

March 13, 2024

The Lincoln County Board of Commissioners met for a regular session on March 13, 2024 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Letcher, Commissioner Teske, Commissioner Hammons, Administrative Assistant Jennifer Brown and Clerk and Recorder Corrina Brown.

Meeting allows for zoom participation. Present online were Rebecca Nelson, Scott Shindledecker, Darren Short, Ray Stout, Mary Handy, Maranda, Chanel Geer, Robin Blumberg, Noah Pyle, Michelle Byrd, Melanie Howell, Kathleen Sheffield, Ryan Olsen, Shannon McLaughlin, Terri Holmes and Elizabeth Holmes.

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

09:15 AM Taylor Flats Final Plat / Fairgrounds Encroachment/Creekside Trailer Park: Present were Pam Rackley (Annex), Jerry Bennett, Jesse Haag, Brian Berreman, Byron Sanderson, Gretchen Lancaster, Michael Lancaster and Veronica Bovee-Anderson.

The final plat for the Taylor Flats subdivision was presented by Jesse Haag, Planning Director, who recommended approval. **Motion** by Commissioner Teske to approve final plat of Taylor Flats subdivision per planning staff recommendations. Second by Commissioner Hammons. No comments. Motion carried.

Jesse introduced an encroachment issue at Creekside Trailer Park. The situation involves the Lancasters building two apartment buildings with the fence serving as the property line, though it's actually offset by about 30 feet onto the Lincoln County Fairgrounds. The construction is approximately 90% complete, with about half of it on county property. This issue was reported in mid-November and a cease-and-desist order was sent on November 17th. The owner is seeking resolution by proposing that the county sells them the entire strip of land between the fence and the actual property line. Jesse outlined potential remedies per MCA regulations: split and sell the strip based on the parcel's value, entertain a boundary line adjustment of equal value of land, donate the property for low-income housing or require the structure's removal, all of which present complexities. Mike Lancaster apologized for the inconvenience caused by his oversight, explaining that when they installed a new sewer in the park, an inaccurate drawing was provided by APEC, not based on surveys. Commissioner Letcher expressed concern regarding Lincoln Electric supplying power without a proper easement granted by the property owner. The Lancasters emphasized the urgent need for low-income housing in the Eureka area, outweighing the necessity for additional fairground parking, and outlined their development plan. There was a discussion of sewer easement locations and an absence of known legal easements and access points. Commissioner Letcher commented the Fair Board was not aware they owned a 30' x 604' strip of land and would have made prior plans to fill in the ditch and utilize this strip for parking. Commissioner Teske recommended that after a survey by Kootenai Surveyors Inc, an appraiser would assess the current encroachment site value as well as the value of the entire strip of land the Lancasters wish to continue building apartments on, using this information to determine the applicable MCA. Jesse agreed to compile available options for a future discussion to include the Lincoln County Fair Board.

10:00 AM Health Department: Present were Veronica Bovee-Anderson, Kathi Hooper, Boyd White, Bryan Alkire and Brian Berreman.

The Lincoln County Health Department's 2023 annual report, discussed by Kathi Hooper, Health Department Director, is available at <https://lincolncountymt.us/wp-content/uploads/2024/03/2023-Annual-Report.pdf>
Public health update: Kathi advised Jennifer McCully has accepted a new position. Kathi requested and received approval to advertise the vacancy now, considering the significant transition. She mentioned that she will coordinate with HR and send out an internal notice accordingly. Environmental Health: Kathi advised open burn permits are being issued both online and in person. It will be 2026 before Lincoln County is re-designated as non-attainable for air quality standards. Kathi will request a new source apportionment study of DEQ, as the 2004 study revealed the presence of PM2.5 emissions originating from wood stoves. Litter/Community Decay Violations: Kathi advised ten properties were notified, and six have been remedied, while the other four property owners have not yet been located. Solid Waste & Recycling: Bryan mentioned updated signs at the ballpark and Libby Creek green box sites and plans to improve signage at the Troy transfer site. He also noted new gates at Happy's Inn and in Troy and will follow up on the removal of dumpsters from the now closed Savage site. Kathi added that bids are being obtained for updating camera systems at Happy's Inn, Libby Creek, and Troy. Libby landfill expansion: Kathi stated that a notice of deficiency was received regarding two items on the application: a seismic evaluation and technically enhanced naturally occurring radioactive material. She mentioned that a draft response will be released by Friday and DEQ is moving forward with the environmental assessment. Bryan provided an update on the Eureka landfill, where he is working with engineers on wall design.

10:30 AM Administrative Issues/Old Business: Approve Minutes / Crisis Grant Amendment Discussion / NW MT Drug Task Force Support Letter / Emergency Operation Plan Signature Follow Up: Present were Brian Berreman, Veronica Bovee-Anderson, Boyd White, Darren Short, Vanessa Williamson, Brian Holzer, Kathleen Sheffield, Jay Sheffield and Deb Burrell.

- Review of March 6, 2024 regular meeting minutes for approval: **Motion** to approve the March 6, 2024, minutes by Commissioner Hammons. Second by Commissioner Teske. No comments. Motion carried.
- Commissioner Letcher introduced the Crisis Grant Amendment with no further discussion. **Motion** to approve the contract amendment for the Crisis Diversion in Montana Communities by Commissioner Teske. Second by

Commissioner Hammons. No comments. Motion carried. Commissioner Teske advised the second part of this discussion was a revision of job description which he'd like to place on hold until it can be reviewed with HR.

- Northwest Montana Drug task force. Sheriff Darren Short reviewed the support letter adding it is an important program. **Motion** to approve the Northwest Montana Drug Task Force support letter by Commissioner Hammons. Second commissioner Teske. No comments. Motion carried.
- Emergency Operation Plan Signature Follow-Up: Commissioner Teske informed the board about EMA Tom Lane's departure during the public comment period of the EOP. The new EMA, Boyd White, is now seeking a final signature. **Motion** by Commissioner Hammons to approve the Emergency Operation Plan as presented by EMA Tom Lane on November 8th. Second by Commissioner Teske who noted the approval date may need updated prior to a signature. No public comment. Motion carried.
- Commissioner Hammons advised the Kootenai Falls signage should be going up.

10:45 AM **Public Comment Time:** Present were Veronica Bovee-Anderson and Kathleen Sheffield.

Kathleen Sheffield, Victim Witness Advocate, received a \$5,000 grant and presented an invitation to the second annual National Crime Victims' Rights Week candlelight vigil, scheduled for April 25th at 7 pm in front of the courthouse.

11:00 AM **Forestry Update – Request for Title III Funding for Home Assessment Training – Forester Jennifer Nelson:** Present were Jennifer Nelson, Brian Berreman and Veronica Bovee-Anderson.

Jennifer Nelson County Forester requested \$11,995 from Title III funds for National Fire Protection Association for Assessing Structure Ignition Potential program for county fire departments tentatively scheduled for April 26-27 or 27-28. As of this morning Finance reported \$407,529 in the Title III fund before the \$5,000 committed to MSU. **Motion** to approve the Title III funds of \$11,995 for NFPA for the National Fire Protection Association for Assessing Structure Ignition Potential program by Commissioner Hammons. Second by Commissioner Teske. Commissioner Teske noted Title III funds are not tied to the library or the general fund, it's a separate federal fund for specific things. No public comment. Motion carried. Jennifer provided updates on various projects and grants: The DNRC grant funded brush crew will commence work the end of the month, focusing on clearing brush around the food bank, certain county rights-of-ways, Lusher Drive, and address encroachments on the airport fence-line with Commissioner agreement and will seek Rob's approval. Tony Anderson has completed landfill work, hauling a total of 63 loads equaling 1,778 tons, resulting in stumpage over \$56,000. When combined with Andy Eckberg of Idaho Forest Groups' purchase of approximately 30 acres of stumpage the landfill work totaled \$81,000. The J. Neils Park grant work, totaling just over \$19,000, was finished in the fall. Wildfire Awareness Month is in May and stakeholders received a grant for a fire adaptors community event workshop is scheduled for May 8th and 11th, in collaboration with the Forest Service and DNRC. A similar event is tentatively planned for May 18th in Troy. The Rabbit Tracts grant has about \$80,000 and is set to conclude in May, with the state allowing an extension through the calendar year to work on some private ground. Western States was designated for the Ripley area, but due to poor response, it is relocated to the Libby and Troy areas with the Trojan Defense project. Jennifer inquired of the county's interest in the old arena at granite, as it's part of the Tidbits grant, mentioning an old shed and outhouses.

11:15 AM **Fee Increase & Assistant Planner Proposal – Preliminary Budget – Jesse Haag Planning Director:** Present were Brian Berreman, Kathi Hooper, Veronica Bovee-Anderson, Paul Johnson and Jesse Haag and Scott Shindledecker.

Jesse Haag, County Planning Director, distributed and reviewed a proposal for a fee increase and the addition of an assistant planner. Jesse highlighted the various tasks undertaken by the department for the county. He emphasized 2020-2022 census data showed a growth rate of 9.4% over two years, making Lincoln County the fourth fastest-growing county in the state. Jesse reviewed 24 counties websites data and looked at planning staff per population coming up with a ratio of about 6,000 people per planning staff whereas Lincoln County has 19,133 people per planning staff. He pointed out the department's challenges in complying with the county growth plan policy, floodplain program, lakeshore regulations and judicial changes to subdivision reviews and time constraints curtailing site visits. Jesse expressed frustration with efforts to update fees to match those of comparable counties only to still face difficulties hiring additional staff. He acknowledged the county's budget constraints and proposed adjustments to the planning fees to reflect market pricing and development that is not slowing. He proposed a preliminary review fee of \$500 per lot, noting every taxpayer pays for county planning yet developers are getting priority due to statutory deadlines. He mentioned his efforts in pursuing grants and outlined departmental improvements it would fund. Jesse advised the assistant planner would assist in handling phone calls, organizing tasks and following up. He proposed the assistant planner position at grade 10, with growth to grade 11 within a year. Commissioner Letcher remarked the workload exceeds what part-time contracted planning help can handle. Jesse noted letters of support he's received in this request. Commissioner Teske expressed agreement with the fee increases, citing the county auditor's recognition of the county's budget challenges. **Motion** by Commissioner Teske to approve the Planning Department fee schedule effective April 1, 2024. Second by Commissioner Hammons. No comments. Motion carried. Commissioner Teske asked for time to review the assistant planner position request.

*Planning fees are available at https://lincolncountymt.us/wp-content/uploads/2024/03/Planning_Fees_2024.pdf

12:05 PM **Break**

01:30 PM **Public Hearing – Lower Yaak Zoning District:** Present were Kristin Smith, Jesse Haag, Paul Johnson, Matt Franke, Bob Bittner, John Damon, John Driebusch, Chelsea Franke, Jacob Franke and Scott Shindledecker.

Kristin introduced the next step in the creation of the Lower Yaak Zoning District, which began last fall. The planning board, in the course of four meetings, worked on language provided by residents to create a document that is now being presented. Commissioner Teske inquired how many of the lots in the zone right now are not twenty acres. Kristin stated any lots not meeting the zoning size will continue to be allowed to exist, same with the two previously approved subdivisions without complications. Commissioner Letcher questioned whether the definition of agriculture is permitted or prohibited. Kristin believed it was intended to be permitted. Commissioner Teske commented on the definition of agriculture and livestock. Jesse read the definition adding if I have 10 acres, I am not doing large scale (industrial) agriculture as opposed to a homestead garden. Commissioner Letcher sought clarification on whether property owners with bees can sell honey, which Jesse stated is allowed but with restrictions on a shop and increasing traffic.

Paul Johnson lives in the zoning district and stated we have to start this process somewhere. He advised of not wanting to zone people out, adding everything is grandfathered in and everyone has the same rights as their neighbors. He believes those outside the zoning district should not have an issue with it and views it as a proactive approach to growth, expressing satisfaction with this proposal.

Chelsea Franke questioned the timeline on a decision on the zoning district. Kristin advised the Commissioners will decide next week on a resolution of intention, which triggers a thirty-day public comment period and then a final decision, all of which is public noticed.

Elizabeth Holmes expressed concern that some do not want zoning in the Lower Yaak and feels her concerns are not being heard. Commissioner Teske, upon inquiry, found Elizabeth's property is not within the proposed zoning area.

Terri Holmes (zoom) advised the zoning plan left out most of Pine Creek where a large group totaling 400 acres do not want zoning.

1:59 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board