

December 30, 2015

The Lincoln County Board of Commissioners met for a regular session on December 30, 2015, in the Commissioner's Office of the Lincoln County Courthouse. Present were Commissioner Mike Cole, Commissioner Greg Larson, Commissioner Mark Peck and Clerk & Recorder Robin Benson.

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

9:30 AM **Safety Program:** Present were Vic White, Lisa Oedewaldt, and Alan Gerstenecker.

Lisa presented the 2016 By-Laws for the Lincoln County Safety Program and the 2016 Safety Incentive Program. There are no changes to the 2016 County Safety Program. **Motion** by Commissioner Peck to approve the 2016 Safety Incentive Program. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

Lisa discussed the annual county safety audit by MACo. Vic gave credit to the county safety committee's efforts playing a significant role in the county having good safety audits. **Motion** by Commissioner Peck to approve the 2016 Lincoln County Safety Program By-Laws. Second by Commissioner Larson, and so ordered upon unanimous consent of the board.

10:00 AM **Nancy Higgins/Monthly Treasurer Report:** Present were Alan Gerstenecker and Krista Nemeroff, Eureka via Vision Net.

Nancy explained the monthly cash reconciliation report and investment reports with corresponding documents to the commission. Commissioner Peck asked about the Cabinet View FSA and Rancher's FSA still showing cash balances. Nancy explained there is no money going into those accounts, but as long as there are delinquent taxes, there will be a balance. Commissioner Peck asked about the Port Authority Fund. Nancy explained that the Port Authority has a fund because the county receives tax dollars for the Port Authority. Commissioner Larson asked about the Troy TV and Lake Creek TV Districts being combined? Nancy said she has difficulty with contact on those districts. The Department of Revenue is still running those districts separately.

Nancy discussed a loan set up back in 2013 Lincoln County and Lincoln County Port Authority for LIV Golf Car. There is no money paid on this to date that she is aware of. There is another port authority loan for the finger jointer and at one time, these two loans became confused. This has been corrected. Nancy said her concern is the LIV Golf Car not meeting the deadline for the loan and recommends the commission meet with the Port Authority board for further discussion.

Nancy discussed letters received from citizens protesting taxes. Commissioner Peck said he questions why the Department of Revenue does not answer questions about assessments on properties. Nancy said she feels because the payback was not implemented for the current fiscal year was a contributing factor.

Nancy discussed delinquent tax bills with the commission.

10:30 AM **Administrative Issues:**

- County Health Department Manager, Jennifer McCully requested signature for the Immunization Program Contract between Lincoln County and DPHHS. **Motion** by Commissioner Larson to approve the Immunization Program Contract. Second by Commissioner Peck, so ordered upon unanimous consent of the board
- Commissioner Cole signed the Federal Financial Reports submittal to the FAA.
- Resolution 954: 2016 Holiday, meal and mileage rates per MACo. **Motion** by Commissioner Larson to approve Resolution 954, setting the 2016 holiday, meal and mileage rates. Second by Commissioner Peck, so ordered upon unanimous consent of the board.
- Robin Benson submitted a letter from EPA to the commission regarding a contaminant screening on a county right-of-way located off of Timber Lane. EPA does not consider the property to require cleanup.
- Em-Kayan Board submitted a letter requesting reappointment of Art Pankey and appointments of Jay Forsyth and Dean Byrns. The Clerk & Records Office did advertise for vacancies and no applications were received. Robin will contact the board and request applications from Art Pankey, Jay Forsythe and Dean Byrns for the commission to review.
- The Commission read the minutes for December 16, 2015. **Motion** by Commissioner Peck to approve minutes as submitted. Second by Commissioner Larson, so ordered upon unanimous consent of the board.
- Ric Kesling presented the proposed Website Design Contract and Letter Agreement to develop a new website for Lincoln County. Also submitted was a proposal for website hosting and support. The contract and agreement is between Lincoln County and Flathead Media. Ric recommends agreement to both the contract and the proposal. The commission will put the contract and proposal under advisement for further review.

11:00 AM **Public Comment Time:**

- Allen Olsen asked about how to file a FOIA to get information on Robin Benson's county computer. Commissioners Cole suggested a written request.
- D.C. Orr stated he keeps abreast of the local politics and the commission minutes and stated the lack of communication with the City of Libby. Mr. Orr discussed his history as a council member and interaction with EPA issues. Mr. Orr discussed the City/County Health Board and lack of open and honest communication. Mr. Orr expressed his concerns about the Institutional Controls coming out of the citizens pockets. Mr. Orr said he has many questions about the City/County Health Board, and payments made to Allen Payne and wanted to let the Commission know that he will be asking a lot of questions and this will become an issue moving forward. Appreciates the commissioner's open dialogue and communication.
- Allen Olsen asked about the fees he is charged when dumping tree limbs and house siding at the county refuse site. Allen explained that he was not dumping as a commercial business owner, but as a private citizen using his personal truck. Commissioner Peck said he would look into this.

11:30 AM Lisa Oedewaldt/Planning Department:

- **Final Subdivision Improvement Agreement (SIA) escrow release of bond (Cato Subdivision).** The Lincoln County Planning Department recommends approval of the final release of \$1,993.77 for completion of the road improvements in Cato Subdivision. Cato Subdivision was filed on March 4, 2013 by Pamela Flowers & Jerry Croskery. **Motion** by Commissioner Larson to approve final release as presented based on planning staff recommendation. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

1:30 PM **Cabinet View Fire Service Area:** Present were Patty Rambo, Sandy Clark, Dean Herreid, Charles McFarland, Alan Gerstenecker, Ron Miller, Kate Witt, Bruce Witt, Brad Lord, Russell Bache, Bill Clark, Tom Wood, Wayne Maffit, Sylvia Maffit, Gerald Wallace, Roby Bowe, Jeff Koskela, Del Hufford, Sally Hufford, Bob Henline, Lisa Oedewaldt, Brent Faulkner, Deb Blystone, and Kirk Kraft.

Commissioner Cole opened the meeting to discuss the petition to create Cabinet View FSA. Commissioner Cole read through MCA codes pertaining to the establishment of a fire service area and the petition process.

Assistant Election Administrator, Leigh Riggelman passed out summary results "for" and "against" of the Proposed Cabinet View Fire Service Area. Leigh explained the summary to the group. Statistics are from the original petition submitted by Bruce and Kate Witt, letters and emails received and the public hearing comments. There was also a petition submitted to the commission requesting inclusion to Lincoln County Rural Fire District. *(Summary handout available at the Clerk & Recorder's Office)*

Commissioner Larson said by looking at the summary, the numbers speak for themselves. He appreciates the passion on both sides. Commissioner Peck said this is one of the most difficult decisions since he has been in office and has worked with people on both sides understanding the passion and the history. Commissioner Peck continued by saying his approach is that it is up to the people who live in the area to have a choice, and that the process is in an unbiased atmosphere.

Commissioner Cole opened the floor up for comments. Patty Rambo expressed concerns about wildland fires in the proposed area. Bill Clark said Cabinet View is weary of petitions and understands numbers but asks the commission to take into account the history and man hours put into this. Mr. Clark said he apologizes for anything that may have offended our community, but wants to give this another chance.

Kate Witt questioned the signatures against. Commissioner Peck said he felt the signature summary was precise and understandable. Del Hufford said the public hearing was to express support or opposition and he understand why there was a consideration for LCRFD inclusion.. Patty Rambo said we are back to the old argument of more is better. Cabinet View was instrumental in helping other fire departments and a competent fire department and feels injustice was done.

Jeff Koskela said according to MCA, to build a fire service area is voted in by the people and a board would be made. Everyone thinks that Cabinet View would automatically take it, but actually the commission will appoint who will run the board. There may be a need in the area, but it does not mean that Cabinet View would provide those services.

Sylvia Maffit said that when she met Commissioner Peck she was very impressed by the way he spoke to the fire department in an earlier meeting when Cabinet View was still active and feels she does not hear that from him now.

Commissioner Peck said he was talking to fire fighters and yes he absolutely supports their service.

Tom Wood discussed the petition for inclusion to LCRFD. The petition will go to the LCRFD board for approval. It has not been approved yet. Then it will come to the commission for further discussion. Commissioner Larson felt it is significant that those people would not be paying into Cabinet View FSA if it was re-established.

Commissioner Peck explained the summary and said it's the total numbers that are significant and cannot be denied.

There was discussion about the Petition submitted requesting inclusion to LCRFD. Sandy Clark felt those signatures should not be a part of the count against CV. Brent Faulkner said that can be cut out, maybe a statement to that affect.

Brad Lord asked if there was any established long term plan or alternatives to CVFSA and expressed that there are many long term variables that should be factored into the decision.

Commissioner Peck said it is a concern that there are gaps and a long term solution can be much better coordinated, but **Motion** by Commissioner Peck to approve petition to establish CVFSA for discussion purposes. Second by Commissioner Cole for discussion purposes.

Commissioner Peck appreciates the history and is not going to sit here and defend what has been done in the past.

Regarding my support for fire fighters, I still stand by that. But since that time, we can all agree or disagree. The vote today is based on where we are today. There is some empathy and regret with the way things were handled in the past.

As a commissioner, I need to use MCA as the guide for decisions. Commissioner Peck expressed that you just cannot deny the numbers...there is a lot of opposition. The citizens have spoken and that is what drives my vote. Any vote does not preclude people from continuing their volunteer work. The numbers are very heavy towards opposing and I cannot discount that. People need to start working together on how services can be improved and managed. Commissioner Peck expressed that he has spent countless hours with people on both sides and the commission has ran the process as open and as honest as we can. He implores people that no matter how this turns out, work towards a long term strategy.

Commissioner Larson agreed the numbers overwhelmingly against but expressed hope that people can work together and meet the needs of the area.

Commissioner Cole thanked everyone for their comments and time. The need for volunteers and work ethics that goes towards what everyone in this room does. Believes there is a need. Don't know if we are quite ready ...is there enough trust from the folks who live in the area.

Commissioner Cole asked for a Motion to approve....motion died for lack of support.

2:10 PM The **meeting was adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board