

November 9, 2016

The Lincoln County Board of Commissioners met for a regular session on November 9, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Larson, Commissioner Peck and Clerk and Recorder Robin Benson.

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

**9:30 AM Intercap Loan Resolution:** Present were Dallas Wamsley, Lisa Oedewaldt, and Wendy Drake. Also present were Steve Curtiss, Josh Letcher, Kurt West and Nikki Meyer, Eureka via VisionNet.

Commissioner Cole said we are finishing up the fairgrounds project conversation from last week and asked if anyone has specific questions. Commissioner Peck asked what has been committed to date. Robin submitted two invoices that were received from Glacier Precast Concrete, Incorporated for a total of \$72,861. Commissioner Cole said that due to procedural errors, the Tobacco Valley Rodeo Association will take responsibility for invoices received and pay the total of \$72,861. **Motion** by Commissioner Larson to have the Tobacco Valley Rodeo Association cover what is obligated to date of \$72,861 prior to the Resolution No. 975 being signed and begin the approval process over with proper procedures. Second by Commissioner Peck, motion carried unanimously. Commissioner Peck stated that it is important to him to make sure before he votes to move forward that all agreements are in place. Commissioner Peck stated he is not comfortable that there is no clarity with the Town of Eureka regarding their obligation and sewer engineering contracts are not in place and if agreements and stipulations are not signed, he will not support the project moving forward. Commissioner Larson stated the county needs to look at forgoing the Intercap Loan until we have a clear understanding of what the county obligation will be. Commissioner Cole said the loan is ready for approval and the county can sign off at a later date.

Commissioner Larson said we need a county policy in place to ensure this type of confusion does not happen again. Lisa said she will put a step by step process in place that follows M.C.A. laws and follows procurement guidelines.

Commissioner Peck said having a county administrator in place will help with the process. Nikki Meyer asked if Tracy McIntyre is working for the county or the Town of Eureka on this project. Commissioner Cole said Tracy is independent. Lisa said that since Lincoln County contracts for Tracy's services, it should fall under county guidelines. Commissioner Cole clarified that Tracy is working for the county on this project, but does not know what Tracy's association is with the Town of Eureka. Commissioner Peck said we need to wait for the completion and recommendation from Mike Fraser and that future development capacity needs to be included.

Steve Curtiss commented that after taking a huge overview of the whole project, he is saddened to see we are sitting here with a bunch of procedural errors without a clear path of moving forward. There needs to be more consideration for water rights issues because it plays a huge role in this. Steve said it appears everyone wants to discount the fact that there are over 200 acres of adjacent city properties and there is not enough emphasis being put on this. Steve went on to say that if in fact, whoever was responsible for ordering these products and submitted bills to the county, we must follow process and economic guidelines, stating that he could not have someone like that working for his business. Steve felt strongly this should never have happened without any county approval. Commissioner Cole said he took responsibility for the errors at the last commissioner meeting when this issue was discussed. We are now moving forward with procedural solutions.

Josh mentioned going into a scoping process and asked if the public will be allowed to participate in the process.

Commissioner Peck said we cannot discuss that now because it is not on the agenda, but from a commissioner standpoint, yes, it must follow a public process. Josh conveyed his dismay that the county is spending tax dollars on a loan that he feels the public did not have opportunity to participate or be informed. Commissioner Peck said that maybe there is more that can be done through social media, but there has been at least 2 or 3 public commission meetings for the project to be discussed publicly. Kurt asked about newspaper ads, that possibly if more knowledge went out to the public, there may be more interest during meetings. Lisa stated that there is a public responsibility to engage.

Josh commented that when it comes to spending tax dollars, will there be a final plan so the public can be involved with factual data. Commissioner Cole said that he was going to promote it and get information out to the public.

Steve said it seems to be an ongoing problem, even without public participation in meetings and even when there is serious opposition, transparency is lacking and the will of people are not addressed. People need to be listened to.

Commissioner Peck said that other than those present today, he has received no comments for or against, stating that 98% of the population in Libby does not engage. Commissioner Peck expressed his frustration that it is a constant struggle to attain public engagement. Commissioner Larson stated the county spends a lot of money on ads to give public notice.

**10:00 AM IT Airport Projects:** Present were Bill Caldwell and Tim Orthmeyer,

Tim discussed the Draft Eureka Airport Master Study and presented an update although the study is ongoing and not completed yet. The study is looking out 20 years forward.

Tim presented brochures reflecting economic impacts of Libby and Eureka airports noting they have not been updated since 2008. The brochures are based on the data at that time.

Tim submitted an invoice totaling \$28,304. Payment is in line with percent of work completed. **Motion** by Commissioner Larson to approve invoice for \$28,304. Second by Commissioner Peck, motion carried unanimously.

Bill briefly discussed land lease revenue and noted that if the county would purchase a hangar, then it could be rented out for added revenues. Bill said that right now he does not see the need, but looking on the optimistic side, there could be future opportunity. Bill stated that the lack of a reliable instrument approach is the biggest issue for the Libby airport. For a company to come in, they will want that, but the FAA controls that and it is not in county control. Tim said the FAA is 3 to 5 years behind on these types of projects.

Tim submitted capital improvement plan project list for the next 6 years. The plan is significant with Libby Airport showing a future runway rehabilitation project potentially for 2019. Local share is approx. 100,000 with potential for state help.

Commissioner Peck asked Tim to put together a bullet of potential projects including county share.

There is a 2017 project for taxiway lighting at the Eureka Airport. The local share is approximately \$44,659 but estimated closer to \$35,000 to \$40,000 range by deducting entitlement shares. Robin asked if the county shares for projects would be paid out of PILT. Commissioner Peck commented his concerns about the amount of PILT being spent. Commissioner Peck asked if it is absolutely crucial the applications need to be approved today because he would like to see an analysis of the outlook obligations that will be coming out of PILT. Robin said she will review the PILT fund and provide a report to the commission for review. Tim said he would be happy to come back mid-December for further discussion.

10:30 AM **Administrative Issues:** Present were Ric Kesling.

Ric submitted the Frontier contract for courthouse phone system. Ric said the monthly amount will be approximately \$1800 per month, negotiated down from \$2250 in prior contract. The contract is for three years.

The Commission read the minutes for November 2, 2016. **Motion** by Commissioner Larson to approve the minutes as corrected. Second by Commissioner Peck, motion carried unanimously.

Commissioner Peck said the Chamber of Commerce did receive a grant to update the chamber website and he wants to contribute \$10,000 from the Libby Economic Development Fund to offset cost for Libby Area Chamber of Commerce website development.

Robin presented a letter from Montana Department of Transportation (MDT) regarding Bridge Scour Plans-of-Action (POA) for Scour Critical Bridge. The following bridge is high risk for failure during flooding, and is considered Scour Critical according to the letter: L27207000+09001 Big Cherry Creek, 5 Mi SW Libby (Granite Creek Road). Bridge inspection was conducted on October 6, 2016 by MDT bridge inspectors. Commissioner Peck will follow up with Road Supervisor Marc McCully.

Robin submitted an informational letter from Schellinger Construction Co., Inc. out of Columbia Falls regarding an Opencut Mining Permit: Emery Site, Lincoln County. Work on the project will commence in the late fall of 2016 or early spring of 2017 and will be completed during the summer of 2017. The site is located approximately ½ mile northeast of the junction of Highway 2 and Yaak River Road.

11:00 AM **Public Comment Time:** There were no public comments.

11:30 **Coroner Budget/New Hire:** Present were Steve Schnackenberg

Steve is here to talk about hiring a new deputy and feels there is enough money in his FY 16/17 budget to do this. Steve said this is not an increase in budget, but will need to adjust the percentage from 65% of Steve's salary to 70% for employees. Steve gave a brief history of employees and how the salaries are spent. **Motion** by Commissioner Larson to allow a new hire for the Coroner Department as long as it stays within the FY 16/17 budget. Second by Commissioner Peck, motion carried unanimously. Dallas will update the coroner wage report to reflect accurate employee wages and adjust the percentages accordingly. Dallas said the job position will be posted at Kootenai Workforce Center for two weeks and will be in the newspaper of record for two weeks.

1:30 PM **Troy Property Appraisals:** Present were Paige Bothman, Dallas Wamsley and Lisa Oedewaldt.

Greg said to move forward with the appraisals were already approved and he has negotiated with both property owners and they both fall into the realm of the appraisals received from Brad Kelch. Commissioner Larson said verbal agreements came in at or below appraised price. Verbal agreements were \$59,000 and \$24,000. Lisa said there needs to be written confirmations. Lisa will draft the agreements between Lincoln County and the property owners. **Motion** by Commissioner Larson to approve the purchase of the two properties and move forward with the public hearing process, subject to written confirmation of purchase agreements. The money to purchase will come out of Troy Road Department budget. Second by Commissioner Peck, motion carried unanimously.

Commissioner Peck gave a brief update on the selection of the City/County Health Board. They are still waiting for City of Libby and City of Troy to select its members but that is forthcoming soon and they are moving ahead with the organization of the board. Commissioner Peck expressed his pleasure about the level of professionalism represented on the new City/County Board of Health.

1:45 PM **Callahan Creek:** Present were Bethany Bolfson, Mike Fraser and Lisa Oedewaldt.

Mr. Fraser said he will put together a bid package and an RFP to go out. Mr. Fraser summarized the wetlands report stating there is not much here; should be able to scrape off material and it will naturally regenerate. There were nine performance criteria elements in the Fisheries Report but believed there is no fishery issue. Stream channel will keep grading; may take out more material and conduct restoration but no foreseeable issues. Mr. Fraser said we may need to do a survey to ensure cross section and depth is met. Mr. Fraser said we cannot conduct the removal without access so there needs to be a plan put together to approach this. Commissioner Larson said Mr. Welch is concerned with the 100 year floodplain and any long term property protections. Commissioner Larson and Mr. Fraser agreed to meet with Mr. Welch to answer his questions regarding floodplain and property protection. Mr. Fraser said the county needs to have the right of entry issues resolved.

2:15 PM **Clerk & Recorder Update:** Present were Nikki Meyer, Eureka via VisionNet.

Robin submitted *Budget vs. Actual* reports for commission review. Robin said we are approximately 42% through the budget year and she reviews to see where departments are as far as expenditures. Departments should have expended only 42% or less of their budgets at this time. If a department is outside the percentage range, Robin said it is her job to notify the department supervisor. Fund 2394 Drug Forfeiture has expended 88% of its budget. Robin said she notified

Brandon Huff and Roby Bowe via email; she has not received a response. All other departments are below or slightly over 42% expended.

Robin said she sent an email to County Attorney Bernard Cassidy requesting a time set aside to visit about creating a process for county ordinances before they are signed by the commission and a process after they are signed as well.

Robin showed the Montana Property Tax Mill Levies 2015-2016 book to the Commission stating it is a good resource to see other county mill levies and valuations for comparison. The book is put out by the Montana Tax Foundation.

Robin informed the commission that the 2015/2016 Annual County Audit will be conducted over December 13 and 14. Robin will try to coordinate a time set aside with the auditor to discuss the Cost Allocation Plan; its history, when and why it was implemented and to answer commissioner questions.

Robin said there has never really been a discussion on what fund to pay the county board vacancy ads from. Paid ads have come out of the Clerk and Recorder and Commissioner budgets. The commission said this is something that will just need to be budgeted for annually.

Robin said she did email out the draft Citizen Budget Committee Resolution to the commission for review. All comments, changes or corrections should be sent to Commissioner Peck to finalize.

Robin said her goal is to put a Laserfiche link on the county website so the public can search, view and print documents from their personal computers at home or business. Robin said she will provide a Laserfiche presentation for the commission early 2017. The public will also be able to attend. There is also the possibility of other departments utilizing the system, so may want to include department supervisors to view the presentation as well. Resolutions are now in the system pre 1973 to current. Commissioner minutes are in the system from the late 1800's to current. There are now many county contracts/agreements, district board minutes, and miscellaneous documents. Robin said two of her employees have been working full time elections, but feels now the office focus will go to records management, recording and filing county documents. Inventory is still an ugly beast that will be a 2017 focus; including paper files in the commissioners vault.

Robin informed the commission the 1909 Lincoln County Survey is still at Joel Oppenheimer, Inc. located in Chicago being restored. Completion could be any time now and then it will go to Frames Unlimited for framing. Commissioner Peck suggested hanging it in the commissioner's office. Robin said her preference would be the courthouse lobby because many people walk through the courthouse to various departments, but not necessarily the commissioner's office.

Robin said she has applied to the Montana Historical Society for an archivist student to spend a few months next summer in Libby. The archivist student program is an on-site assistance program for cultural heritage institutions in Montana. The student would help with inventory, especially maps and to provide archival assistance and training. The competition is fierce, but Robin said she believes the effort is worthwhile.

**2:45 PM Outreach Coordinator Continued Discussion:** Present were Barb Guthneck and Susie Rice. Also present were Nikki Meyer and Cookie Haidle, Eureka via VisionNet.

Commissioner Peck said he has met with Kathi Hooper and Riley Black about the Victim Witness Advocate coordination. Commissioner Peck asked how this differentiates because the county has already set up money for this effort. Barb wants to conduct domestic abuse outreach and hire a coordinator for one year. Barb said another concept is to put \$11,000 dollars into an account to cover needs of emergency domestic violence victims. Commissioner Peck feels it is not the county's responsibility to give money to hire a position in a non-profit organization outside the county. Commissioner Larson read an email from county nurse Riley Black on her plans and efforts to address crime victim assistance, domestic abuse awareness and education. Riley Black is coordinating efforts with other agencies to address this within the Public Health Department.

Cookie said that what has happened is there has been a comprehensive program for the past 13 years that has been free of charge. It is now at the point that we need someone to spend more time talking to groups and that someone is needed for immediate intervention during a time when victims are in danger. Commissioner Peck commented that he needs to see the grant that they currently operate from. Commissioner Peck said any coordination efforts would include the Public Health Department, County Attorney Office, as well as law enforcement and other county agencies to make it work. Commissioner Peck said there is no question what you do is important and he is willing to support an effort if the money is spent in an account through the public health department for special needs of victims. Commissioner Peck said any monies would have to be run through the public health department because a department has to oversee that money and there would be an accountability trail.

**3:00 PM County Attorney/New Hire:** Present were Jeff Zwang, Vic White, Amy Guth and Nikki Meyer, Eureka via Vision Net.

Jeff Zwang said he is here seeking approval to hire a new employee in the county attorney's office. A legal assistant is retiring next week and we are looking to replace that position. Jeff said he anticipates no budget impact this year. Commissioner Peck commented that now is the time to reclassify the position before hiring. Jeff said the office is looking at options and the structure of the county attorney's office with respect to staff. There is a need for two very competent legal assistants in the county attorney's office due to the case load. Commissioner Peck recommends the county attorney's office to really look at whatever positions are open and first determine what you want to do with it to ensure good job descriptions and reclassification. Jeff asked if the commission is willing to approve promoting within the department. The commission agreed to grant permission to promote within the county attorney's office. **Motion** by Commissioner Peck to allow the county attorney to fill vacated position internally or to advertise it. Second by Commissioner Larson, motion carried unanimously.

3:30 PM **Disposition on Application No. 2013-11-25-RC/Steed/Glen Lake:** Present were Lisa Oedewaldt, Amy Guth, Tiffin Hall, Alene Bacon and Gerald Wallace. Commissioner Cole is in attendance to listen, but is not allow to comment.

Commissioner Larson presented his findings reading from a prepared statement. The statement ended that the application would have a minimal or insignificant impact on the lake and its lakeshore and he would favor issuance of the permit as requested by the easement holders.

Commissioner Peck presented his findings reading from a prepared statement. Commissioner Peck said he found no compelling evidence compared to the 2010 regulations to not issue the permit as requested.

**Motion** by Commissioner Larson to approve Lakeshore Permit 2013-11-25-RC. Second by Commissioner Peck, motion carried. Commissioner Cole did not vote.

Amy asked to be put on the record that the conversation that she had with Commissioner Larson last week before the hearing was in regards to the confusion of the location of the meeting. Commissioner Larson explained that the commissioners had moved the meeting location without informing the Planning Department and that Lisa would remain in Libby and attend via VisionNet while the commissioners were in Eureka. Commissioner Larson stated the phone conversation was under one minute in length.

4:00 PM **Meeting Adjourned**

#### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

**ATTEST:** \_\_\_\_\_  
Robin Benson, Clerk of the Board