

June 25, 2014

The Lincoln County Board of Commissioners met for a regular session on June 25th, 2014 in the Lincoln County Courthouse. Present were Commissioner Tony Berget, Commissioner Ron Downey and Commissioner Mike Cole, Executive Assistant Bill Bischoff, and Clerk and Recorder Deputy Leigh Riggleman.

8:45 AM: Commissioner Berget **opened the meeting** with Pledge of Allegiance.

8:46 AM: **D.C. Orr** is here to talk to the commissioner and expressed concern over how Commissioner Downey's position will be filled. He gave background information on Sheriff Fisher's resignation when he was young, Commissioner Dolezal's resignation and City of Libby board member McElmurry's requested resignation and resulting litigation. He questioned Commissioner Downey's resignation letter citing MCA 4-2106 and addressed special election costs that might be incurred if an election is held for a replacement. He is bothered by the August 1st, 2014 date that Commissioner Downey chose to resign and asked if he could change his resignation to one day earlier so that his position could be put out for vote at the regular November General Election rather than by appointment. Commissioner Downey explained that he hadn't looked at MCA when he chose that date for family reasons. Mr. Orr asked for a written opinion from the County Attorney as he feels that Commissioner Downey's actual resignation should be effective 72 hours after the actual date of the June 4, 2014 resignation letter. Commissioner Berget stated that they will request a written opinion from the County Attorney, but that August 1st, 2014 resignation date was set in stone unless the County Attorney says differently. Mr. Orr thanked the Commissioners for their time.

9:00 AM: ROAD OIL BID: McAsphalt Industries, LTD and Idaho Asphalt submitted bids. Commissioner Downey moved to accept McAsphalt Industries bid and it carried.

9:15 AM: GRAVEL CRUSHING BID: Kootenai Sand & Gravel bid Eureka, Troy and Libby. Remp's Gravel bid Eureka, Troy and Libby. Wards Crushing bid Eureka, Troy and Libby. The Commissioners will take bids under advisement and will make a decision later in the day.

9:30 AM: GAS AND DIESEL BID: Golden State Oil/Saverite bid Libby and Troy. Moore Oil bid Troy only and City Service bid Eureka only. The Commissioners will take bids under advisement and will make a decision later in the day.

9:45 AM: LEGAL DISPLAY AND ADVERTISING - Kootenai Valley Record and Western News submitted bids. The Commissioners will take bids under advisement and make a decision in late afternoon.

10:00 AM: Nancy Higgins, Treasurer: Treasurer's report for May, 2014 – Nancy showed the cash report and stated that WIC has issues and a decision needs to be made to rectify the negative balance. Two mobile homes are no longer taxable and are outstanding so she requests that they be taken off roles. Commissioner Downey moved to remove the mobile home taxes and it carried. Nancy said that Shawneen Davis will continue to work for County Superintendent of Schools until the end of the year but that she is going to start transitioning and training in the early fall and then will move to Treasurer's office. She also hired Jo Sheridan to fill the other vacancy in her office. A discussion was held about finding and contracting out for the County Superintendent's position with the hopes that someone could be brought on board before the current County Superintendent, Ron Higgins, retires at the end of the year.

10:30 AM: The commissioners read the **minutes of June 18, 2014**. Commissioner Cole moved to accept the minutes as amended and it carried.

10:10 AM: TAX ABATEMENTS: Eureka Town Pump requested a refuse tax abatement on vacant land. Commissioner Cole moved to accept abatement and it carried.

10:15 AM: Animal Control Agreement for City of Libby for 2014-2015 fiscal year: The commissioner signed the agreement. **Animal Control Agreement for Town of Eureka for the 2014-2015** fiscal year: The commissioners signed the agreement.

10:20 AM: Montana Land Information Act FY 2015 Grant for GIS and Planning Department updating of GIS system. This is an \$18,740 grant for software updates and equipment. Commissioner Downey moved to accept the Grant and the motion carried.

10:25 AM: Wilderness Plateau Water and Sewer District Board Member appointment: Board member, Tom Jones resigned in January of 2014. A letter from the Wilderness Plateau Water and Sewer District Board was presented requesting the appointment of Renee Guisewite as President of the Board and whose term will end 12/31/2016. The Board also submitted a request to appoint Dave Helmrick as board member and whose term will end 12/31/2016. Commissioner Downey moved to approve the appointments and it carried.

10:30 AM: The commissioners were presented with **Resolution 917**, a resolution to adjust the cash balances in the Metal Mines fund due to no revenue in 2013/2014. Commissioner Cole moved to accept the resolution and it carried. The commissioners were also presented with **Resolution 918** a resolution to increase budget authority for revenue not anticipated in the Sheriff's budget. Commissioner Downey moved to approve the resolution and it carried.

10:53 AM: SECURITY INSTALLATION: District Judge Wheelis, Patty Noble from the Clerk of Court's Office, Ric Kesling of Network Services and Cindy Miller from the County Attorney's office were in attendance. The group discussed installation of locks on doors and surveillance cameras in the courtroom and other areas and other safety issues were addressed. The \$5000 grant from 2009 was not spent so they asked for it to be reinstated. Commissioner Downey moved to budget for the \$5,000 and it carried.

11:25 AM: ROAD FOREMEN: Troy Foreman Dave Kyriss, Libby Foreman Marc McCully and Eureka Foreman Tim White came to discuss budgets. Marc started the discussion by asked if each road department would be cut \$100,000. Tony stated that they are looking at budget cuts currently, but that no amounts had been set yet. Marc said they were told in May that there would be no cuts and he has already started projects based on that, if his budget was cut the projects could not be finished. Commissioner Downey remembered the conversation and understands the need to follow through with projects. Commissioner Cole felt that the topic should be up for public discussion. Marc said that for a lot of projects, road crews need to start by at least May 1 each year to have enough good weather to finish on time. Tim said that continuing budget cuts will decide what level of service to the public will be provided in the future. Commissioner Downey says that contact should be made with the state concerning maintenance of bus routes and forest service road plowing on Schedule A roads as budget cuts force cuts in service. Commissioner Downey raised concerns on Yaak area road damage from a track vehicle. Discussion followed that an ordinance might have to be adopted considering use and damage of county roads with track vehicles and repair costs that are incurred. It was decided to request the County Attorney draft an ordinance to address this issue. A discussion ensued about other options that might be viable.

1:30 PM: Phase One of Lake Creek Ranch Subdivision, final plat approval: This subdivision had been approved several years ago. All conditions and requirements have been met for the 6 lots of Phase One except that they intend to dedicate park land in a future phase. Kristen Smith, Planning Director, said there is a 2 year phasing plan and that they are bonded. Commissioner Downey moved to approve the final plat according to planning staff recommendation and it carried.

1:40 PM: Lakeshore Permit: Darin Foote owns property on Middle Thompson Lake and would like a dock permit. The request comes with variance as the dock is 60 feet which is 10 feet longer than allowed by statute because the shore is extremely shallow. Commissioners Berget and Cole had additional questions about how marshy the proposed area is and whether a channel would have to be dug. Kristen said no to the channel and told that the permit with variances is recommended by Planning staff with conditions. Commissioner Cole moved to approve the lakeshore permit and it carried.

1:45 PM: Lakeshore Permit: Terry Haugen has property on Upper Thompson Lake and wants to add an L shaped dock to the property. He has applied to replace an existing dock with a slightly bigger dock but still well within criteria. Commissioner Downey moved to approve the lakeshore permit and it carried.

1:50 PM: Garcia Family Transfer: Betty Garcia added her two sons in 2011 to the property and recently took them off so that it could be deeded to one son. The Exemption committee recommends it not be approved. Everything has been provided as far as documentation goes but there is a problem with timing. The family representative, John Damon of KSI, discussed the situation concerning the family's intentions with the Commissioners. He feels that the family is not trying to circumvent subdivision regulations. Commissioner Berget asked Kristen if there would be a way to allow stipulations to be added or wiggle room to be had. Kristen said the only thing the County could do would be to monitor that piece of property to see if it goes up for sale if the County allows Quit Claim Deed that was filed on June 3, 2014 to stand and then a transfer completed 2 weeks later. Commissioner Cole suggested waiting a week to make a decision and the others concurred.

2:05 PM: County Fire Assessment Evaluator: Only one application was received and that was from Brad Lord. Mark Romey, the current fire evaluator, has looked at the application, talked with the applicant and feels Mr. Lord is well qualified and would be excellent in the position. Commissioner Downey moved to accept Brad Lord and it carried.

2:15 PM: A discussion about the public hearings on **RV Park development permitting** took place. The planning board has met 5-6 times to discuss the permitting. Commissioner Berget would like to get the information published on the website and other venues to invite public comment and then look at scheduling public meetings for August 6th in Libby and August 20th in Eureka. Commissioner Cole requested that the final vote be the following week on August 27th.

2:20 PM: Kristin asked to discuss Transition when she is no longer the Planner. Kristen recommends finding someone with experience with Montana Law concerning subdivisions and lake shore permitting.

2:24 PM: County Attorney Bernie Cassidy was asked by the Commissioners to draft a letter per the discussion with D.C. Orr this morning. Bernie said he would look into it, but thought maybe the letter might have to come from the Commissioner of Political Practices.

2:30 PM: JUSTICE COURT TRANSITION DISCUSSION: Stormy Langston, Justice Court 2 and Krista Nussbaum from the Tobacco Valley News are on teleconference. Bernard Cassidy, County Attorney and Jay Sheffield, Justice Court 1 were in attendance. Mr. Cassidy went through the minutes of the meeting last week in Eureka on this subject point by point. He stated that statute says that the office should be in the county seat, and that the storage of files and records should be transferred to the office in Libby in terms of efficiency and that the acting Justice of the Peace should have ease of access. Commissioner Berget asked for clarification as to how the file transition would happen and if the Clerk and Recorder would have possession until transition happened. Bernie indicated that, when the consolidation occurs, the office will be at the county seat and therefore transfers of electronic and paper files go directly to the Justice Court in Libby and most of the records are paper files. Both Justice Courts are on the "Full Court" system through the state. Justice Court 1 has the ability to utilize CitePay but Justice Court 2 does not. Judge Langston asked about combining functions of the JP office in Eureka with the motor vehicle department and quoted the statute that says the JP has to be free standing, but questioned having a clerk doing other duties besides JP work. Judge Sheffield reported that he already has several cases that are from Eureka Justice Court. He had already utilized the VisionNet and that it had gone smoothly and the process is simple as long as there is the ability to fax or email documents. Judge Langston said that she felt that set up was not smooth and involved some communication problems and concern was voiced by both judges. Judge Sheffield felt that the request to use VisionNet needs to be in writing from the individual and that protocol on both ends need to be observed. Commissioner Cole mentioned the financial part of the consolidation of saving the tax dollars and would like to see a more extensive analysis of the savings of cost of consolidation and wants a more detailed list. Commissioners Berget and Cole agreed to bring their individual analysis' together to compare. Commissioner Downey feels that the Board should finalize details of the Justice Court transition before a new Troy Commissioner is appointed. The County Attorney requested a detailed list of questions from the Commissioners so he could start addressing them and would provide a copy of those questions to both Justices so that the list can be reviewed and give them the ability to add their own questions. He told the Commissioners that he will be out of the office next week.

3:05 PM: The commissioners requested a **professional opinion from Mr. Cassidy** as far as passing a County ordinance for restrictions on lowboys and track vehicles tearing up the roadways. His position is that if the damage exceeds \$1500 then it becomes a felony with regards to the destruction of public property and should be reported to the Sheriff's Department.

3:10 PM: The commissioners requested a **written opinion from the County Attorney** on the matter of Commissioner Downey's resignation letter on June 4, 2014 to be effective August 1, 2014 and that Mr. Downey is acting as Commissioner legally to that date.

3:16 PM: Airport Grant: The Commissioners received the paperwork for an FAA Grant for the Eureka Airport in the amount of \$350,644. Commissioner Cole moved to approve the grant and it carried. Commissioner Berget asked that this Airport grant motion be approved for the County Attorney.

3:20 PM: Bid Decisions: The Legal and advertising bid decision was tabled until July 1, 2014. The Gas and Diesel bid was awarded based on bid criteria, the contract for Troy was awarded to Moore Oil, City Service Valcon for Eureka, and Golden State Oil for Libby. Commissioner Downey moved to approve the Gas and Diesel bids and it carried. The gravel crushing bid revealed that Remp Sand and Gravel submitted the low bid for all 3 road districts. Commissioner Downey moved to accept the Remp Sand and Gravel bid and it carried.

3:30 PM: The meeting was adjourned.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony Berget, Chairman