

August 17, 2016

The Lincoln County Board of Commissioners met for a regular session on August 17, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Larson, Commissioner Peck and Deputy Clerk of the Board, Chris Nelson.

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

9:45 AM ~**Ed Levert- 2017 Title III Budget:** Present were Alan Gerstenecker, Pam Peppenger, Jim Hayes and Tina Oliphant.

Ed met with the Board to discuss obligated funds for the FireWise (Title III) Program. Ed said the total funds available are \$250, 296. Ed said they would provide this to RAC committee once it is approved by the Board. Ed provided a handout with projects ranked and their associated costs. Cole asked about item 15, fuel reduction in North Lincoln County, and why there was not one covering the South end of the County? Ed said there is separate funding for South Lincoln County and he put item 15 on there to make sure that north was also covered. If the list was approved with the listed funding, the total cost would be \$126,000 leaving \$124,296. Ed said that leftover money would be used to continue the program in "out years". **Motion** by Commissioner Larson to approve the proposed FireWise Program of \$126,000. Second by Commissioner Peck and so ordered upon the unanimous consent of the Board.

10:15 AM~ **Libby Chamber of Commerce Website and Media Plan Grant:** Present were Tina, Pam and Jim Hayes. Tina said they have spent over a year rebranding and reestablishing an identity for the county. Tina said that process is coming to a close and now it is time to implement some of the stuff they have found and the Chamber graciously volunteered to apply for the funding for the program to the Department of Tourism. The Department of Tourism grant would cover 2/3 of the program. They are asking for a letter of support for the grant application and a cash match. Commissioner Peck said they are not just trying to advertise Libby they are trying to overcome the stigma of the asbestos issue and the Superfund site status. Greg said he felt that the money should be taken out of both Troy and Libby's economic development funds and not just Libby. **Motion** by Commissioner Peck to approve signing the letter of support for funding up to \$23,000. Second by Commissioner Larson and so ordered upon the unanimous consent of the Board.

10:30 AM~ **Administrative Issues:**

- Wendy presented a Resolution 974 for grants that need a budget increase. Commissioner Peck said that a message needs to go out to the people that continually go over their budget to let them know that they will not be bailed out anymore. Clerk and Recorder Robin Benson said that she will draft a letter for approval from the Board. **Motion** to approve signing Resolution 974. Second by Commissioner Peck and so ordered upon the unanimous consent of the Board. Wendy then presented a Resolution of accounts that had a negative cash balance. Wendy said that some of those that are negative haven't overspent; they have just not received their money yet. **Motion** by Commissioner Peck to give short term loans to the County Fair and Eureka Cemetery and take the rest of the negative cash balance coming out of PILT with letters going outSecond by Commissioner Larson and so ordered upon the unanimous consent of the board.
- **Motion** by Commissioner Peck to approve July 28, 2016 meeting. Second by Commissioner Larson and so ordered upon the unanimous consent of the Board.
- **Motion** by Commissioner Peck to approve closed meeting minutes of July 27, 2016 as presented. Second by Commissioner Larson and so ordered upon the consent of the Board.
- Tracy Mcintrye gave the commissioners an update on the bleacher and sewer project at the Eureka Fairgrounds. Tracy said that the loan amount would be \$411,000 with reserve funding included in that amount. Commissioner Cole said that the Rodeo Association would be paying \$150,000 towards the total cost of the project. Commissioner Larson said he would be more comfortable with the project if the County's contracted engineer Mike Fraser looked at the project to see if this was the best option. Commissioner Peck said he is not comfortable approving signing the presented Resolution without knowing what exactly the County crews can do on the project. Tracy said that can't be done until they get the money for the engineering report. Tracy asked if the commissioners would like to add 3-5,000 to the loan to pay for Mike Fraser to look at the project. **Motion** by Commissioner Peck to sign Resolution 975 approving moving forward with the Montana InterCap Loan application pending the approval of Mike Fraser and \$150,000 from the Eureka Rodeo Association. Second by Commissioner Larson and so ordered by the consent of the Board. Commissioner Larson voted against the motion.
- **Motion** by Commissioner Peck to approve Shelby Fowler as a member of the Lincoln County Fair Board. Second by Commissioner Larson and so ordered upon the consent of the Board.
- Commissioner Larson signed a grant offer form from the Federal Aviation Administration for the Eureka Airport.

11:00 AM ~ **Public Comment Time: Mike Cuffe, Seaborn Larson, and Alan Gerstenecker.**

Mike Cuffe spoke to the Board about the Columbia River Treaty. Cuffe said that they are still alive and part of the discussion and said he has been in discussion with many of the officials in British Columbia and feels that Lincoln County's key interests are still on the table. He said he doesn't know if we will end up getting everything that we had hoped for when the new treaty is eventually approved. Cuffe said that legislation was passed to increase funding for crisis

centers and talked about getting some of that funding for Lincoln County mental health. Commissioner Peck said they have been working on that and they appreciated Representative Cuffe's work on the issue.

- Commissioner Larson was absent from the afternoon meeting from 1:30 PM to 3:00 PM.

1:30 PM~**Planning Department** – Present were Kelly Rooney, Tim Rooney, Crawford Dinning, Delbert Kamenzind, Deanna Kamenzind and Chris Freese.

Lisa said she was presenting for approval for the 9-lot Big Water Subdivision. Lisa said due to its layout and close proximity to the Kootenai River, it has a low fire risk. Lisa said she did get letters of concern, with density being the big one. Mike asked for public comment. Chris Freese said it's a nice quiet area and now it won't be. Freese said he worked out of state for twenty years and is returning to Montana and feels this building will ruin the peace and quiet of the area. Delbert Kamenzind said that he doesn't have a problem with them buying and subdividing it, per se, but a possible high volume of people that could move in dumpy trailers or something that will drive down their home value or would be an eye sore. Delbert said he wishes that they would control what type of structures could be built on the lots or that it at least has a foundation. Lisa said there are covenants that restrict certain things but there isn't anything that restricts mobile homes. Commissioner Peck said that he understands the frustration but the County has to follow the law. Tim Rooney said these will not sell overnight and they don't want someone moving in with a singlewide trailer either. Tim said the prices of the lots will probably be a guard against that as they see these being the location for second homes. Commissioner Peck said maybe a future covenant could be put in place that protects property values.

Lisa presented preliminary plat approval for Rexford Bench 4. **Motion** by Commissioner Peck to approve the extension request for the Rexford Bench 4. Second by Commissioner Cole and so ordered upon the consent of the Board.

Motion by Commissioner Peck to approve the triple rock subdivision. Second by Commissioner Cole and so ordered upon consent of the board.

Motion by Commissioner Peck to approve the Byers/Hersey family transfer. Second by Commissioner Cole and so ordered upon consent of the board.

Motion by Commissioner Peck for the Krum/Young family transfer. Second by Commissioner Cole and so ordered upon consent of the Board.

Motion by Commissioner to approve the SIA release on Starlight Meadows. Second by Commissioner Cole and so ordered upon consent of the Board.

Lisa asked if the County can pay mileage for travel to meetings for planning board and the fire co-op. Commissioner Peck said he doesn't have a problem with paying planning mileage because they are a county entity. Commissioner Peck said he would like to speak with the fire co-op about the issue and go from there.

Commissioner Cole closed the public meeting. Commissioner Cole said while he understands the neighbors' complaints, he doesn't see where the subdivision is breaking any law. Commissioner Peck agreed and asked Tim if he could do everything possible to keep the area presentable but also said there is no reason not to approve. **Motion** to approve the final approval on the Big Water Subdivision. Second by Commissioner Cole and so ordered upon consent of the Board.

2:15 PM~ **Sheriff's Department-Purchase of Vehicles:** Present were Lisa Oedewaldt, Deb Blystone, Seaborn Larson and Alan Gerstenecker.

Undersheriff Brandon Huff asked about cutting two mils from the Sheriff's budget and use of the money currently in their capital improvements account. Commissioner Peck said that if something happens where the money is needed, it will be freed up but for now, they need him to cut 2 mils. Huff said when he spoke to Robin he was told the issue needed to be resolved by Friday. Commissioner Peck said that since the process is difficult and new, they could probably get him an extra day. Huff asked if the Sheriff's Department could go ahead with the vehicle replacement and both Commissioner Peck and Commissioner Cole agreed that they could. Commissioner Peck and Commissioner Cole commended Brandon on the work he has done and encouraged him to keep up the good work.

2:30 PM ~**Larry Alexander to discuss bicycle trails:** Present were Deb Blystone, Lisa Oedewaldt, Seaborn Larson, Alan Gerstenecker, and Larry Alexander.

Larry Alexander met with the Board about ideas for expanding/improving the existing bike and walkways in Libby. Larry said that if they paved 50 feet they could connect J Neils to the Northwood neighborhood. He also talked about a problem area for bikers in J Neils where the narrowness of the gate has caused him to wreck multiple times. Larry said that if some of the issues are not addressed soon, he would move to another community with better bike and walking paths. He stated that he came before the commissioners three years ago and was told one of the projects would be addressed and it was not. Commissioner Peck said that there is a lot going on in the community to improve bike paths and signage and encouraged him to meet with some of the people. Larry said he was aware of that but the person working on it was from out of town and didn't know anything about the needs of this area like he did. Commissioner Peck said he disagreed with that statement and said that the person working on it had talked to many of the locals and was doing a great job. Commissioner Cole said that he remembered when Larry came three years ago and thought that the paving had been done that Larry asked for. Commissioner Peck said he will find out why it didn't get done and he will see about getting it done.

3:00 PM ~**County Auditor Contract:** Present were Alan Gerstenecker.

Commissioner Peck said he thinks they should put the contract out for bid. Robin Benson said the auditor is helping doing the end of year closing. Robin also said that Denning, Downey and Associates has been the working with the County for

many years and isn't sure if it has ever been put out to bid. Commissioner Larson said it is time they put out to bid. **Motion** by Commissioner Larson to put the contract out to bid. Second by Commissioner Peck.

Discussion: Commissioner Cole said that there is definitely a level of comfort in using the same company. Robin said the auditor has worked with Nancy Higgins and Wendy Drake and they have learned a lot from him. Commissioner Peck said it wasn't the auditor's job to teach but to give the public faith in the County that things are being done correctly. Commissioner Cole said this is probably a good time to put it out for bid. Commissioner Larson wondered if they should give Denning, Downey and Associates a courtesy call to let them know they were putting the contract out to bid. All the Commissioners agreed.

Commissioner Cole called for a vote and upon the unanimous consent of the Board, the motion to put the county auditing contract out to bid passed.

3:30 PM ~**Disposition of Pioneer Park Building:** Present was Alan Gerstenecker.

Commissioner Peck said he would like to close the building to public use because it is costing the County up to \$6,000 per year. Tom Magone recommended that they turn off the water and just keep up general maintenance on the building. Due to the transfer, the County is not allowed to sell it. Commissioner Peck recommended looking at options that would make money for the County. The park would still be available for public use. Commissioner Cole wondered how they could reinvigorate interest in the building. Commissioner Peck said that he hasn't thought about that yet but it's definitely something that he will look into in the future. The board will give notice to those that currently utilize the facility

4:00 PM~**Callahan Creek Update:** Mike Fraser, Alan Gerstenecker and Lisa Oedewaldt.

Mike said on July 27th he attended a meeting attended by BNSF, EPA, USACE, USFW and himself. They all would like to see the BNSF Bridge be updated and expanded in size as it is a major restriction. BNSF said they are not even going to look at that for at least four years. The restoration and mitigation they want to make sure there is a fish passage and not too much pooling, which causes warming of the water. They are supportive of moving the creek away from the slope and doing some additional riprapping on the St. Regis Hall Road. They wasn't biology study on the fish and want to consider what the existing wetlands were before the disturbance occurred. They want to separate the riprap and the moving of the stream to protect the slope from the restoration and mitigation. Mike said that could possibly open up those two projects for other funding. Commissioner Cole asked how they will maintain the integrity of the channel. Fraser said while they are excavating they will sort out some of the bigger rocks and boulders to strengthen the channel. He also talked about a project in Bonners Ferry they would like to look at and see if there is a possibility of incorporating into the Callahan Creek Project. Commissioner Cole said that he would like to see a budget for the whole project and everything that has been done up to today. Fraser said he will have one in the next 7 to 10 days. **Motion** by Commissioner Larson to contract with attorney Steve Brown with a \$2,000 cap to review the Administrative Order on Consent with the EPA and represent Lincoln County since they are experienced with Clean Water Act violations. Second by Commissioner Peck and so ordered upon the unanimous consent of the Board.

Meeting adjourned at 4:30 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Chris Nelson, Clerk of the Board