

April 6, 2016

The Lincoln County Board of Commissioners met for a regular session on April 6, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, Commissioner Larson and Clerk and Recorder Robin Benson.

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

9:30 AM **Ksanka View Trail Bid Review:** Present were Tracy McIntyre, Alan Gerstenecker, and Nikki Meyer, Eureka via Vision Net.

Tracy submitted an *Invitation To Bid* for construction of the Highway 37 Path/N of Eureka (CTEP) STPE 27(48), Control Number 8820 and is asking the commission for approval to move forward. **Motion** by Commissioner Peck to accept the *Invitation To Bid*. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

The Commission scheduled a teleconference for this Friday, 9:00 AM for further discussion on the RFQ for engineering services on the Ksanka Creek Restoration Project.

9:45 AM **Grizzly Bear Resolution No 967:** On February 9, 2016, Alliance for the Wild Rockies filed a lawsuit against United States Fish and Wildlife Service (FWS) alleging that FWS ignored decades of science on the population of the grizzly bears in the Cabinet-Yaak Ecosystem. Lincoln County wishes to intervene on behalf of the FWS in conjunction with Boundary County and Bonner County, Idaho, and possibly others. The purpose of being an intervenor is to ensure the county is part of the process and has ability to provide input. **Motion** by Commissioner Peck to approve Resolution No. 967. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

10:00 AM **Brad Dodson/DUI Task Force:** Brad said the DUI Task Force has been reestablishing its By-Laws and Task Force members. The Task Force will need to be approved by the Commission. DUI Task Force funding comes from reinstatement fees from the State; it is not a taxpayer fund. DUI education, prevention and enforcement county wide is the main focus of the DUI Task Force. Brad submitted draft By-Laws for the Commission to review. The DUI Task Force also works alongside the Unite for Youth Program. Brad is requesting permission from the Commission for the DUI Task Force to have its own credit card for ease and convenience for training, travel, and special events education. Commissioner Peck requested that the county get a legal determination or clarification that the DUI Task Force is officially a county program prior to issuing a county credit card. Commissioner Cole said this will be taken under advisement and requested Brad to come back for further discussion regarding the by-laws, process, and the DUI program.

10:15 AM **Closed Meeting Minutes Approval:** Commissioner Cole closed the meeting to discuss approval of closed meeting minutes dated March 22, 2016. The March 22 closed meeting was to discuss Boundary and Bonners Counties to join Lincoln County as intervenors regarding the February 2016 lawsuit between Alliance for the Wild Rockies and the US Fish and Wildlife Service. Discussion centered on timeline, strategy, mapping of the study area, grizzly bear study area and recovery zone, and impacts this would have on recreation use snow mobiles. Also restrictions of timber harvest on federal lands would have to go to evaluation for permit depending on impact of the grizzly bear population. Another component for counties to consider is the Federal Government would have to designate critical habitat area beyond the Cabinet-Yaak Ecosystem (CYE) habitat. Alliance for Wild Rockies will designate as much critical habitat as possible and will bring lawsuits if they are not happy with the amount of critical habitat.

After reviewing the minutes, Commissioner Cole opened the meeting from closed session. **Motion** by Commissioner Peck to approve minutes with adjustments. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

10:30 AM **Administrative Issues:** Present were Payroll/H.R. Department, Dallas Wamsley and Nikki Meyer, Eureka via Vision Net.

- The Commission reviewed the minutes from March 30, 2016. **Motion** by Commissioner Larson to approve the minutes as written. Second by Commissioner Cole and so ordered upon unanimous consent of the board.
- Dallas discussed the April Commission calendar. There will be no regular Commission meeting April 13, 2016.
- Commissioner Larson discussed property the County Shop District 2 would be interested in purchasing. The process was discussed relating to assessed value, survey, and public notice/participation.
- Commissioner Cole discussed a very small pie shaped piece of property on Sinclair Creek Road that an adjacent property owner would like to purchase. The process was discussed and needs to be reviewed for selling county property.
- Dallas discussed MACo Insurance and said the rate would be significantly higher per employee than what the county is currently paying. The county is currently looking into other insurance options with several companies.

11:00 AM **Public Comment Time:** No member of the public was present.

11:30 AM **County Forester Discussion:**

Commissioner Peck said Ed Levert plans to retire and has said he is ready to step down from his current position as the County Forester. Commissioner Peck feels this provides an opportunity to discuss roles and responsibilities and potentially expanding the scope and focus of this position. The position will be advertised through the Kootenai Job Service after a job description is updated. Commissioner Peck would like to visit with Matt Arno, DNRC about what the responsibility for this position would encompass.

1:00 PM **EMA Update:** Present were Lisa Oedewaldt, Kirk Kraft and Alan Gerstenecker.

Kirk said the Local Emergency Planning Committee (LEPC) has been meeting twice a month on review and messaging the Emergency Support Functions, clarifying a more incident specific program. Members are also working on updating the OU3 Libby Area Response Plan.

Kirk said he discussed the Continuity of Government at the Department Head meeting held on March 23, 2016. EMA is training a subcommittee, scheduling sand table exercises in Wildlife Urban Interface (WUI). The Fire Coop met on March 23, 2016 and discussed updating the County Operating Plan; there are no major changes. Eureka and Trego/Fortine/Stryker FSA's and West Kootenai Fire Company would like Eureka Dispatch to start using the county run cards system. Troy Volunteer Fire District is the only fire district in the county to not complete the run cards for their dispatch center. The Fire Adapted Community Workshop is scheduled for April 29, 2016. Lisa said the EMPG grant has been approved. Lisa discussed changes in the state grant criteria and grading process. Lisa said the county is still in need of grants for improved communications for safety and emergency services.

1:30 PM Lisa Oedewaldt/Planning Department: Present were Lisa Oedewaldt, Deb Blystone, Mike Fraser and Alan Gerstenecker.

Lincoln County Commissioners are requesting Statements of Qualifications from consulting firms with expertise in wetlands evaluations, habitat analysis, sediment transport and deposition, flood plain studies, the EPA and Army Corps of Engineers violation process, stream restoration planning, analysis of restoration alternatives, planning offsite mitigation and construction management. Lincoln County, after a flood event in December 2015 removed river gravels from Callahan Creek and placed the removed materials within the flood plain and stream bed. The Army Corps of Engineers has issued a Cease and Desist Order. Enforcement actions are being considered by the EPA. The County recognizes the work was completed without permitting. During the remediation process the county intends to pursue a proactive approach with all the agencies having jurisdiction. The selected consultant will have a demonstrated knowledge of the process utilized for enforcement and a successful record of representing clients in enforcement actions. **Motion** by Commissioner Peck to approve the RFQ as submitted and approval for public notice. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

2:00 PM Troy Rural Fire District Annexation Public Hearing: Present were Election Administrator Leigh Riggelman, Deb Blystone, Harold Etienne, Herb Gregory, Larry Dolezal, Lisa Oedewaldt and Alan Gerstenecker. Commissioner Cole opened the Troy Rural Fire District Annexation Public Hearing. Commissioner Larson read Resolution No. 964 in its entirety. Commissioner Cole opened the floor for public comments. Herb Gregory said all the properties are already within the boundaries of the Troy Rural Fire District. Larry Dolezal said he lives in the TRFD and voiced his support of the annexation. The benefits to the residents and the fire district were discussed. All discussion and comments were in support of the annexation. **Motion** by Commissioner Larson to approve Resolution No. 964 to annex property into the Troy Rural Fire District. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

2:30 PM Troy Rural Fire Resolution No. 966 Memorandum Loan Agreement: Present were Harold Etienne, Herb Gregory, and Alan Gerstenecker. Commissioner Larson briefed the commission on the current loan agreement and its history. Commissioner Larson read Resolution No. 966 in its entirety. The resolution authorizes the commission to approve adding \$30,000 to the current loan balance for the purchase of a truck paid from the Hard Rock Mine Trust Fund. Commissioner Peck discussed grant opportunities specific to fire districts and directed the TRFD Board to learn more about these types of grants. **Motion** by Commissioner Larson to approve Resolution No. 966. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

3:00 PM Port Authority Rail Project Discussion: Present were Larry Dolezal and Alan Gerstenecker. The Port Authority Board is requesting a letter of support for the EDA Economic Development Assistance Program Grant. To support this effort, Lincoln County will commit to in house construction activities and materials (in-kind contribution) up to the amount of \$200,000 for the purpose of existing rail removal, clearing top soils and importing surface materials. The Commission was in agreement of the economic development benefits to Lincoln County of the rehabilitation of the rail spur accessing BNFS's main line. Commissioner Peck mentioned the Port Authority Board has not officially approved the request. Commissioner Cole suggested tabling the request because of process and policy, giving time for the Port Authority Board to approve the request first before the commission signs off on it.

3:30 PM Susan Farmer/Clerk of Court Part Time Position: Present were Clerk of Court Susan Farmer, Tricia Brooks, Jennifer Brown, District Court Judge Wheelis, Larry Dolezal and Alan Gerstenecker. Susan said there has been a part-time position in the Clerk of Court's Office for approximately 25 years. Currently, the part-time position is not filled and Susan is requesting permission to fill the part-time position. Susan discussed the legal timelines and increased caseloads and work within the Clerk of Courts Office. The part-time position is not budgeted for in FY 16/17 and will need permission for a budget increase. Commissioner Peck asked Susan to determine what the costs are for the part-time position so the commission has a cost increase projection for FY 2016/2017. Tricia Brooks suggested advertising the part time position now, and then after numbers are presented to the commission for further discussion, the position can move forward or be denied. **Motion** by Commissioner Larson to allow Clerk of Court Susan Farmer to advertise a position up to 24 hrs./wk. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

4:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk and Recorder