hill and is just about level with driveways; need to keep culverts cleaned out to help mitigate.
- Brent said he received a call from Ray Orsborn and he will be advised to call his insurance company.

1:30 PM **Planning Department:** Present were Jake Mertes, Kristin Smith, Crawford Dinning, Frank Votapka, Tim Rooney, Robert Glenn, Connie Dixon, John Konzen, Maranda Davis and Nikki Meyer, Eureka via VisionNet.

Commissioner Peck was present via phone conference.

- **Lakeshore Construction Permit #2017-03 Extension:** Request is until October 1, 2018 to complete remaining work. **Motion** by Commissioner Bennett to approve extension until October 1, 2018 as requested subject to planning staff conditions and recommendation. Second by Commissioner Cole, motion carried.
- **Little Country Road Final Plat:** Jake said all conditions for approval has been met and planning staff recommends final plat approval. **Motion** by Commissioner Bennett to approve final plat for Little Country Road Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Cole, motion carried. Subdivision is located in Eureka off of Little Creek Road. Commissioner Cole complimented the road work, saying it was well done and efficient.
- **Laughing Larch Subdivision Preliminary Proposal:** Jake shared a PPT presentation including aerial and vicinity maps. Jake said planning staff recommends preliminary approval subject to conditions and based on the findings in the staff report. Robert Glen explained the history of purchasing the lot with the intention of creating two lots for two homes commenting that he did not receive proper information about the process from former county staff. Jake said Wapiti road must be widened to 24' and constructed to meet the Lincoln County Subdivision Regulations. Developers are requesting a variance of this rule. Kristin said she would need time to craft language that requires developers to assist future subdividers financially to meet road requirements if improvements are not made at this time. Commissioner Bennett said he would like to consider new language and explore this a little before making a decision today. Kristin said she will do some research to modify the variance condition. Applicants present did grant a one-day extension to allow for a decision next week during the commissioners regular monthly meeting.
- **Armstrong RV Park Preliminary Approval:** Public Hearing meeting was held on March 21, 2018; deadline for governing body decision is April 16, 2018. The Armstrong RV Park is located on Drumlin Lane near the northeast end of the Eureka Airport. Commissioner Bennett recused himself from any decisions because neighbors to the RV Park are relatives. Kristin said there were no objections to a road maintenance agreement. Commissioner Peck questioned if the subdivision is driving the need for road maintenance, why are the homeowners bearing a long-term burden for the road? Kristin said one of the conditions is for a road maintenance agreement to be agreed

upon with all homeowners involved. Planning staff recommendation is to grant preliminary approval subject to conditions and based on the findings in the staff report. **Motion** by Commissioner Peck to approve preliminary plat for the Armstrong RV Park subject to planning staff conditions and recommendations. Second by Commissioner Cole, motion carried unanimously.

2:30 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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