

April 27, 2016

The Lincoln County Board of Commissioners met for a regular session on April 27, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Larson, Commissioner Peck, Clerk and Recorder Robin Benson and Deputy Clerk Chris Nelson.

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

8:45 AM **Miller Lake Petition:** Present were Road Supervisor District 1 Marc McCully, and Nikki Meyer via Vision Net. Road Supervisor Marc McCully submitted a petition to the commission signed by 18 property owners. The statement of purpose and implication on the petition is that the signers would like the Miller Lake Road that originally ran down the middle of Miller Lake basin prior to flooding by private dam and is now located adjacent to the lake to be officially designated the road which the public now uses. The public is petitioning to move the flooded portion of East Fisher to its new location. The petition signatures have been verified as landowners by the Clerk and Recorder's Office. Marc explained an outline of the process any time a county road is petitioned in any way as follows:

- Petitioner (verified and submitted to the county commission)
- Petition Filed (permanently filed in the Clerk and Recorder's Office)
- Viewers Appointed (during a regular commission meeting)
- Viewers Report (submitted during a regular commission meeting)
- Date of Public Hearing (2X with 6 days between notices in local newspapers)
- Viewer Report Approved (during a regular commission meeting)
- Commission Orders a Survey
- Survey Filed in the Clerk and Recorder's Office
- Declared County Road/Resolution

Motion by Commissioner Larson to accept the petition as submitted for Miller Lake easement relocation. Second by Commissioner Peck and so ordered upon unanimous consent of the board. The petition will be permanently filed in the Clerk and Recorder's Office. **Motion** by Commissioner Peck to appoint Commissioner Peck, Commissioner Larson and Marc McCully as Viewers to research the easement/petition and draft a Viewers Report. Second by Commissioner Larson and so ordered upon unanimous consent of the board. **Motion** by Commissioner Peck to order a survey to be prepared for filing. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

9:00 AM **Clerk of Court/Part Time Employee:** Present were Clerk of Court, Susan Farmer, Tricia Brooks, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

Susan Farmer is requesting permission to hire a permanent/part-time position at 24 hours per week or 16 hours per week to help with the increased work load in the Clerk of Court's Office. Commissioner Peck expressed confusion regarding the financial roles and responsibilities between state and county, although realizing this is a legislative issue. **Motion** by Commissioner Peck to grant permission for a permanent/part-time employee at 16 hours per week for FY 2016/2017. Second by Commissioner Larson and so ordered upon unanimous consent of the board. Anticipated budget increase for FY 2016/2017 is \$10,244.

9:30 AM **Tracy McIntyre/TVID: Meeting Cancelled**

10:00 AM **Nancy Higgins/Treasurer's Report:** Present were Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net. Nancy presented the monthly cash reconciliation with a corresponding cash report and the county investment reports with the Raymond James Account, Smiley Trust and First Interstate Bank for commission review.

Nancy said notices for delinquent taxes for mobile homes are prepared and being mailed out. **Motion** by Commissioner Larson to delete mobile homes from the county tax rolls that are identified as no longer livable or no longer being assessed by the DOR. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

Lincoln County Community College: Lincoln County owns the building and the college has been paying for building maintenance. There is no formal maintenance agreement between the county and the college. Commissioner Peck has been in contact with the college about delinquent fees as shown on the property tax bills. Commissioner Peck suggested a meeting set up between the county, college and city representatives to discuss this issue and come up with a solution to move forward in the best manner possible.

Nancy brought to the attention the loan between the **Port Authority Liv Golf Car** and the County. Commissioner Peck said the intent is for the loan to be paid back to Lincoln County and discussions are currently taking place regarding the delinquent loan payments.

10:15 AM **Nancy Higgins/Classification as an Isolated School for Yaak School District:**

Nancy provided M.C.A. 20-9-302 School Isolation statute for the commission to review. An Application for Classification as an Isolated School for the Yaak School District was presented to the Lincoln County Commissioners on March 29, 2006 and was approved unanimously based on safety and demographic issues and that compelling reasons exist to grant the school a variance to school isolation requirements. Nancy recommends the Yaak Elementary School to be considered as continued Isolation Status. **Motion** by Commissioner Peck to approve request for continued Isolation Status for Yaak Elementary School. Second by Commissioner Larson and so ordered upon unanimous consent of the board. The application will go to the Office of Public Instruction for review and approval.

10:45 AM **Nancy Higgins/Resolution Authorizing STIP:** Present were Nikki Meyer, Eureka via Vision Net and Alan Gerstenecker.

Short Term Investment Pool (STIP) is requesting a more formalized process from counties if investing in STIP by providing a resolution designating the County Treasurer as the authorized agent to make transactions. Nancy said STIP is 100% secured and may be currently moving upward. **Motion** by Commissioner Larson to sign Resolution No. 969 designating County Treasurer Nancy Higgins as the Participant's Authorized Representative to make transactions between STIP and Lincoln County. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

11:00 AM **Public Comment Time:** There were no public comments.

11:30 PM **Administrative Issues:** Present were Election Administrator Leigh Riggleman.

- Clerk and Recorder Robin Benson submitted a map to the Commission showing where the properties who requested to opt out of LCRFD are located within the proposed area. The commission set a date of May 2nd at 9:00 AM for further discussion.
- The Commission read the minutes for April 20, 2016 and April 21, 2016. **Motion** by Commissioner Peck to approve minutes as submitted. Second by Commissioner Larson and so ordered upon unanimous consent of the board.
- Commissioner Peck said the Forest Service and DNRC are conducting agency administrator training and expressed this would be an excellent opportunity for the commission to learn the expectations and processes and suggested it would be beneficial to the county if all the commissioners could attend.
- Commissioner Peck reported that Jonathan Smith is moving forward with the rewrite of the City/County Health Board Structure and Interlocal Agreement for review.
- Election Administrator Leigh Riggleman submitted a ballot to the Lincoln County Board of Commissioners for the Libby Area Water Conservancy District. Lincoln County owns property within the district, therefore receives a ballot. The Commissioners stated the county would not vote on this issue.
- Commissioner Cole reported he participated in a walk through at Ksanka Creek for the Ksanka Creek Project. Part of the proposal was to use RAC funds, but the county will not know the status until about June. Phase II will be held off until funding decisions have been made.
- 1:15 PM **WMMHC& CDC Board Discussion:** Alan Gerstenecker, Dan Williams, and Nikki Meyer via vison net. Commissioner Peck spoke about county representation on the WMMHC and CDC board. Mark asked them if they could appoint someone and they said it didn't have to be a commissioner. Peck said he would like to have Jennifer Mccully take over for him as the county's representative on the board. Mark said he felt it was important that the county had representation on the board. **Motion** by Commissioner Greg Larson to appoint Jennifer Mccully to be on the board of directors on the WMMHC and CDC board of directors. Second by Commissioner Mark Peck and so ordered upon unanimous consent of the board.

1:30 PM **Dan Williams/Noxious Weed Grants:** Alan Gerstenecker, Dan Williams, and Nikki Meyer via Vison Net.

Dan brought three grants for the commissioners to sign; the skeleton weed grant for \$35,675, the private tansy ragwort grant \$20,000, and the government tansy ragwort grant \$15,000. The board of commissioners signed the grants which had been approved at a previous commissioner meeting.

2:00 PM **FWP/Kim Annis Waste Transfer Site:** Kim Annis and Alan Gerstenecker.

Kim wanted to talk to the commissioners about broken garbage dumpsters. Kim said because of issues with bears, some places have used electrified mats rather than gates when entering waste transfer sites that work well but can be expensive and does require maintenance. On the West Kootenai, fencing the current area where there are dumpsters would be helpful and there could be money available from an outside group.

2:15 PM **Steve Curtiss/Lakeshore Protection:** Bernie Cassidy, Lisa Oedewaldt, Deb Blystone, Steve Curtiss, Rhoda Cargill, Kurt Hafferman, Joe Purdy, Lynn Warwick, Jennifer Curtiss, and Kurt West.

Steve Curtiss from the Glen lake Irrigation District (GLID) introduced their engineer Kurt Hafferman. Kurt gave a brief overview of his career and his familiarity with irrigation districts. Kurt informed the Board of Commissioners the DNRC Dam Safety Program gave the Glen Lake Dam a valid operation permit for another 5 years. Kurt stated that two issues the group has is the lakeshore development permits and whether the GLID owns the land around the lake and can issue lakeshore permits. Kurt also said that it has done no good dealing with the planning department in the past and they have a problem with the planning department issuing permits. They are asking the county to respect the GLID. Kurt also talked about Montana Code Annotated concerning irrigation districts and said they are going to take the position that they will contact landowners and tell them they own property around the lake below the highest flood marks on the Glen Lake Dam head and said what they don't own they control under Montana law. Kurt said the county can't sign those lakeshore development permits, only the GLID can and they are asking the county not to issue them anymore. The GLID will also be asking Glen Lake residents not to use wake boats to minimize damage to the shoreline. People need to come to the GLID, people cannot take water out of the lake otherwise said Steve Curtiss. They are going to make call on their water rights and to tell everyone else they need to cease and desist. Commissioner Peck asked if the county granted homeowners the authority to draw water from the lake? Steve Curtiss said that on the most recent instance four years previous, the county had granted authority for a homeowner to use water in the lake. Asking that the county let the GLID deal with homeowners/developers first and they assured the commissioners they would deal with them in a timely manner. Commissioner Mike Cole said that he supports the agricultural industry and respects the GLID and all they do and he's glad they are having a productive discussion. Kurt said they are not getting plats that show their right of ways. Kurt said they are not against growth and development but there are things that need to be done and done correctly. Commissioner Mark Peck said the intent of the board would be to see if the GLID regulations could become part of the

county subdivision regulations. Steve Curtiss said he appreciated the opportunity to come and be heard and said that working together will be to the benefit of all.

4:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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

ATTEST: _____
Chris Nelson, Deputy Clerk