

November 15, 2023

The Lincoln County Board of Commissioners met for a regular session on November 15, 2023, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Teske, Commissioner Hammons, Commissioner Letcher, and Clerk and Recorder Corrina Brown.

Meeting allows for Zoom participation. Present online were Jennifer Brown, Scott Shindledecker, Chanel Geer, Ray Stout, Rebecca Nelson, Melanie Howell, Michelle Byrd, Deb Burrell, David Murphey, Tina Oliphant, Gerald Fitts, Bruce Phillips, Jennifer McCully, Andrew Arnold, Darren Short, Thomas Lane, Kristin Smith and B H.

Commissioner Letcher opened the meeting with the **Pledge of Allegiance and Prayer**.

10:00 AM **Administrative Issues/Old Business: Approve Minutes:** Present were Jesse Haag, Darwin Pluid and DL Fitzpatrick.

- Minutes of November 8, 2023, regular meeting for approval. **Motion** to approve the November 8, 2023 minutes by Commissioner Hammons. Second by Commissioner Teske. No comments. Motion carried.
- Commissioner Letcher presented a \$7,063 quote from Mountain Alarm to upgrade the aged cameras and control system for building surveillance at the North County Annex using PILT. Commissioner Teske stated IT recommends this company's system. **Motion** to approve Lincoln County Annex upgraded camera system from Mountain Alarm Fire and Security paid out of PILT. Second by Commissioner Hammons. Motion carried.
- Commissioner Letcher advised the Fairgrounds ARPA project is pending DEQ review and hoped to have construction this spring but looks likely to be next fall and will coordinate around the County Fair schedule.
- Commissioner Letcher informed that the Fairgrounds ARPA project is awaiting DEQ review, and they had hoped for construction to commence this spring, but it seems more likely to happen next fall having to coordinate the construction around the County Fair schedule.

10:15 AM **Public Comment Time:** Present were Jesse Haag, Darwin Pluid, DL Fitzpatrick and Mike Prichett.

No public comment.

10:30 AM **Asa Wood Facility Feasibility Analysis – Andrew Arnold:** Present were Jesse Haag, Darwin Pluid, Mike Prichett, DL Fitzpatrick and Andrew Arnold via Zoom.

Commissioner Teske introduced the final draft feasibility analysis for consolidating Lincoln County Offices to the ASA Woods School for the brownfields program. Andrew Arnold of Pioneer Development Company, Inc. highlighted key findings in the study regarding four properties:

1. projected population by year 2030 is twenty-five thousand people
2. projected employee increase by year 2030 of twenty-three – forty-five, dependent on level of service
3. estimated Square Footage required 37,000-57,000
4. cost estimate of \$15,000,000 fund ASA Wood facility expansion as the most feasible location

The report's recommendations include:

1. form a committee/stakeholder group
2. create a public/private partnership
3. underwrite the deal/target grants
4. voter-approved mill levy for capital improvements
5. go out to bid

Commissioner Teske advised of taking comments through November 29th -submit to lccconsolidation@libby.org.

This document is available on the county website under *Technical Assistance To Brownfields Feasibility Analysis*.

11:00 AM **Amending Final Plat for Aircraft Hangers – AJ Estates Public Hearing:** Present were Jesse Haag, Darwin Pluid, Mike Prichett, LD Fitzpatrick, Don Truman. Via Zoom included Tina Oliphant, Bruce Phillips and Kristin Smith.

Jesse Haag Planning Director presented final plat amendment request for AJ Estates to allow for the use of aircraft hangers and aircraft taxiways on the five lots. Jesse read a Planning Department memo dated 11-14-2023 to the Board of County Commissioners regarding AJ Estates Final Plat Amendment Request. Commissioner Teske sought clarification from in person attendees who confirmed their support for this amendment as residents of AJ Estates.

Bruce Phillips (via zoom) of Airpark Village sought clarification regarding a requirement that all 15 lot owners of AJ Estate approve amending the final plat. Jesse read the Lincoln County Subdivision Regulations Part V-E, addressing the Amending Final Plats section, advising this amendment only affects lots 7-11. Bruce advised he will review this information and respond. Bruce stated at the 2022 and 2023 HOA general meetings Mr. Strodbeck voiced his intention to have all 27 lots of Airpark Village and AJ Estates approved for taxiways and hangers, inquiring if the Commissioners were aware of this. Commissioner Teske advised this is irrelevant to today's discussion. Bruce asked for agreement that these lot owners are in violation of the land use for AJ Estates. Jesse advised that in the absence of zoning there is no established, enforceable land use designation. Jesse stated having a hanger on your property to store a plane would be considered an accessory use adding the FAA restricts any commercial activity associated with this. Bruce commented Border Airpark has hanger homes whereas AJ Estates has homes separate from the hangers. Bruce advised if the Commissioners approve this amendment, they are gifting those lot owners' tens of thousands of dollars in added value of their real estate, and exclusive access to the Eureka airport where they have not done anything to be worthy of that kind

of money from the taxpayers of Lincoln County. Bruce advised the Commissioners are opening the county up to multiple lawsuits and requested to read his emailed comments.

Commissioner Letcher explained this is the public comment period for this subdivision and to provide everyone with an opportunity to comment, he requested if Bruce has submitted written comments, to refrain from reiterating them. Bruce requested this be on the public record. Commissioner Letcher clarified they are not making a decision on this matter today but are allowing for public comment and whether comments are read aloud or emailed, they will be included in the public record.

Bruce advised he will address certain issues he feels are important that are included in the 2020 Subdivision Regulations and relate to owners adjacent to the AJ Estates property and those lot owners within the AJ Estates subdivision that are not at this point going to have access to the gate on lot 9. Bruce stated he is worried about fire protection as these hangers are gonna be holding aviation gas and what is the volatility of this when compared to regular gasoline. Bruce asked how much aviation gas is stored in each hanger. Bruce questioned what kind of fire suppression measures are in place in the event of a fire in a plane, a hanger or in stored fuel. Bruce questioned airport security, who controls access at the gate between the airport and the AJ Estate lots. What security measures record the date and time of airport access to and from those AJ Estate lots. Bruce expressed concern that if some unauthorized or illegal activity takes place on airport property involving the through the fence access there could be liability issues for Lincoln County. Bruce expects these types of concerns to be considered and addressed by the county when reviewing this amendment request. Bruce advised the notion of airport access is not a right for those lot owners or any lot owner, it's a privilege granted by the airport sponsor, in this case Lincoln County and more specifically the Lincoln County Airport Board. Bruce stated if the county amends this and allows those folks to have their hangers and taxiway connecting lots and a taxiway through the fence on lot 9 it connects private to public taxiways on airport property. Bruce advised the airport has a big fence around it with a razor wire at the top partly to prevent livestock and wildlife from entering airport property causing a potential threat to airplanes in motion. Bruce feels if this amendment is considered then fences will need to be constructed as this is an area designated open range and people, pets and wildlife will need fenced out of harm's way, stating it's the responsibility of the lot owners to do that. Bruce requests restrictions on the types (no helicopters and jets) and quantity of aircraft allowed due to noise and jet wash extending beyond property lines and onto other people's property. Bruce advised of an issue in allowing fly-in guests of these lot owners, stating the FAA has voiced disapproval of that. Bruce added for the record the FAA is not a promoter of residential access along the property lines of publicly funded airports. Bruce expressed concern with access to documents from both the County and the Airport Board. Bruce advised the airport compliance contract requires Lincoln County as the airport sponsor to meet specific obligations for federal grants and in failing to do so they put at risk federal grant money that would be available for both the Eureka and Libby airports in terms of future maintenance or projects such as the building of a terminal. Bruce advised there is review of grant funds to extend the runway and grant funds to potentially build a terminal at the Eureka airport. Bruce advised the future funding for that may be at risk if the FAA revokes through the fence agreement power granted to the airport sponsor. Bruce advised for nearly twenty years there was no noise on these lots due to hundreds of feet and now these hangers will be much closer to residential homes and the associated noise would not be normal airport activity but rather the result of granting abnormal airport activity. Bruce questioned two lot owners not being registered voters or full-time residents. Bruce advised of two hangers not up against the fence line built this year on the west side of Luciano Drive using common roads to access lot 9. Bruce asks the commissioner to look long term and not open risks to federal grants and legal issues associated with special conditions in unique situations. Bruce advised he has a document from 2002 clearly stating there were no taxiways or hangers to be built on those lots attached with parcel information from the title company for AJ Estates lots.

Commissioner Letcher explained others are present and may want to comment on this topic as well and stated this is the public hearing and all comments will be reviewed prior to the Planning Department presenting a recommendation at a future public meeting. Jesse advised they are waiting for Eureka Fire Department and other agencies as well as the public comment received today which will all be considered in the recommendation being presented at a normal commissioner meeting in the future.

Mike commented that Bruce does not live in AJ Estates and thought this meeting was only for lot owners. Commissioner Letcher advised anyone can come in and express public comments on the topic.

Commissioner Teske stated they have reviewed the site and Darwin advised of a 2012 FAA Modernization and Reform Act congress passed since 2012 which he has emailed to Jesse.

Mike advised he lives in Border Airpark and has two lots in AJ Estates and spent two days with the FAA in Helena following 9-11 and advised there is no storage of fuel in any hangers other than in airplane tanks. Mike advised they are all aviation safety minded.

*Planning documents can be found at <https://lincolncountymt.us/planning-homepage/>

11:44 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____

Corrina Brown, Clerk of the Board