

January 27, 2016

The Lincoln County Board of Commissioners met for a regular session on January 27, 2016, 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.

8:30 AM Trainer Street/District 1 Road Supervisor, Marc McCully:

District 1 Road Supervisor, Marc McCully is requesting the abandonment of that portion of Trainer Street 40' wide lying south of Lot 2A Hrabal subdivision as shown on Plat #7026 leading to Libby Creek per Exhibit A. The public does use this section of road as access to Libby Creek for recreational activities. The section of road has become hazardous and dangerous for public travel. Marc is requesting the abandonment of a section of Trainer Street as shown on attached exhibit. To preserve and maintain public access and convenience combined with providing safe travel access to Libby Creek, Lincoln County will construct a new portion of Trainer Street also shown on attached exhibit. Lincoln County will retain easement across original Trainer Street for Emergency Stream Management Access. **Motion** by Commissioner Larson to approve request as submitted. Second by Commissioner Peck, and so ordered upon unanimous consent of the board. *Exhibit is also available at the Clerk & Recorder's Office.*

Motion by Commissioner Larson to sign letter to the USDA-Forest Service for a public road easement be granted on Deep Granite-Granite Creek Road No. 4791 and Libby Creek Road No. 231. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.

9:00 AM Lincoln County Vocational Center: Present were Kaide Dodson, Craig Barringer, Jacob Francom, Ellen Johnston, John Konzen, Alan Gerstenecker and Bob Henline.

Craig and Jacob gave a background and history about the Lincoln County Vocational School of Innovation describing the mission, objectives and future goals. The mission is to inspire students to be lifelong learners and community builders, and provide quality and intensive vocational skills training to high school students to help give students experience and career opportunities. Students will go through an application process to be considered for enrollment. The Dennis & Phyllis Washington Foundation have awarded \$20,000 to the school in support. Lincoln County Vocational School of Innovation is considering offering a variety of learning opportunities as it expands. Specific career paths/classes to be considered are mining, EMT, electronics, construction, plumbing, health care, business, computer science and more are found in many other vocational schools. Students who successfully complete these programs are ready to jump into entry-level jobs. The goal is to expand classes beyond automotive and welding. The next step is to present a 3 year plan to the Board of Public Education to form a Charter Program.

The welding program is ready to expand and the school is currently updating the automotive shop. The school is actively seeking funding for 4 post lifts which is safer for students. Estimated cost per lift is \$9,000. Three lifts would cost \$27,000. Craig said one of the reasons they are here is to ask the commission if they could help with the purchase of the 4 post lifts. Commissioner Peck asked about other funding opportunities that are being pursued. Jacob listed other agencies that grants have been submitted that may help piece it all together.

Commissioner Peck said there is a lack of opportunity for kids here and this is the type of thing that he appreciates and willing to support. Commissioner Cole stated that anytime you can engage kids to use their hands in the real world is priceless. Commissioner Peck asked the school to submit a letter outlining their request.

10:00 AM Nancy Higgins/Treasurer's Report:

Nancy explained the monthly cash reconciliation report and investment reports with corresponding documents to the commission. The 2013 loan to the Lincoln County Port Authority per Resolution 899 is currently under review and discussion. Nancy discussed delinquent tax bills with the commission. **Motion** by Commissioner Peck to pay fire assessment fees for Taxpayer #210 (county property) out of Fund 2900 PILT. Second by Commissioner Larson, and so ordered upon unanimous consent of the board.

10:30 AM Administrative Issues:

11:00 PM Public Comment Time: Present were Nikki Meyer, Eureka via Vision Net, Mike Cuffe, and Lisa Oedewaldt.

- **Rep. House District 2, Mike Cuffe**

Mr. Cuffe wanted to know if there is anything the commission has that he may be able to help with. Mr. Cuffe has recently visited with DNRC about the Ksanka Creek Stream relocation project in Eureka and has visited with Tom Livers, Director of DEQ regarding Montanore Mine. Mr. Cuffe said that he expressed concerns about the permitting process moving forward and encouraged Tom to have personal knowledge of the progress. Mr. Cuffe feels the ROD may not entail everything Montanore wanted, but is more than it might have been and he feels we were listened to and had some positive influence.

Last week Mr. Cuffe spent in Washington to address legislators about the Colestrip generators. Mr. Cuffe gave an overview of how this has a huge impact on jobs and state taxes.

There is now for the first time, federal funding for aquatic and invasive species. The grants are matching funds and Mr. Cuffe expressed concerns about where and how the money is funneled. The federal government will be encouraged to continue this funding program.

Mr. Cuffe said he has been following the Columbia River Treaty directly and it is in process and he anticipates there may be progress in 2016. He has met with Washington and Idaho delegation garnering support.

- **County Planner Lisa Oedewaldt**

Commissioner Larson asked Lisa to clarify questions about the Emergency Declaration. Lisa said the Emergency Declaration allows the county to take means and measures to protect health, life, safety and infrastructure. Lisa is currently working on state reimbursement. The declaration stays into effect until the commission ends it. Lisa is

working on acquiring an engineer to look at what needs to be done in regards to infrastructure that has been damaged. With the rain and unknown current weather conditions, Lisa stressed the declaration needs to remain in effect at this time.

- The Commission read the minutes for January 20, 2016. **Motion** by Commissioner Peck to approve minutes as submitted. Second by Commissioner Larson, and so ordered upon unanimous consent of the board.
- The State of Montana, Dept. of Labor and Industry currently leases office space one day a week in the County Annex in Eureka for Job Service related business. The lease expired on December 31, 2015 and the Department is interested in extending the lease through June 30, 2017. The request is under advisement and the Commission will review the State of Montana Standard Lease Contract – Counties.

1:00 PM Port Authority/Superfund Site Plans: Present are Tina Oliphant, Brett McCully, John Konzen, Bob Henline and Alan Gerstenecker.

Tina discussed redevelopment plans at the Kootenai Business Park (KBP). A “Brownfield” is a property with expansion and redevelopment opportunities which may be complicated by hazardous materials. EPA and the State have programs that focus on funds for redevelopment of these sites. Superfund sites are not eligible to participate. The long term objective is to establish a Brownfield program on the KBP. Plans are to move towards a partial delisting of the 400 acres specific to OU5 and specific to the Libby superfund site. The plan also delists soil surface for Libby Groundwater Superfund Site and create an agreement on the ban on wells and contain the boundaries of the Libby Ground water Site to the plume. A remedy is in place and there is no further clean up anticipated at OU5/Kootenai Business Park. KBP is seeking legal guidance and technical guidance to help review deed restrictions, covenants and to assist with developing a Guidance/Management Document on institutional controls. Commissioner Peck said the key thing other than the ROD is redefining the superfund groundwater portion. The groundwater superfund site currently covers the entire 400 acres.

1:30 PM Cabinet View Fire Board: Present are John Rios, Patty Rambo, Bruce Witt, Kate Witt, Robert Mast, Sarah Mast, Betty Troyer, Howard Troyer, Dale Sabine, and Alan Gerstenecker.

John talked about the history of communication he has had with the commission regarding how to best provide fire service to the Cabinet View area and the different options and criteria that were discussed. John feels the intent of those discussions was to have the community brought together. John reported on inconsistencies that he found in the tally “for” and “against”. John stated he felt the election department did a good job with the instructions provided to them by the commission. John does not feel the petitions were handled in the same manner as they have been in the past stating it was wrong to mix the two petitions which violates the integrity of the petitions. It has been quoted by the commission that the numbers tallied were overwhelmingly one way (against). It’s important to identify what constitutes a valid signature for districts, fire service areas and annexations. John said Montana law for a district requires 40% of the signatures in that district and that some of the signatures were from people, who were not property owners, possibly care takers and renters. Commissioner Peck asked for a list of the signatures that John feels were not represented accurately. John said he did not bring any numbers or names to this meeting. Commissioner Peck said he thought that was what this meeting was about. John asked what happened to the process that he and Commissioner Peck previously discussed. Commissioner Peck said he did meet with the LCRFD Board and with the CV Board and that is when CV expressed they wanted to go with a fire service area. Commissioner Larson expressed his concerns about the amount of people wanting to opt out and be annexed into LCRFD having a direct effect on revenue for CV. Commissioner Peck said he also looked at the criteria of people opting out which would have an effect on revenue and that the petition to annex into the Lincoln County Rural Fire Department was never considered as an official petition. The petition was turned over to the LCRFD. The group discussed the petition process in accordance with MCA’s. Commissioner Cole said the decision was not a vote; it was ultimately about information provided at the public hearing, emails and letters. Patty said there was misinformation that went out to the residents in the Cabinet View area. Commissioner Peck said there is misinformation always about every issue. Robert Mast commented about the importance of who can respond the fastest. John asked about signatures on the petition who he feels were renters and care takers. Commissioner Peck said you need to bring those in so we can take a look at it. John said in conclusion he is requesting to have another town hall meeting to help educate the public and have the commission delineate what their decisions are based on, and to ultimately have a new vote. Commissioner Peck said it is not the job of the commission to publicize the petition; it is to have a public hearing. Commissioner Cole said the commission will take the information under advisement and requested CV to bring in a written request.

2:00 PM IT Budget Discussion, Ric Kesling:

Ric gave a PowerPoint presentation to the commission showing extraordinary/unexpected items that he has had to spend totaling \$9233 which is 13% of the non-salary portion of his budget. Ric said he has never faced this many unexpected expenses and wants to bring it to the commission’s attention. Commissioner Peck asked Ric to mitigate future costs as much as possible and we would have to take another look at his budget before year end. Ric said he would give another budget report in about 3 months. Ric commended Ernie Anderson for the great job he has done and wanted the commission to know that Ernie really stepped up to the plate in his absence.

2:30 PM Joint Powers Trust/EBMS Update: Vic White, Dallas Shaw, and Gary Hablutzel.

Gary donated a blood pressure monitor to the county for employee use. Gary gave an overview of changes/adjustments to the county wellness benefits. It is still important employees let the clinics know that it is a wellness visit so the facility codes the billing correctly. Gary stated the majority of increases last year were due to the Affordable Care Act. Vic said Jennifer McCully will make good use of the blood pressure monitor to the county for employee use. Gary wanted to let the Commission know that he will be back in April to provide the new EBMS rates.

2:45 PM Lincoln County Rural Fire District #1 Annexation: Present were Steve Lauer, Gary Elmore, Tom Wood, Alan Gerstenecker, Robert Mast, Sarah Mast, Howard Troyer, Betty Troyer, Patty Rambo, Bruce Witt, Del Hufford, Sally Hufford, Jeff Koskela, John Rios, Kate Witt, Dale Sabine, and Lisa Oedewaldt.

Steve Lauer presented official documents for permanent filing in the Clerk & Records Office. Steve submitted a letter to the commission stating the Lincoln County Rural Fire District #1 Board of Trustees is requesting approval of the annexation of 308 private properties that are located adjacent to their existing District. A property specific listing with property owner(s) name(s), physical and mailing address, geocode, acreage, and 2015 taxable values provided on the Montana Cadastral website is attached along with a map created and provided by the Lincoln County Planning Department showing the annexation request. As per MCA section 7-33-2125, criteria are 40% taxable value and 40% of the real property. Those criteria has been met and more. A meeting of the LCRFD board of trustees was held on Monday, January 25th, 2016 to approve the annexation request of the citizens.

Tom Wood said that in past meetings there have been comments about LCRFD does not fight wildland fires. Tom wants to clarify that LCRFD does fight wildland fires, but does not fight fires for hire. There is no cost of a tax bill currently for residents outside the LCRFD District, but they will bill for their equipment, but not for manpower. Tax amount Tom provided from the Department of Revenue is .62 per 1,000 value. In other words, a home valued at 100,000 would have a tax bill of \$62.00 after annexation. Commissioner Cole read the MCA to clarify the petition, public notice and public hearing process. Assistant Election Administrator Leigh Riggelman will verify petition signatures and the Commission will set a public hearing date upon completion. John Rios asked about the criteria that constitutes a valid signature. Commissioner Peck said the petition/signature validation would be in accordance with MCA.

3:10 PM **Meeting Adjourned:**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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