

July 18, 2018

The Lincoln County Board of Commissioners met for a regular session on July 18, 2018, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Cole, Commissioner Peck, County Administrator Darren Coldwell and Clerk and Recorder Robin Benson. Commissioner Bennett was absent.

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

10:30 AM **Administrative Issues:** Present were Josh Letcher, Nikki Meyer, John Blodgett and DC Orr, Libby via VisionNet.

**Motion** by Commissioner Peck to approve minutes for July 10 Ambulance Mediation, July 11 Regular Meeting and July 11 Ambulance Mediation Continuation as presented. Second by Commissioner Cole, motion carried. Robin commented the draft minutes were emailed out to the commission for review and she did not bring hard copies to today's meeting.

10:45 AM **Public Comment Time:** Present were Josh Letcher, Nikki Meyer, John Blodgett and DC Orr, Libby via VisionNet.

Mr. Orr said he is seeking help from elected officials. Mr. Orr explained that he is a property owner within the Libby Superfund Site and has had a contaminated screening on his property. Mr. Orr expressed lack of guidance from EPA, County, City, and the Health Board regarding his liabilities under the ROD. Mr. Orr said the deadline to sign the access agreement to his property is next Tuesday and does not want to sign without being informed of his rights; county attorney refuses to respond to his request for answers. Mr. Orr said he does not want future liabilities. Mr. Orr stated the commissioners should take a leadership role and strongly encouraged the county conduct a criminal investigation of EPA's grant payments to Allan Payne; payments affected legal counsel in the ROD.

Mr. Orr said he has been to every elected official in the county and has received no answers to his questions and asked how or where to get answers. Commissioner Cole commented that it seems every time an answer is given, you ask a different question. The commissioners welcomed Mr. Orr to get on the commissioner's agenda for further discussion.

11:00 AM **Bryan Donner USFS Rexford/Fortine Ranger Districts:** Present were Josh Letcher, and Nikki Meyer.

The following update from Rexford/Fortine Ranger Districts was submitted by Bryan Donner:

Lincoln County Commissioner's Meeting July 18, 2018 Eureka, Montana

Updates from the Rexford/Fortine Ranger Districts submitted by Bryan Donner.

1) Current large planning projects:

a. Caribou Fire Salvage

i. Comment period on draft EA ended July 9 and received 7 distinct letters with 13 faxed in form responses

ii. With an approved Emergency Situation Determination, decision is expected to be signed early August

b. Ten Lakes Travel Management EIS & Pinkham Meadow EIS – delayed due to priority efforts around the fire salvage projects but should pick up again in August

c. Blowdown Salvage

i. Trego Triangle – decision expected next month

ii. October winds created need to reassess situations in the McSutton and Tween sale areas, as well as possible other salvage needs elsewhere.

d. Gateway Restoration Project –Draft Decision is currently in the Objection Phase

2) Mushroom harvesting is continuing but all commercial permits terminated on July 7. Overall the program went well with a minimum need for law enforcement action. Did not see the large influx of commercial pickers that was planned for in this area. Much more activity was observed around Libby.

3) West Kootenai Green Box Site relocation – ready to proceed after next public meeting

4) Lake Koocanusa Scenic By-Way update – trying to locate available Landscape Architect to begin initial evaluations for vegetation removal

5) YCC crew is in full swing, most performing work with trails, range, fuels, wildlife surveys and help around the campgrounds.

a. Received less applications this year and did not fill all available positions

6) Fire crews and engines have been helping out with assignments in New Mexico and Colorado. All have returned as of yesterday. Eleven are currently on the Zulu fire.

7) Cattle guard installation on West Kootenai road went very well. Will be following up with fencing to make it effective.

8) Timber Sales Update

a. Nine large sales (>5MMBF) and 10 smaller sales are currently open in various stages of completion

b. Active hauling is only out of Young Dodge but several other purchasers are performing other contractual work.

1:30 PM **Planning Department:** Josh Letcher, Marc Liechti, Andy Kvasnak, Karl Kassler, Skip Sibson and Nikki Meyer. Jake Mertes and Kristin Smith, Libby via VisionNet.

**MBMI Subdivision:** Jake is requesting the final release of SIA funds (\$45,125) deposited for the construction of Margaret Lane accessing MBMI Subdivision. **Motion** by Commissioner Peck to approve release of SIA funds \$45,125 bond with the completion and certification of road subject to planning staff conditions and/or recommendations. Second by Commissioner Cole, motion carried. Jake informed the commission that WGM Group of Kalispell has certified the roadway meets or exceeds standards and is completed. Planning staff recommendation is to approve the final release of SIA funds.

**Dolly Varden Estates:**

Planning received a request from Paul Bunn to extend the preliminary approval period of Dolly Varden Estates Subdivision allowing time to complete the final plat process. This is the first request to extend the preliminary approval period. Jake said planning staff recommendation is to grant a (1) month extension. **Motion** by Commissioner Peck to approve a 30-day extension for final plat to the Dolly Varden Estates Subdivision. The commissioners questioned if 30 days is ample time for final plat processes to be completed. Kristin suggested a 90-day extension. Commissioner Peck **amended his motion** to extend Dolly Varden Estates preliminary approval period for 90 days subject to planning staff conditions and recommendations. Second by Commissioner Cole, motion carried.

**Alpenglow Minor Subdivision Decision:** A 4-lot minor subdivision in Eureka on Osloski Road. Jake said planning staff recommends commissioner approval of preliminary plat. **Motion** by Commissioner Peck to approve the Alpenglow Minor Preliminary Plat subject to planning staff conditions and recommendations. Second by Commissioner Cole, motion carried unanimously.

**Marc Liechti Subdivision Request for Extension:** Marc said Montana Wild Subdivision is on its last stage and is currently under DEQ review. Marc is requesting one more extension to complete DEQ and file final plat. Jake commented the last time extensions were granted, it was granted as third and final extension. It's been six years since originally approved. Kristin explained the commission has been trying to have a standard that final extension means final. Marc requested a 6-month extension. Commissioner Peck said he worries about the precedence, but if it's truly that close, it would be an exercise in futility when everything is complete except DEQ approval. Commissioner Cole expressed that when the commission says final, that it stands as such. Jake said that at some point you must say final extension is final extension or not have that language. Kristin said planning has not received the DEQ submittal; some jurisdictions require DEQ approval and the county may want to acknowledge this in the future. Commissioner Peck said he is led to maintaining precedence that final is final. **Motion** by Commissioner Peck to deny approval request for extension on Montana Wild Subdivision with the caveat that when it's time the county will process efficiently. Second by Commissioner Cole, motion carried unanimously.

2:15 PM **Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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