

February 20, 2019

The Lincoln County Board of Commissioners met for a regular session on February 20, 2019, in the Lincoln County North Annex, Eureka, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Peck and Clerk and Recorder Robin Benson. County Administrator Darren Coldwell was absent.

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

10:00 AM **Bridge Discussion:** Present were Marc McCully, Wendy Drake, and Alan Gerstenecker, Libby via VisionNet. Marc spoke about the budget for repairing bridges and asked if the projects could be completed this year instead of next fiscal year. Marc submitted a packet showing pictures of bridges that need repair work. Marc said the bridge repair work has already been planned but prefers to do it a year early.

Wendy said money can be transferred now or the fund line item will show a negative on reports. Commissioner Peck said he prefers to move the money so budget reports don't reflect a negative, especially down the road when reports are looked at. Alan asked about the reason for moving the project forward one year. Commissioner Peck said if you look at the bridge photos, you can see the disarray they are in creating a public safety issue.

**Motion** by Commissioner Bennett to move \$60,000 from code 470 fabricated materials line item in the road budget to a new line item, dependent on the auditor recommendation. Second by Commissioner Letcher, motion carried unanimously. Commissioner Peck clarified it is a transfer of funds within the current budget and is not new money or a budget increase.

10:15 AM **MDOT Agreement on Parmenter Creek Road:** Present were Dallas Bowe, Alan Gerstenecker, and Ben Kibbey, Libby via VisionNet.

Commissioner Bennett said the Agreement is between MDOT at the request of Lincoln County for construction of a project on Parmenter Creek Road L-27-452. Commissioner Bennett clarified the project is for signage and there is no cost to the county. **Motion** by Commissioner Bennett to approve the **Construction and Maintenance Agreement with MDOT** as requested by Lincoln County for signage on Parmenter Creek Road L-24-452. Second by Commissioner Letcher, motion carried unanimously.

10:30 AM **Administrative Issues/MACo Renewal:** Present were Nikki Meyer and Richard Avery. Also present were Dallas Bowe, Ben Kibbey, and Alan Gerstenecker, Libby via VisionNet.

- Robin presented the minutes for February 6, 2019 for Commissioner approval. **Motion** by Commissioner Bennett to approve minutes as presented. Second by Commissioner Letcher, motion carried unanimously.
- Dallas talked about a piece of property the county owns near the middle school. Dallas asked if the commission is wanting to gift the land to the middle school and if so, we need to go through that process. Dallas said the county is not using the property and Darren is looking for commissioner comment. Commissioner Peck said he would like to postpone any decision until further research and more thought is put into it. The two parcels are approximately 30 acres total. This issue will be placed on the agenda in a few weeks for further discussion.
- Commissioner Peck submitted a consent letter from Kootenai Disposal, LLC regarding operation and service of solid waste container sites in Lincoln County. Kootenai Disposal, LLC has sold certain assets to **Evergreen Disposal, Inc.** and the agreement allows Evergreen Disposal, Inc. to operate under our current solid waste refuse contract. Kootenai Disposal is requesting acknowledgment of the new ownership honoring the current contract in place. **Motion** by Commissioner Bennett to approve change of ownership along with honoring current refuse contract. Second by Commissioner Letcher, motion carried unanimously.
- The Commissioners signed a letter to welcome Cheryl Probert to Lincoln County as Acting Forest Supervisor.
- The Commissioners also signed a **letter to Cheryl Probert**, Forest Supervisor to start the official process of exploring Lincoln County entering in to a long term, 10-12-year stewardship agreement to manage 122,000 acres of the Young Growth project that lie within the wildland urban interface. Management goals center on fuels mitigation and community protection, forest health, including watershed and habitat restoration, and economic sustainment focusing on small log "Hewe Wood" material. The concept being the county would enhance our forestry and contracting function by managing a large, complex agreement long term and enter in to a private/public partnership with a small log manufacturer in Libby, offering a guaranteed annual volume contract.
- Commissioner Bennett said he has visited with Dr. Kate Vandemore who was involved in the CSK Compact discussion and they are looking at a new compact called The Peoples Compact. Dr. Vandemore would like to know if the commissioners are interested in having a briefing and to be placed on the agenda. The commissioners agreed to have the People's Compact briefing placed on the agenda for further discussion.

10:45 AM **Public Comment Time:** Present were Richard Avery and Nikki Meyer. Also present were Alan Gerstenecker and Ben Kibbey, Libby via VisionNet.

There were no public comments.

11:00 AM **Special Deputy County Attorney Appointment:** Present were Richard Avery and Nikki Mayer. Also present were County Attorney Marcia Boris, Alan Gerstenecker and Ben Kibbey.

Marcia presented Resolution 2019-04 appointing Special Deputy County Attorneys for the purpose of prosecuting violations of Title 30, Chapter 10, MCA. Due to the specific expertise required in the prosecution of violations of securities law, it is desired and deemed appropriate that Special Assistant Attorney General from the Office of the Montana State Auditor Commissioner of Securities and Insurance be appointed a special deputy county attorney for the investigation in Lincoln County relating to violations of Title 30, Chapter 10 MCA.



Per Resolution 2019-04, The Board Resolves that Brett Olin and Janell Williams, Special Assistant Attorneys General, are appointed as special deputy county attorneys for Lincoln County for the purpose of investigation and prosecution of violations of Title 30, Chapter 10 of the MCA. The special deputy county attorneys shall serve without payment of costs or fees by Lincoln County.

Marcia explained there are security pieces in a case that require specialized assistance for prosecuting a case. **Motion** by Commissioner Bennett to approve [Resolution 2019-04](#) as presented for the basis of appointing two special deputy county attorneys. Second by Commissioner Letcher, motion carried unanimously.

11:15 AM **Land Solutions / Update on County Planning CEDS:** Present were Richard Avery and Nikki Meyer. Also present were Dave DeGrandpre and Matthew Rohrbach, Tina Oliphant, Alan Gerstenecker and Ben Kibbey, Libby via VisionNet.

Dave explained the Growth policy is the long-range community plan covering multiple county subjects; there will be some public meetings soon. Dave said he is trying to understand key issues that are most pressing in the county and what sort of direction to point the county in. Commissioner Bennett commented the Wildland Urban Interface (WUI), private land and federal lands issues are significant in Lincoln County. Commissioner Peck explained the limitations in the economy due to restrictions regarding federal land, but that overall relationships are good with the forest service. Commissioner Peck said that he is guardedly optimistic, but yes, there are opportunities with fuels reduction projects. Commissioner Bennett expressed that he has seen some national and regional level optimism, but we have yet to see how that filters down into the local level. There was a brief conversation about overall current and future forest management at the federal, regional, and local level. Commissioner Peck said Stimson now owns approximately 122,000 acres in Libby and Troy, so there may be future opportunities from those lands.

Land Solutions asked about the most common complaints or concerns from commissioner constituents: Commissioner Bennett said in the Troy area, affordable housing and connectivity with internet service is an issue. Running businesses at a facility in town when there is no ability to utilize the internet as other areas do. There is also the public safety and drug issues we have that boils down partially to a lack of a healthier economy. Commissioner Letcher said the North end of the county has good internet services and there are more people doing jobs from home because of that.

Commissioner Peck said the most common comment in Libby is about economy; when will the mine be able to go forward. We have more opportunity now than in past years, but nothing has completely busted through yet.

Commissioner Peck expressed frustration and said he is tired of hand outs, give us a hand up; get out of our way and let us innovate on something we can be successful at doing in this county. Commissioner Peck stated that HECLA Mining and the Bad Actor issue is a good example; our own governor hurt this community by his participation which has psychological effects on our community. Commissioner Peck stated he is tired of everybody else dictating what we do even down to mountain bike trails and recreation. Recreation is almost impossible to do except on private and state lands. Commissioner Peck expressed his frustration with Frontier Service in Libby and talked about how it would be beneficial to have Interbel move into Libby, so we have a good local telecom.

Commissioner Letcher talked about recreation challenges; there is summer and winter recreation at Ten Lakes, but we are always under the thumb to possible closure for motorized use due to grizzly bears. There are more road closures and gated roads that used to have recreational uses for fire wood gathering, driving for pleasure, creek fishing, and loop roads that the public once had access to all of the forest. Commissioner Letcher expressed frustration that North Lincoln County is almost a retirement community; industrial jobs are stuck in the political quagmire. Commissioner Bennett agreed, saying whether it be Ten Lakes or the Cabinets, we are moving towards a retirement community and there is less access available that do not harm bears that has been shut off.

Commissioner Peck clarified that none of the commissioners are anti-grizzly bear, all three of us (commissioners) were born and raised here, but the human habitat needs to be part of the equation. Commissioner Peck stated there are no winners in federal land management; the forest is in poor condition. Commissioner Peck stated the hands-off federal policies approach to protect grizzly actually ruins the habitat they need to survive. As an example, Commissioner Peck said Glacier Park bears are booming and is excellent bear habitat, Cabinet and Yaak is not good bear habitat, although there are thousands of people hiking through Glacier Park annually; the Cabinet and Yaak never were bear habitat areas. Commissioner Peck said there is a group of people here that are looking at some extensive non-motorized trails, partly on state land that has been approved and we are starting to build connector trails. Going through the forest service is frustrating even for non-motorized trails, but we might be finally getting somewhere. A recreational group has come together and come up with a master trail plan for the Libby area to help create an environment in a community where people want to live.

Commissioner Letcher spoke briefly about the decline in the Canadian economy and there are still some RV lots which makes it more affordable and Canadians do shop the local stores. Commissioner Letcher expressed frustration about farmland and utilizing those properties for building and development instead of the unfarmable terrain, stating that regulations make it difficult for our future agriculture.

Land Solutions asked if Lincoln County is seeing young families come back after leaving for education: Commissioner Bennett said very few come back, except for retirement. Commissioner Peck elaborated that unless you are in healthcare, there is not a lot of opportunity to come back to.

Land Solutions asked the commission to elaborate on the issues within the Wildland Urban Interface: Commissioner Bennett said the county has talked to the forest service a lot about treating around private land, but when the county approves a subdivision review, the criteria is to treat the land, but when that subdivision has forest land bordering and is not treated, seems unfair and of no value. Commissioner Bennett said part of our desire is to begin to treat and track these lands and challenge the forest service to be a good neighbor and work alongside us.

Land Solutions asked the commission about infrastructure projects currently or in the future: Commissioner Peck spoke about the Libby water system in need of significant repair or replacement. The bottom line is that approximately 50% or more of our treated water is pouring into the ground due to a failing underground water system. The city could use increased funding for that purpose.



Land Solutions asked the commission about the county tax base and if the RV Parks has been a benefit: Commissioner Letcher said RV Parks have been helpful in the North, seasonal users still pay the same amount in property taxes, but the use of county roads and services are only seasonal, not like year-round homeowners.

Commissioner Peck said Eureka leads as far as development, but it is picking up on the south end of the county. One interesting fact is for the first time, we saw an increase in revenue from last year; not a lot but still a huge shift in the trend. Commissioner Peck said it's a subtle change, but a positive indicator, there are new homes and contractors are booked; this is a key part of our economy. Commissioner Peck said Turner Mountain is also a highlight to our area; high quality skiing and a very unique opportunity that can't be found anywhere else. The ski area is managed by a club and can be rented out to specific recreational groups.

Commissioner Peck expressed concern that as the superfund status comes off, it opens the door for investors to come in and we are not going to be ready for it, and they will do what they want. There is something very special about Lincoln County and we are wanting to maintain that as much as possible, but we are vulnerable, and we need to have some control over our destiny during growth.

Commissioner Bennett said it is encouraging to see some of the national policies changing, giving authority to regional and local agencies; we are moving that way and hope that momentum will have economic impact at the local level.

Commissioner Peck clarified that most of the forest service people share our concerns and share our enthusiasm about the decline in national policies; it's the policies they must abide by that are the issue.

Dave said that updating the Community Economic Development Strategy (CEDS) document is required for grant funding opportunities. The CEDS must have an analysis of community strengths and weaknesses and a plan on how to increase economic development over time.

**1:30 PM Planning Board and Wilderness Plateau Water/Sewer Board Appointments:** Present were Kristin Smith, Alan Gerstenecker and Ben Kibbey, Libby via VisionNet.

Robin said she received a request from Jake Mertes to advertise for one vacancy on the Lincoln County Planning Board. One application came in from Tracy McNew. Kristin emailed the application to all the current planning board members for comment; five comments came back favorable to appoint Tracy McNew on the Planning Board. **Motion** by Commissioner Bennett to approve the appointment and honor the planning boards recommendation of Tracy McNew to serve on the Lincoln County Planning Board. Second by Commissioner Letcher, motion carried unanimously. Commissioner Peck commented that although not disqualifying, but when members of the press serve, which loyalty overrides another one. Commissioner Peck said Tracy is more than qualified, and he appreciates her willingness to serve.

Robin said she advertised vacancies for the Wilderness Plateau Water/Sewer District Board. The Wilderness Plateau Water/Sewer Board is requesting the commission to appoint all applicants as follows:

Reappoint Brady Selle and Bill Lingel to serve another term and appoint new members Doug Dubler and Jackson Garrison. **Motion** by Commissioner Bennett to approve all applicants as presented to serve on the Wilderness Plateau Water/Sewer Board. Second by Commissioner Letcher, motion carried unanimously. All appointments were recommended by the Wilderness Plateau Water/Sewer Board.

**1:45 PM Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

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