

March 23, 2016

The Lincoln County Board of Commissioners met for a regular session on March 23, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, Commissioner Larson and Clerk & Recorder Robin Benson.

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

8:30 AM USFS Road Coordination Meeting: Present were Mark Petersen, Annora Nelson, and Tim Rusdal representing Kootenai National Forest, County Road Supervisors Marc McCully, Dave Kyriss and Tim White, Nate Gassmann, and Alan Gerstenecker.

The commission and road supervisors met with Forest Service staff to go over Schedule "A" roads and discuss adding potential forest service roads into the county road system. Lincoln County requested that portions of Deep Granite and Libby Creek roads be listed as county roads. Mr. Peterson feels there are no issues at all granting road segments to Lincoln County on Deep Granite road. Mr. Gassmann commented that once Libby Creek is granted an easement, other segments of the road would be closed. Mr. Peterson clarified that designated county roads are surface rights, subsurface rights are with the landowner. Mr. McCully said all roads requesting easements are petitioned roads. Mr. McCully requested an easement on Bear Creek road. Mr. Peterson said he sees no issues, but every federal action has to be scoped and documented and this will take time. There is potential for possible issues regarding traffic control.

Mr. McCully shared the plan for a Walking/Bike Route, clarifying the maintenance would be very minimal. Commissioner Peck said the International Mountain Bike Association hired a Montana representative and they are excited to help with the design. Bike packing is becoming a huge recreational activity and the proposed route accounts for this. The route would be managed similar to an official recreational area. Commissioner Peck encourages the bike club to be active in the Kootenai Stakeholders for the connectivity and participation. Mr. Peterson commented on the Boars and Bear management units and that there are many year round closed roads. If there are vehicles behind closed gates, the FS would have to analyze that. Mr. Gassmann talked about seasonal bear management restrictions and gated roads. Mr. McCully expressed concerns that the FS owns the property that allows public access to the Miller Lake (deeded property). Commissioner Peck clarified that public access is available and the county just wants to ensure it is protected.

Mr. Gassmann suggested the county prioritize road issues and to schedule a follow up meeting to discuss those priorities. The Commission signed the Road Project Agreement between Lincoln County and the USDA, Forest Service, Kootenai National Forest. This agreement allows for the parties to cooperate in the planning, survey, design, constructions, reconstruction, improvement and maintenance of certain forest roads. The Schedule "A" identifies the maintenance responsibilities of the parties to the specific road systems and may be revised as necessary.

Annora Nelson handed out maps of roads in the Eureka area. She wanted the commission to be aware that road 470 in the Young Creek/Dodge Creek area is a county road. Annora said she did not know until recently the road was county and the road is planned to be decommissioned after the Young/Dodge timber sale. If the county wants to maintain the road, she will modify the decommissioning work out of the timber sale contract. The FS cannot decommission county roads unless the county abandons it. District 3 Road Supervisor Tim White says it sounds like a non-issue because abandonment will require the public process and felt there is potential for the public to contest abandonment. It was agreed to mod out the decommission after the timber sale.

Annora discussed roads in the Eureka area that the county may not be aware they own portions of. Annora expressed some difficulties with roads that have segmented portions as private, county and FS. Annora brought it to the commission's attention that one of the main roads in Trego is a privately owned road but has been managed as a county road. Commissioner Peck suggested the county look into the history.

10:00 AM EPA Update: Present were EPA representatives Mike Cirian, Christina Proggess, Dania Zinner, Jennifer Lane, and Deborah McKean. Representing MDEQ were Jeni Flatow, Lisa DeWitt, and Tom Stoops. Also present were Jerry Bennett and Alan Gerstenecker.

Mike Cirian said the construction kickoff is scheduled for April 7th starting at 8:30 AM at the Maki Theater and the commission is welcome and encouraged to attend.

Mr. Cirian said that ARP conducts initial visits and writes the work scope to meet the EPA guidelines and this is a smooth process and works well. There have been 46 new project participants from the community allowing inspections. There currently is no official last call and EPA will continue to push the *refusing access* issue. Mr. Cirian explained the steps, efforts and work by EPA to contact owners who have refused EPA access and inspections.

Partners Creative Update: Commissioner Peck said that approximately 125 people attended the last meeting held at the Dome Theater. The meeting was positive with a diverse group and was a tool to introduce the project to a wider audience. We need to do the same thing for Troy and Eureka. The meeting was not advertised; it was initially intended to bring businesses on board but the word got out and we had a great showing. Commissioner Peck said he feels Partners Creative is right on target with what we want to do. We can market Lincoln County but we need to do it the right way, tell the story of where we were, where we are at and where we are going, combined with embracing the history. Commissioner Peck said he is very impressed and feels Partners Creative really know what they are doing. Nick discussed the potential for Partners Creative to help with campaign last call strategies. Commissioner Peck said when it comes to educating the public, the message needs to be clear and factual adding that we do what we can, but there comes a time when property owners acknowledge their own accountability. With that said, I want the information to be professionally marketed so the public can make educated and informed decisions when they say no to EPA access. Dania expressed her appreciation for the relationship EPA has with partners creative. There was a brief discussion about the marketing timeline.

Lincoln County Port Authority Site: Dania said EPA and DEQ are working with the Port Authority to address OU5 cleanup to help get the site ready for development. Commissioner Peck pointed out concerns the port staff has about paying a contractor to come up with IC recommendations when they don't really have a good understanding. Dania said that EPA does not want to tell them exactly what to do, but will provide options for the port to review. EPA will conduct a 5 year review and offer suggestions. To achieve a partial delisting of the OU5 site, IC's would need to be in place and remedial action needs to be complete. Other steps prior to partial delisting are a 30 day public comment period, EPA and the State would concur that the site is complete. Mr. Cirian pointed out that EPA cannot delist the ground water contamination superfund site that is within OU5. Commissioner Peck gave an example of long term concerns stating that if another building is constructed or some form of construction and they start excavations and run into a substantial amount of vermiculite (Libby Amphibole Asbestosis), who is responsible for cleanup and associated costs? Dania said the 5 year review would help answer those questions. Commissioner Peck said that is what makes us nervous; it is an issue that needs to be nailed down.

OU3 Mine Site: Christina talked about the fire exercise that included the Forest Service, EPA, DNRC and other emergency response agencies. The goal was coordinated emergency response of agencies if a fire were to happen. EPA hopes to have a plan in place by June before fire season. Public meetings are still taking place about addressing recreational concerns, representative boundaries, and bark and duff. The current study area is approximately 35 thousand acres. Wildfire is a big concern, so EPA is attaining input about fuels and vegetation management. Phase 1 of feasibility study is looking at just the forested area or outer boundaries of OU3.

Nick reported the **Lincoln County Steering Committee** advertisement from the Board of Health ended yesterday. There was not a big response so the Board of Health will have to meet to review and determine a path forward; possibly come up with an entire new plan to find steering committee members.

Community Involvement Plan: Jeni said the plan is updated every 5 years. Since EPA now has a ROD, EPA is interviewing community organizations, businesses, and individual citizens, as well as organizations such as TAG. The plan is to attain public input to ensure that EPA understands public concerns and how the community prefers to be communicated with from EPA. Commissioner Cole asked about what kind of input is being received from the community. Jeni said the big themes are IC's and O & M costs, and there have been very positive responses; people feel they are well informed. Jeni said there is confusion on the role and responsibilities with State and EPA.

11:00 AM **Administrative Issues:** Present were Nikki Meyer, Eureka via Vision Net, and Jerry Bennett.

- The Commission read the **minutes for March 9 and 10, 2016**. **Motion** by Commissioner Peck to approve minutes as submitted. Second by Commissioner Larson and so ordered upon unanimous consent of the board.
- Motion Larson to approve **Ksanka Creek Watershed Planning Project Agreement**. Second by Commissioner Peck and so ordered upon unanimous consent of the board.
- The commission discussed the purchase of a truck with a bed cover or topper for use in the county motor pool. **Motion** by Commissioner Peck to increase the amount approved on March 17, 2016 from \$15,000 to \$17,000 paid out of PILT. Second by Commissioner Larson and so ordered upon unanimous consent of the board.
- **Robin Benson/Clerk & Recorder Admin:**
 - Robin submitted a tentative **FY 2016-2017 Budget Calendar** for the commission to review. The calendar outlines a schedule of budget review meetings and statutory deadlines for the Preliminary Budget Adoption end of June and the Final Budget Hearing and Adoption end of August. To maintain transparency, public involvement and input, the commission determined they would like to continue with the preliminary public hearing in June although the county is not statutorily required to do so. Commissioner Peck said he would like to create a Power Point Presentation to the public outlining the revenues and expenditures to the public to give a very basic education of the state of the county and why we make the decisions that we make. The importance of road reserves is another issue the public needs to be educated on. This should be presented in Troy and Eureka as well. Commissioner Peck said he would work on the Power Point.
 - Robin requested that \$4,667.79 be transferred from **Fund 7050 Animal Shelter Donations** to a separate revenue code that is specifically set up for donations. Seven thousand funds are agency funds and donation money for the animal shelter is not an agency. Robin said the auditor has approved the transfer as correct budget process. **Motion** by Commissioner Peck to approve the transfer as presented. Second by Commissioner Larson and so ordered upon unanimous consent of the board.
 - Robin pointed out that the county has \$36,655.54 cash balance in **Fund 7960 Asbestos Grant Clearing Fund**. This is an old fund prior to the CARD Clinic and the Asbestos Resource Program. It is restricted used funds for asbestos use only. After visiting with the county auditor, Robin said there are two recommended options for closing this account. 1. Move money to a new revenue account for asbestos use only or 2. Donate monies with restricted use criteria. Commissioner Peck asked if we can transfer it to the Public Health Department for use for asbestos related public education. Robin will follow up with the Public Health Department and the county auditor.
 - Robin pointed out to the commission that on October 14, 2015, a motion was made to approve the restructuring of the **Public Health Department** with the new position of a full time public health manager. The motion does not reflect the transfer of funds and Robin would like verification and have it reflected in the minutes that \$26,456 was approved to be transferred from Fund 1000-201 Commissioners budget to Fund 2272 Public Health. The commission verified that is correct and to acknowledge the transfer in the minutes.
 - Robin said she has recently learned that a public notice is to go out giving a 45 day written comment period on proposed projects under **Title III funds**. She wanted the commission to be aware that she will be submitting the public notice each year to the local media.

11:00 AM **Public Comment Time:** No comments

1:30 PM **Lisa Oedewaldt/Planning Department/Discussion on Callahan Creek:** Present were Deb Blystone, Mike Fraser and Jerry Bennett.

- **Court Ordered Split/Hume:** County Planner Lisa Oedewaldt said this is a formality to get it on record. **Motion** by Commissioner Larson to approve the court order split as submitted. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.
- **Callahan Creek, Troy:** The Corps of Engineer has sent this issue to EPA because it was a non-permitted action. A portion of the creek was excavated during the flood season. An evaluation will be conducted, and then a plan for restoration. Lisa said the county will need to put out an RFQ and hire a consultant to help with the process. Mr. Fraser will draft the RFQ coordinated with the County Planner and then meet with the commission for further discussion.

2:00 PM **Kathi Hooper/Jennifer McCully/Public Health:** Present were Jerry Bennett, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

Kathi is requesting decreasing Micki Carvey's scheduled hours from 32 hours/week to 16 hours/week. Reduction in hours is requested by Micki Carvey and she would like the reduction approved effective immediately. Kathi is requesting to hire a Health Educator to provide outreach and educational programs county-wide. A ½ time position at grade 11 can be funded by the reduction in nursing hours. The position could be full time contingent on future available grant funding. Commissioner Cole asked what responsibilities this position would entail for the county. Jennifer said the new person would focus on early childhood programs, maternal child health block and communicable disease, plus allow for more staff and service for public education.

Commissioner Peck commented that if the county is going to provide public health, we need to have the basic work ability by connectivity and coordinated efforts with other healthcare providers, agencies and integration with the school system. Commissioner Peck said he sees it as a gain in efficiency and effectiveness without putting more money into the program. **Motion** by Commissioner Larson to approve hiring a Health Educator as presented by Kathi Hooper. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

Jennifer McCully will present a proposal to Lincoln County Best Beginnings Council next week to follow up on their request for fiscal agent. Jennifer will update the commission after she meets with them.

2:30 PM **Review Closed Meeting Minutes/ARP Strategy:**

The Commission closed the meeting to discuss minutes dated February 25, 2016. The meeting was closed to discuss ARP strategy and potential litigation. After discussion the meeting was opened back to the public. **Motion** by Commissioner Peck to approve minutes as amended. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

2:45 PM **IT Budget:**

IT Director Ric Kesling submitted a *Letter of Retirement* effective December 16, 2016. Ric is submitting the letter in advance so there will be enough time for a smooth transition. Ric strongly recommends Ernie Anderson who has worked directly under him for 7 years to follow him as IT Director. Ric states it has been one of his greatest privileges to lead the Lincoln County IT Department from a small single-use system, into the almost state-of-the-art set of systems that it is today. Ric thanks everyone involved for the past cooperation and support of the IT Department; the commissioners, elected officials, department heads and employees.

3:00 PM **Elected Official/Department Head Budget Meeting:** Present were Roby Bowe, Brandon Huff, Jay Sheffield, Lori Faulknoer, Lisa Oedewaldt, Deb Blystone, Dan Williams, Ric Kesling, Marc McCully, Vic White, Kirk Kraft, Nick Raines, Rick Ball and Kathi Hooper.

Commissioner Cole welcomed that thanked everyone for attending. He stated that things have not changed and that all of us as a county are holding steady. Commissioner Peck said he appreciates that everyone has stayed within the parameters of their individual budget. We will have a better idea of revenues and health care costs at a later time during the budget process. The analysis of COLA will remain on the table until revenue tells us different. Commissioner Larson said healthcare is the big expense realizing it can't be spent but it does save the employees money. Commissioner Cole asked if there were any comments. The only comment was to ask if there could be longer notice for special meetings. Marc McCully asked if the county is any closer to completing a Capital Improvement Plan. Commissioner Peck said Capital Improvement Projects only need to be approved if the request is outside the approved budget and suggested the county have a consultant come in and do some training to help set up a county policy. Robin handed out budget packets that included expenditure and wage reports and a letter from the commission. The letter states that all budget proposals will be reviewed and approved by the commission. Robin Benson said the law states that departments be notified by June 1st that budget proposals are due back by June 10th allowing only 10 days, so we are way ahead of the game giving everyone plenty of time to review their expenditures and revenues. Budget packets are due back to Robin by May 6th and she asked that everyone try to respect the budget timeline. Commissioner Larson handed out the tentative budget calendar so everyone could actually see what the entire process encompasses and the statutory timelines.

4:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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

