

January 24, 2018

The Lincoln County Board of Commissioners met for a regular session on January 24, 2018, in the Lincoln County Courthouse, Libby, 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**.

10:15 AM **Samsha CARA Grant:** Present were Maggie Anderson, Vel Shaver, Jeff Koskela, Alan Gerstenecker, John Blodgett, DC Orr, Clint Oster, Dale Evans, Charles McFarland, Sharon Michels, Jerry Michels, Josh Johansen, Benjamin Shumate, Leslie Paternoster, S. Benefield, Fred Noel, Denise Wallace, Al Randall, Michelle A. Colaranni, Jon Meister Michael S. Haskins, Marber K. Randall, Jordan L. Turner, Amber Drake, Gayla Benefield, Barbara Turner, Myrna Boswell, Julie Waters Barcomb, Sheila Turner, Cathy and Mike Haskins, and Nikki Meyer, Eureka via VisionNet.

Maggie submitted a handout showing an abstract of goals and objectives of the Unite for Youth Program. Maggie discussed the CARA Grant opportunity for Unite for Youth and the high opiate and meth use across the country and in Lincoln County. Maggie informed the commissioners the meth and opiate epidemic has increased across the state of Montana by 550% according to a DEA report. Maggie said the CARA Grant is based in hope; there is a lot of focus on youth and families, supporting skill building for parents and looking into the future. The funds will help build different attitudes for the future and to utilize community resources. The CARA Grant allows for coordinated efforts by local, state and federal agencies and organizations resulting in a shared vision of community health and safety and a comprehensive action plan focused on utilizing evidence-based prevention strategies to create positive community-level change. The grant amount is \$50,000 annually for 3 years. **Motion** by Commissioner Peck to approve the CARA grant application. Second by Commissioner Bennett, motion carried unanimously.

10:30 AM **Administrative Issues:** Present were Jeff Koskela, Alan Gerstenecker, John Blodgett, DC Orr and Nikki Meyer, Eureka via VisionNet.

Robin presented the minutes for special session January 16 and regular meeting January 17, 2018 to the commission for approval. **Motion** by Commissioner Bennett to approve the minutes as presented. Second by Commissioner Peck, motion carried unanimously.

Commissioner Peck said Turner Mountain has requested \$3,000 for equipment replacement. Commissioner Peck expressed that Turner Mountain Ski Area is a significant draw to the community and he will be donating \$3,000 to be paid out of the Libby Economic Development Fund.

10:45 AM **Public Comment:** Present were Jeff Koskela, Alan Gerstenecker, John Blodgett, DC Orr, Clint Oster, Dale Evans, Charles McFarland, Sharon Michels, Jerry Michels, Josh Johansen, Benjamin Shumate, Leslie Paternoster, S. Benefield, Fred Noel, Denise Wallace, Al Randall, Michelle A. Colaranni, Jon Neisty, Michael S. Haskins, Marber K. Randall, Jordan L. Turner, Amber Drake, Gayla Benefield, Barbara Turner, Myrna Boswell, Julies Waters Barcomb, Sheila Turner, Cathy and Mike Haskins, and Nikki Meyer, Eureka via VisionNet.

Mr. Orr said he is here to talk about the Board of Health (BOH) meetings and expressed the BOH will not listen to his comments which violates his constitutional rights, elaborating that he was yelled at by Commissioner Peck at the last BOH meeting. Mr. Orr expressed the BOH, County Attorney and EPA gathered together in a secret meeting of secret actions. Mr. Orr said he is asking the commissioners to get a legal opinion on the ability to close these meetings, but expressed the opinion should not be from the county attorney's office who is suspect in this case. Mr. Orr said he is requesting a legal opinion as to the reasons and legality of closing BOH meetings and is requesting State Attorney General involvement. Mr. Orr said he will follow up with an email to the commissioners.

Benjamin Shumate said he is here to discuss county regulations on top of the state cannabis laws and is requesting no extra zoning; there are already 80 pages of state law. Sharon Michels asked the commission to not cut off access to medical marijuana facilities, that without cannabis as a prescribed medication, she probably would not have lived. Sharon said that at one time she was very against marijuana as a parent, but uses it now instead of prescription meds; for her it's a necessity.

Commissioner Cole said the county is having this discussion to attain information from the public. Commissioner Peck said there has never been discussion about cutting it off.

Josh Johanson said he has multiple sclerosis and refuses prescription medicines due to their danger. Josh clarified that medical marijuana is not an age thing and restricting access to marijuana only increases opiate use.

Commissioner Peck commented that it's a new process in the county and the county represents everyone. There are people on the other side of this, but there has never been a discussion to abandon. The discussion is how do we as a county get ahead of it; nobody is on a crusade to close facilities. Josh said those decisions need to be scientifically based. Barbara Turner expressed that commissioner meetings need to include cannabis patients, medical marijuana providers, and people from the medical field. Barbara read a statement regarding representation of the medical marijuana providers, patients and provided a voting history of cannabis access in Montana.

DC Orr asked about the people mentioned by Commissioner Peck who are on the other side of this issue and wants to know who these people are and what their issues may be.

Al said he and his wife Marbie never thought they would ever use marijuana, but they both use medical marijuana for different reasons and considers it as a positive part of our community.

Commissioner Bennett clarified the only reason this was on the agenda is public concerns from community leaders and the only intent is to bring the discussion to the table, discussion will include everyone, so everyone has a voice.

Commissioner Bennett clarified that it is our job as county commissioners to protect the health and welfare of all of Lincoln

County; nobody is here to shut anyone down. Barbara Turner expressed that Commissioner Bennett voted down medical marijuana when he served at the legislature. Commissioner Bennett stated that yes, he voted it down twice as a legislature because of what was going on in the state at that time.

Gayla Benefield commented that marijuana enables her to be active otherwise she would have to take more prescription medicines that does not allow for her to be as mobile or active.

Commissioner Peck said it is important to understand that just because we talk about an issue, and yes, there are concerns in the city, with the school superintendent and concerns for students; the discussion is not of blocking it, but we need to hear from everyone.

Commissioner Cole informed the public that this issue when discussed will be posted on the commissioner's calendar, so we do not have to have this discussion during public comment.

11:00 PM Port Authority/Resolution to Dissolve Port Board: Present were Tina Oliphant, Kevin Peck, Clint Oster, Alan Gerstenecker, DC Orr, John Blodgett, Brett McCully, Dale Evans, Marc McCully, Jeff Koskela, Charles McFarland, and Dan Kneller.

Commissioner Peck spoke briefly about commissioner authority to restructure and dissolve the port authority board.

Clint asked what is the problem that restructuring the board is to solve; changes are in response to solving a problem, so what is the problem? Clint also asked why the commission has chosen to not meet with the port board members as a group. Commissioner Peck said he is not aware of a request to meet with a board, and he has met with different members of the board. Commissioner Cole noted that a port board member is a county commissioner, so we receive that information. Commissioner Peck said it is assumed that communication is taking place.

Commissioner Bennett said the county is looking at more of a hands-on approach and if we (the county) are liable for all the money hanging out there and the buck does stop here, all three of us need to be involved. Commissioner Bennett said that if we cannot reconcile LIV Golf Cars and Stimson, all the liability falls on the county. Commissioner Bennett wanted to be clear the commission is not discrediting board members or its operation, but in 14 years there has been a continual decline in revenue so we must decide how are we going to operate and not end of bankrupt. Commissioner Peck said he is also considering efficiency as well, noting that staff has had to wait months to get decisions made, we will now have a standing port authority meeting every Wednesday. Clyde commented that he cannot think of any situations where the port board could not make timely decisions. Kevin Peck said there has been some decisions made via email, but there have been inconsistencies of members at meetings, and then having to bring people up to speed has been inefficient. Commissioner Peck commented on some easement issues and there is no strategic planning aspect; that by itself is troubling. Commissioner Peck said he receives a lot of complaints and pressure from business owners.

Commissioner Peck commented there has been great talent on the port board and a ton of effort gone into trying to make something happen, but it is apparent the current structure is not working.

Jeff Koskela said that according to the port authority webpage, it began in 2002 and feels it has been stagnated for 16 years. Jeff commented that he thinks the commissioners are on the right page, someone needs to spearhead this to move forward. Charles McFarland said we need to make the port self-sufficient; needs to pay for itself.

Tina said it is a valid complaint of not having a strategic plan, currently there is nobody in charge of the port authority. Tina said there has been a combination of bad luck and some bad decisions, but expressed that she has optimism and with a plan, focus and commitment, we can make headway. We need real deadlines on projects and improved project management. Commissioner Cole asked what it would take for the community to support the efforts. Charles said the people on the street want jobs. Kevin pointed out the land was handed over with no money and a completely failing infrastructure. Kevin said some grants have been a liability to the county and we need to make sure this no longer happens. Clint commented the non-stop time put into resolving issues with the EPA, DEQ and International Paper.

Charles said he recommends the port board to be made up of three commissioners and up to 4 more people.

Commissioner Cole said we need to discuss Resolution No. 999 for the purpose of dissolving the Lincoln County Port Authority Board of Directors and providing for the organization.

Mr. Orr said when the port was formed, transparency was an issue; we need to make an effort toward transparency. Mr. Orr noted a concern that if the port board is three commissioners and two people at large, then the commissioners would own the project and he is not comfortable to see commissioners having the voting clout. Mr. Orr recommended that at the very least to have three commissioners and four people at large.

Commissioner Cole read a portion of Resolution No. 999, dissolving current Lincoln County Port Authority Board, thereby, creating restructure of a new board. Commissioner Peck said he would consider four at large people on the board to focus on the strategic planning piece as an advisory committee.

Motion by Commissioner Peck to approve Resolution No. 999 as presented. Second by Commissioner Bennett.

Commissioner Bennett commented that we do need a change and all we can do is act to the best of our abilities and make decisions to make those changes and hope to get local support to move forward in a way the community would like to see. Commissioner Peck said the bottom line is we still have an excellent asset and a working budget and we can work with that; it is time to restructure and try a new approach. Commissioner Cole said he still has reservations of creating a lot of work for this commission, but believes we are up to it and is hopeful the path forward creates some success. Commissioner Peck said there is a learning process and we can have flexibility to adjust. Motion carried unanimously.

1:00 PM Ernie Anderson/VOIP Discussion: Postponed

1:30 PM Planning Department: Present were Kristin Smith, Jake Mertes, John Blodgett, Alan Gerstenecker, Brett McCully, Maranda Davis and Nikki Meyer and Joe Purdy, Eureka via VisionNet.

- Truman's KS&G Subdivision Preliminary Approval: General description is east of US 93, Eureka and is a two residential/commercial lots. Jake said the recommendation by the planning board is to grant preliminary approval subject to conditions and based on the findings in the staff report. Jake explained the conditions to the commission. This is a minor subdivision and does not require planning board review. **Motion** by Commissioner Peck to approve preliminary plat for Truman's KS&G Subdivision subject to planning staff conditions and recommendations as indicated in the staff report. Second by Commissioner Bennett, motion carried unanimously.

- Starlight Meadows Amended Final Plat Approval: Subdivision is located South of Eureka on Barnaby Lake Road. Jake said all conditions have been met and the planning staff recommends approval. **Motion** by Commissioner Bennett to approve Starlight Meadows Amended Final Plat subject to planning staff conditions and recommendations as indicated in the staff report. Second by Commissioner Peck, motion carried unanimously.

2:00 PM **Brent Teske/EMA Update:** Present were Marc McCully, Robert Mast, John Blodgett, and Alan Gerstenecker. Joe Purdy and Nikki Meyer, Eureka via VisionNet.

Brent said he is six months into this position and started right off with the 2017 fire season. After the fire season he worked on grants to be wrapped up and finalized. Martha Smith helped with that process as the grants were in disarray. Grants will be reviewed in February. Brent said he will continue to manage the EMPG and two Homeland Security grants. Libby Creek jumped its route and washed out parts of Pinewood Village, the county opened culverts and drainage areas. Brent said we are waiting for the permitting process to be finalized to get in and make corrections and continue to monitor. Brent said he has cleaned and reorganized the EOC/EMA office and encouraged the commission to come take a look at it. Brent said he is a member of the Lincoln County Safety Committee and has been researching security issues within the county and attended MACo's SafetyFest Active Shooter Class in Kalispell and would like to expand on employee training. Brent said he has met with fire departments to discuss resources, communications, man power and other issues for fire season. Brent said his goal is starting back up the Local Emergency Planning Committee (LEPC) meetings and had 17 people attend the first meeting. Researching the Fire Co-Op and has another goal to get that started back up again as well; first meeting will be February 9th and invited commissioners to attend. Brent attended two DES meetings and will be attending MACo's DES meetings as well.

2:15 PM **County Road Fund Discussion:** Present were Marc McCully, Alan Gerstenecker, John Blodgett, and Joe Purdy and Nikki Meyer, Eureka via VisionNet.

Darren said Lincoln County will need to determine soon what and how we will be funding road departments. Darren said we started this year with 14 million in reserves with an annual 3 million-dollar countywide road budget. Darren put together and submitted information for commission review showing roads open to the public, similar counties with square miles and number of employees, road budgets for each district and potential tax increases should the county levy for road maintenance. Darren said it is time to start getting information out to the public and submitted a spreadsheet showing other counties in the state and how many mills are set aside for road maintenance. Darren clarified that increases for county road budgets would be levied only after asking the voters to approve additional mills to fund road maintenance. Informational public meetings need to be planned well ahead of placing a road issue on a ballot. Joe said the taxable land owners cannot keep doing this; especially retired property owners that cannot afford to pay their tax bills. Darren said any levies would not affect properties within city limits. Darren said he is seeking direction from the commission. Commissioner Peck said he would like to set up some work sessions to get more clarification and have more internal discussion before scheduling public meetings.

2:45 PM **Tina Oliphant/Stinger Welding Discussion:** Nancy Higgins, John Blodgett, Brett McCully, Doug Watson, Robert Mast, DC Orr and Alan Gerstenecker.

Tina said she is needing another check signer for port authority business. The commissioners agreed to add Darren Coldwell, Jerry Bennett and Mark Peck as signers and to remove current board members.

Tina said the stinger building is out of litigation and the county taxes are \$424,000, mounting since 2012. Tina is here to discuss how the monies are distributed on the sale of the stinger building and how taxes are to be paid. Darren said the commissioners can agree to waive penalties and interest and can agree to waive back taxes. Nancy said penalties and interest are state law and is not aware that commissioners can waive those fees. Back taxes of five years may be able to be waived, but all of this needs to go through the county attorney's office for clarification.

Tina said her point to summarize is we need to strategize to determine what we can or cannot do and then weigh out options moving forward.

Nancy said as long as we are strategizing, back taxes need to be included in the agreements with businesses on port authority land. Commissioner Cole said the citizens deserve those tax dollars since they have paid into it. Commissioner Peck said he would tend to agree, and would not be comfortable to be solely making this decision as commissioners.

Tina said she would recommend gathering more information and coming back together to determine options.

DC Orr said the commission disbanded and reformed the port board, so in essence, the authority is to the board. Darren said he will advertise next week for the remaining port board positions.

3:30 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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