

December 13, 2017

The Lincoln County Board of Commissioners met for a regular session on December 13, 2017, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson.

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

9:45 AM **Speed Study Request:** Present were John Blodgett and Alan Gerstenecker, Libby via VisionNet. Commissioner Cole said the speed study request came to him from private citizens. The area for the study will be from the Hwy 37 junction to the Canadian border on Hwy 93. The speed study is conducted through the MDT and it is their process that we are to move forward with. **Motion** by Commissioner Bennett to approve a speed limit study from Hwy 37 junction to the Canadian border on Hwy 93. Second by Commissioner Peck, motion carried unanimously. Commissioner Peck commented that if it's truly a safety issue that in the interim, to contact the Sheriff's Department for increased speed limit enforcement. The speed limit currently is at 70mph.

10:00 AM **Health Department Update:** Present were Kathi Hooper, Nikki Meyer, Dave Guild, John Blodgett, Alan Gerstenecker, and Jake Mertes, Libby, via VisionNet. Kathi shared that the public health department administered 442 Influenza immunizations and other immunizations totaled 154 during the month of October; November had 29 Influenza immunizations and other immunizations totaled 56. Kathi said Noah Pyle has been hired to replace Nick Raines in the Asbestos Resource Department (ARP). Interviews will be conducted soon to replace Noah's position to bring the department back to full staff. Kathi informed the commission that the supervisor at the Eureka landfill is retiring soon and she is requesting approval to hire a site attendant. The request is below the FY 17/18 budget. **Motion** by Commissioner Bennett to approve hiring a site attendant at the Eureka landfill. Second by Commissioner Peck, motion carried unanimously. Kathi asked about the draft junk trailer regulations that she submitted to the commissioners for review. Commissioner Cole shared concerns about the rights of the commissioners to determine what is a junk trailer. Commissioner Bennett said he knows of some older mobile homes that have all new windows and updates and have been well maintained. Kathi clarified the question is about how or if restricting moving mobiles within the county. Commissioner Bennett said he would like more time for review.

10:30 AM **Administrative Issues:** Present were Dave Guild, Nikki Meyer, John Blodgett and Alan Gerstenecker, Libby via VisionNet.

Darren submitted the Fraser Management and Consulting Contract for 2018 for approval. The commissioners agreed the representation from Mike Fraser's services have been professional and beneficial to Lincoln County. **Motion** by Commissioner Bennett to approve the Fraser Consulting contract to provide consulting services for one year for \$200.00 per month. Second by Commissioner Peck, motion carried unanimously. There were no contract changes.

Darren submitted the lease agreement for LC Rural Fire District to install underground water storage tanks for use in fire suppression and to pay all costs of installation and maintenance of said underground water storage tanks on a portion of tract land near the Libby Airport. **Motion** by Commissioner Peck to sign lease agreement as presented. Second by Commissioner Bennett, motion carried unanimously.

Motion by Commissioner Bennett to approve letter in support of the one day 2018 Snowmobile Fun Run held in Eureka. Second by Commissioner Peck, motion carried unanimously.

Robin submitted the minutes for November 29, 2017 for commission approval. The commissioners reviewed the minutes as presented. **Motion** by Commissioner Bennett to approve the minutes as submitted. Second by Commissioner Peck, motion carried unanimously.

Robin informed the commissioners that the Clerk & Recorder's Office has safe deposit boxes at First Montana Bank for storage of old microfilm records. To change the designation of employees that have access to those boxes, the bank requires commissioner approval. Robin said she would like to take Donna Nicely and Brittney Chumley off the designation and add Chris Nelson and Clyde Ross. Donna and Brittney no longer work for the county. **Motion** by Commissioner Peck to approve designation changes as presented. Second by Commissioner Bennett, motion carried unanimously.

Commissioner Bennett said he has been working with landowners on Lower Flower Creek Road and Crossway Avenue to create snow deposit areas and roundabouts to keep mail delivery and roads open during the winter. The county will fill holes and grade turnarounds in the spring as needed.

10:45 AM **Public Comment Time:** Present were Dave Guild, Nikki Meyer, Alan Gerstenecker and John Blodgett, Libby via VisionNet.

Dave Guild presented his personal study of DOR assessments of the properties located on Dickey Lake in Trego for commissioner review. Dave said the taxes on Dickey Lake need to be applied to everyone fairly and expressed that taxes on the lakefront property are not being applied equally. The study submitted by Mr. Guild shows all properties in question, including acreage, footage of waterfront, 2016 and 2017 land value comparisons. The commissioners thanked Mr. Guild for his research and Commissioner Cole suggested that in January to ask the DOR to attend the Eureka meeting and to have this issue placed on the agenda for further discussion.

11:00 AM **Board Appointments:** Present were Nikki Meyer. Also present via VisionNet were Jake Mertes, Chuck Gerheim, Gary Armstrong, Alyssa Ramirez, Alan Gerstenecker, Marc McCully, Charles McFarland, Clint Oster, and John Blodgett.

Robin presented board applications to the commissioners. The following boards received no applications over the number of vacancies. Vacancies were advertised in the Tobacco Valley News, Kootenai Valley Record, Montanian, and Western News. Public Notices were posted on the Libby Courthouse public bulletin boards, North Annex public bulletin boards and on the county website. **Motion** by Commissioner Bennett to appoint all applicants to their respective boards applied for as presented. Second by Commissioner Peck, motion carried unanimously. Appointments were as follows:

Tax Appeal Board: One vacancy, no applications received.

Lincoln County Weed Board: William Turner reappointed and Deena Shotzberger appointed.

Em Kayan W/S District: Janet Ihrke reappointed.

Eureka Cemetery District: Leigh Erickson and Wendy Eaton reappointed. Teresa Torres was appointed as the Ex-Officio Member.

Lincoln County Fair Board: Bobbie Stoken was appointed to fill an unexpired term through 12/31/2018.

Tobacco Valley Industrial District Board: Robert Haidle and Tammy Lawler reappointed. Arthur Walters appointed.

Robin informed the Commissioners there are four vacancies on the **Lincoln County Planning Board** and five applications were received. All current board members; Ernie Anderson, Mark Romey, Kenny Rayome and Gary Mason applied to remain on the board. Michael Garner, Eureka also submitted an application. Robin clarified that per statute 76-1-201(e) one member of a Planning Board is to be appointed by the board of supervisors of a conservation district. Mark Romey currently is a member of the Lincoln County Soil Conservation District and is appointed by that board. County Planner Jake Mertes commented the Planning Board does not want to make a recommendation to the commissioners because it would feel like voting for themselves, but did say the current board members are active, engaged and productive. **Motion** by Commissioner Bennett to reappoint all active board members. Second by Commissioner Peck, motion carried unanimously. The commissioners expressed appreciation to Michael Garner for applying.

11:15 PM **Sale of land/Air Base Flats/Kootenai Vista Plat:** Present were Nikki Meyer, Alan Gerstenecker and John Blodgett.

Commissioner Bennett discussed that 0.15 acres of abandoned ROW on Waterfront Road was left out of Resolution No. 996, therefore, now including 0.15 acres along with the sale of 0.2603 acres as stated in Resolution No. 996. The approved value by the Department of Revenue is \$157.00 purchase price to the county from Mr. and Mrs. Booth. **Motion** by Commissioner Peck to approve boundary line adjustment to include the 0.15 acres of property located in the Amended Plat of Kootenai Vista Subdivision, Plat #2340, conditional that a survey is completed and paid by Mr. and Mrs. Booth. Second by Commissioner Bennett, motion carried unanimously. Commissioner Bennett commented that Ken Davis will survey the property.

Commissioner Bennett said that in the property exchange with the Watsons at Airbase Flats Subdivision, there is a land locked piece of 0.61 acres, appraised value by the Department of Revenue of \$610.00 non-buildable land. Commissioner Bennett said he was approached by a boundary neighbor for possible sale. **Motion** by Commissioner Bennett to sell property to Paul Dalziel, adjoining neighbor contingent upon the conclusion of land exchange with the Watsons and subsequent survey and payment to the county.

11:30 AM **Uniform Policy/Detention Officers:**

Darren submitted a uniform closing allowance for the Lincoln County Detention Officers. Darren said the sheriff's department now falls under administrative instead of union and there is nothing in policy for uniforms. Uniform clothing allowance will be paid in two equal installments approximately six months apart. New hire will receive their first year's allowance of \$400.00 at the time of their hire. If an employee is laid off or terminates his/her employment, the employee shall reimburse a prorated portion to Lincoln County. Darren said the policy has been reviewed by the county attorney.

11:45 AM **DOR Tax Abatement Request:**

Robin said she received a Tax Abatement request from the Department of Revenue regarding refuse fees. Commissioner Peck said the refund may come out of the landfill budget. Robin said she will review the abatement request with Kathi Hooper.

1:00 PM **Ten Lakes Wilderness Discussion:** Present were Jim Voyles, Cody Burk, Joe Mansfield, Cory Burk, Allie Sartor, Seth Hanson, Kyle West, Cole Caywood, Kurt West, Gary Mason, Arlie Bull, Jim Gibson, Tim Tempel, Ron Colvard, Aaron Carvey, Robert Haidle, Dave Vogelmann, Madelon Martin, Tracy McIntyre, Mark Johnston, Tami Bozarth, Tana Johnston, Joey Burgess, Jack Burk, Tim Bozarth, Scott Mattheis, Josh Letcher, Nikki Meyer, and House Rep. Mike Cuffe. Present were John Blodgett and Alan Gerstenecker, Libby via VisionNet.

Commissioner Peck said he received a call from Senator Daines about a bill rescinding the 1977 Wilderness Act. The proposal is to remove 8,000 acres as recommended non wilderness. Commissioner Peck expressed that would only confuse things, the whole 34,000 acres needs to be rescinded. Commissioner Peck said he fully supported the bill, but only if the entire 34,000 acres was included. Senator Daines is not prepared to rescind the 34,000 acreage but will leave Ten Lakes off. The bill was not submitted until last Thursday without Ten Lakes and the full 34,000 acreage.

Commissioner Peck said he was assured that if requested, the full 34,000 acres will go into the bill, but expressed that he is not totally convinced and he is not sure how this will all play out. Commissioner Peck said our stance is all or nothing. We all need to agree and understand the possible risks.

Commissioner Cole asked if we eliminate the wilderness study area, what does that mean? There are a lot of questions if the study area is taken away and what the consequences would be.

House Rep. Mike Cuffe said all other wilderness areas proposed do not have the complication of recommended wilderness area. There is no problem showing a lot of local support; public lands are for public use and it needs to be kept

open. Mr. Cuffe stated that the WSA and the RWA need to be removed in their entirety; the legislature needs to be written that way.

Scott shared that the local support has been tremendous and is understanding they want a letter from the commissioners. Petitions have already been sent with over 1500 signatures for full release of the entire Ten Lakes area. Scott clarified that the WSA is the wilderness study area designated by congress and the RWA is the recommended wilderness area by the forest service. Scott gave a brief history of the Ten Lakes area. Scott said we need to show our support one more time.

2:00 PM Appointment of Library Board Vacancy: Present were Chuck Gerheim, Alyssa Ramirez, Alan Gerstenecker, and John Blodgett, Libby via VisionNet.

Robin informed the commission that there is one unexpired term vacancy on the Library Board. A public Notice went out to local newspapers as well as county bulletin boards and county website. One application was received from Chuck Gerheim. A letter was received from the Lincoln County Libraries Board to recommend Chuck to serve on the library board. **Motion** by Commissioner Bennett to appoint Chuck Gerheim as recommended by the library board to fill the unexpired term. Second by Commissioner Peck, motion carried unanimously.

2:15 PM Port Authority (Port) Discussion: Present were Jennifer Curtiss. Also present were Tina Oliphant, Jake Mertes, Chuck Gerheim, Gary Armstrong, Marc McCully, Charles McFarland, Clint Oster, John Blodgett, and Alan Gerstenecker, Libby via VisionNet.

Commissioner Bennett commented the county is looking at where the Port is now with a 14-year history and where we want to go, what the makeup of the board will be and amount of members. Commissioner Bennett reminded everyone the Commissioners are ultimately responsible and we are here today to continue that discussion of development, clean up, planning, and privatization.

Commissioner Peck stated he feels the board structure should be a maximum of 5 members acting as advisory to the commissioners, although the ultimate authority to be the county. Commissioner Peck said we will keep current structure in place but overall management needs to be discussed, allowing for cross utilization in several areas. Darren suggested the administration and decision making will be on the commissioners and there is potential to bring a couple of port employees in as county employees. The By-Laws will need to have adjustments.

Charles asked what is there to accomplish by shrinking the port board? Commissioner Peck said the expertise can be fostered, streamline decision making process and administrative process.

Commissioner Bennett said that operationally, there are some pains in this transition with change, but there is also going to be a lot of benefit.

Tina said the liabilities created by the Port are old and conveyed that she is continually haunted by them, saying this is where she spends her time. Tina recommended creating a subcommittee, or loan review committee. The focus would be vetting loans, job creating grants, and analysis of credit risks. Tina stressed the importance of that kind of work stating the committee will need to understand the purpose of those funds. Tina feels the board members need to be able to write grants.

Tina conveyed that Brett McCully created a subdivision and planning that can be overlaid. The subdivision did not go anywhere but expressed there are significant costs to creating a subdivision. It was an excellent effort, and she pleads for people to seriously take a look at it when considering what this port restructure will look like.

Robin explained the board vacancy advertisement that went out and she will need to contact those applicants.

Commissioner Peck said there will be a reapplication process and those applicants would be considered at that time if they want to be.

Commissioner Bennett said that to be fair to the current port board, the county needs to make some decisions early January.

Charles asked if the commissioners have the time to manage the decisions associated with the port site. Commissioner Bennett said we are not going to create a lot more work, but changing the structure will be more positive for the staff than it has been. Commissioner Peck said there will be a close relationship and the commissioners will help to get the job done.

Charles commented there still needs to be a lot of conversation between the commissioners and the port board. Robin suggested the commissioners conduct special meetings specific for this purpose. Commissioner Peck said the first thing is we got to have a plan. Commissioner Cole commented that we are just getting started and there is still a lot of discussion still to take place.

3:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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