

December 18, 2013

The Lincoln County Board of Commissioners met for a regular session on December 18, 2013, in the Eureka Annex of the Lincoln County Courthouse. Present are Commissioner Tony Berget, Commissioner Ron Downey, Commissioner Mike Cole, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

10:30 AM: Commissioner Berget **opened the meeting** with the Pledge of Allegiance.

10:30 AM: **Public Hearing for the Litter Ordinance amendments:** Kathi Hooper, County Environmental Health Department Health, has altered the new ordinance as a result of some suggestions that have been given at recent meetings. Steve Curtis is not in favor of the ordinance. He feels it will cost the taxpayers more in litigation. Commissioner Berget said he disagreed because the county has the right to govern this ordinance where they will have no control over it if the State takes over. He cited the state laws that control Air Quality and Wells and Sewers that limit Lincoln County residents because the county did not create their own rules. Commissioner Berget said the citizens should have freedom but what about the neighbors who lose their freedom due to a neighbor that uses their property for a garbage dump. Scott Mathias asked if there was a health risk or environmental risk would the county have the authority to enter someone's property. Kathi told him that if it was a risk to public safety, yes. He was told that the County Attorney feels this is a better document to allow for events such as that. Rex Nichols said that the green boxes are horrible for littering. Kathi agreed. Dave Guild asked why the Sheriff's office is in the document. Commissioner Berget told him that there are some individuals who require a deputy to be present when told they need to clean their property. Kathi told the group that most people will clean up their property after a warning letter and it is rare that they get a property owner who refuses, but when they do they need a better ordinance to support them. Aubyn Curtis wanted to know if there is a grant to pay for this. She asked if she could have a copy of the Montana Law that this ordinance follows and Commissioner Berget pointed out that the MCA's were listed on the document. She asked who is qualified to say if the ordinance is broken. Kathi told that she and two other sanitarians are the ones to inspect them. Aubyn presented the commissioners with a written testimony on the ordinance. Zane Squires said that one person's junk is another man's jewels. He is still working on his house and he might throw building materials in his front yard and he doesn't want people telling him he can't. He also has an antique vehicle that he doesn't feel is junk. The Public Hearing was closed at 11:28 am.

11:30 AM: **Justice of the Peace, Stormy Langston:** Stormy was unable to attend the meeting scheduled last month with the commissioners so she has rescheduled for today. Stormy began by handing out a fact sheet she has created about funding of the Justice of the Peace departments. Her suggestions are for Libby to downsize. She is suggesting that the Libby office go down to a half time justice and one less full time clerk. She is suggesting no cuts in the Eureka office. She is concerned about the sheriff's office being taxed by extra work for the deputies and decreasing the number of deputies by them having to transport more prisoners. Stormy was given a cost analysis that the county had done about the cost of the two offices. There was a discussion about what type of crimes are being dealt with. Stormy ended with a statement that she doesn't feel that the county will save much money by decreasing Justice of the Peace positions. Stormy has had 805 cases in this calendar year. Some of which are just tickets and don't see a judge, some have to see a judge. Commissioner Cole said that Judge Sheffield had told them about some of the things he has to take care of during the weekend and asked Stormy what she finds on her weekends. Stormy said that she often comes in on weekends for warrants and protection orders. The group talked about video trials. Krista asked for an explanation of the county cost analysis. Commissioner Berget explained that it is a comparison of the current Eureka costs and the costs if they consolidate offices. Stormy thanked the commissioners for allowing her to voice her opinion and the commissioners thanked her for the information.

1:30 PM: **Hurricane Ranch III**, final plat approval: All conditions have been met on this subdivision. Commissioner Downey moved to approve the final plat and it carried.

1:45 PM: The commissioners received a new contract for **legal services from Moore, Cockrell, Goicoechea and Axelburg, P. C.** to defend the county in a lawsuit filed against the county by John Rios. Commissioner Cole moved to sign the contract and it carried.

1:50 PM: The commissioners received an **Agreement for Consulting Services from Mason, Bruce and Girard, Inc.** the Oregon corporation that is being used to do the study that was presented to the commissioners by Ed Levert, County Forester. Commissioner Downey moved to approve the agreement and it carried. This study will be paid partly from the Title III funds.

1:52 PM: A **Tax Abatement** form has been submitted by the Department of Revenue for **David and Charlotte Reid.** Their parcel has been double-billed for refuse since 1998. It is the policy of the county to only refund up to 3 years of tax. Commissioner Cole moved to approve a 3 year abatement for tax #5901 for a total of \$405 and it carried.

1:55 PM: **Cooperative Law Enforcement Annual Operating Plan and Financial Plan** between the Lincoln County Sheriff's Department and the USDA, Forest Service, KNF is ready for signatures. The total Plan is worth \$24,182.00. Commissioner Downey moved to approve and sign the agreement and it carried.

2:00 PM: Commissioner Cole learned yesterday that the **Riverwalk** property is owned by Lincoln Electric and the county obtained easements for the walking path. Lincoln Electric would like to sign the property over to the City of Eureka.

Therefore, the county would sign the easement over to the City as well. This is an ongoing discussion but Commissioner Cole wanted to let the commission know about the plan.

2:06 PM: **Title III and Title II funds decision:** The commissioners decided to give Secured Rural Schools money to RAC in the approximate amount of \$579,000.

2:15 PM: The **meeting was adjourned.**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony Berget, Chairman

ATTEST: _____
Tammy D. Lauer, Clerk of the Board