

LINCOLN COUNTY COMMISSIONER MEETING

MAY 27, 2015

The Lincoln County Board of Commissioners met for a regular session on May 27, 2015, in the Commissioner's office at the Lincoln County Courthouse. Present were Commissioner Mike Cole, Commissioner Greg Larson, Commissioner Mark Peck, Administrative Assistant Bill Bischoff and Assistant Election Administrator Leigh Riggleman.

9:31 AM Commissioner Cole **opened the meeting** with Pledge of Allegiance.

9:35 AM **Treasurer's Report** Lincoln County Treasurer, Nancy Trotter Higgins gave the monthly report. Secured Rural School's money arrived at the bank on 5/27/2015. Once 33% is taken out for school funds, the balance will bring the road fund out of the negative and no money will need to be taken from investments. Discussion ensued on how the money is dispersed and whether PILT money had arrived. Nancy estimated that PILT should be received in June. Mobile Home tax download has not been received, so Mobile Home tax notices will probably be sent out in July – which will skew revenue.

Keller Logging – Nancy addressed the need to seize equipment in lieu of tax delinquency. Commissioner Cole said he would contact Keller Logging to discuss the issue with Mr. Keller before taking the next step. Nancy said she would need to draw up a list and then work with the Sheriff's Department.

Grizzly Bear Study funding - The ability to generate additional revenue to offset the large outstanding balance is next to none. Money to pay off the \$308,000 negative balance would have to be transferred from PILT to zero the account out. Commissioner Larson asked how this should be addressed to the public. Out of the 1.7 million that the study cost, the county paid approximately 20%.

10:00 AM **Wildlife Mitigation Plan** update ~ Dwight Bergeron and Alan Wood from Montana Fish, Wildlife and Parks and Norm Merz from Kootenai Tribe of Idaho were in attendance to discuss impact of Libby Dam on wildlife and habitats downstream on Kootenai River Floodplain. Assessment on impact has been finished and next step is to formulate a mitigation plan. A sloping project is occurring just upstream from Bonners Ferry and another sloping and planting in an area just upstream from Dunn Creek is being worked on. They have had success with large plantings in the Jennings area.

Commissioner Larson asked how the County can help. Opportunities come mostly with the Army Corp, private landowners and teamwork with Lincoln County in smaller projects to help restore river's edge plant ecosystem first and restoring river's edge function. Islands in the middle of the Kootenai River and riparian vegetation were discussed and how this vegetation could be encouraged to grow while slowing erosion to encourage wildlife habitat and wetland areas. Timeline for the mitigation plan is complex and is challenging to involve all agencies to work together but should be done sometime this year. An estimate was for late summer or early fall.

11:00 AM – **Community Action Partnership** ~ Marianne Roose, Kate Huntsberger and Frank Haidle, with the Community Action Partnership NorthWest, formerly known as Northwest Human Resources, were in attendance. CAP is able to operate with a lot of grant money and donations and their Mission is to help promote long-term self-sufficiency and independence, financial literacy and affordable housing. Recap 6plus1 is a program that rehabs existing housing and is a \$27 million project that is financed by grants, loans and donations. Discussion ensued about trying to find affordable housing within Lincoln County communities as CAP has operated mostly in the Flathead County area, but need assessment is occurring to bring CAP dollars into smaller, rural communities. Commissioner Peck would like to be proactive to identify properties and other opportunities to further the programs and to educate the public as to the benefits of investing into our communities.

1:30 PM **Lincoln County Planning** - Lisa Oedewaldt.

Public Hearing on Border Town RV Park Estates – Lots 2 & 3 of Blankers 93 North. Proposal is for a 15 lot RV park of about 3 acres off of Tanner Lane that must be brought up to current standards. The road will be increased to a 24 feet wide road that will be paved off of Tanner Lane as well as Christine's Loop. Planning Board unanimously approved with minor changes that were recommended by the Planning office. No fire risk assessment needed. Marc Bessette – owner of said property wants to blacktop, but it's expensive, but he might need to put it off for a bit. Blacktopping is not a requirement, but he still plans to do so. No discussion from the Board, no agencies or adjoining property owners. Close of Public Hearing 1:40 PM. **Motion** to approve Border Town RV Park Estates passed unanimously, subject to planning staff recommendations.

Lakeshore Permit – William Miller/Bull Lake. Lot 28 Bull Lake Estates – clean up debris and reseed with native grass and vegetation. All agencies that commented were in favor of the project. **Motion** to approve passed unanimously, subject to planning staff recommendations.

Lake Shore Permit – Mike Dever/Glen Lake – 1205 Pomeroy trail. Mr. Dever would like to reduce the existing sandy beach and remove a section of wall and plans to create a new rock wall and modify the existing rock steps alleviate erosion. The proposal is comparable to shorelines of adjoining properties. FWP had an opinion but agreed that the proposal was positive. Planning board approved the proposal 6 – 1. **Motion** to approve passed unanimously, subject to planning staff recommendations.

Lisa asked for working group to be formed to update 2009 regulations for changes. The new working group would review lakeshore, subdivision and flood plain regulations and would report to the Planning Board. Applications would be solicited from local realtors, surveyors, engineers and the public to form a diverse group of professionals who could bring multiple points of view to the table. Selection of the working group will be done by Lisa and Commissioners. Lisa will bring the updated proposal back to the Commissioners for approval on June 10, 2015.

RV Regulations suggested by Planning Board. Definitions covered RV parks and RV subdivisions. It covers addressing, landscaping, signage, roads and follow subdivision regulations while utility specifications follow DEQ. Lisa gave a summary of what DEQ requires, roads and solid waste, as well as minimum requirements. Lisa will prepare final draft for public hearing. Commissioner Peck suggested that copies of the final draft be sent to all Lincoln County RV park owners.

2:08 PM **Ken Rayome** asked to speak to the Commissioners – He is working to construct 3 ATV trail parks. He wanted to keep the Commissioners in the loop and solicited their input. He said that Lincoln County is the only county in Montana without any ATV trail systems. He is working towards putting in a trail system in the area adjacent to the Libby landfill. If it works well, he would like to also put one in the Troy area as well as the Eureka area as he feels that it would be a great way to draw in additional visitors to Lincoln County. He has information on how to make and manage the trails. Commissioner Cole asked about the length of the proposed Libby ATV trails. Mr. Rayome estimated that there would be at least 50 miles of trail with a day use area with picnic facilities. He said there is grant money and RAC money for construction and maintenance can be accomplished by volunteers and would be seasonal. The Commissioners offered their support and help as needed.

2:30 - **Allen Olsen** to speak to the Commissioners. Ann German, Bill Bischoff's attorney, asked to be allowed to sit at the table to record the meeting. She did not come to the table, but did record the meeting. Mr. Olsen started by saying that Bill Bischoff, Diane Davis, Robin Benson, and Allen Payne are all involved in an alleged issue that involves a ruling recently made by the Montana Commissioner of Political Practices against the members of the 2013 Libby City Attorney and the members of the 2013 City Council. Commissioner Cole interrupted to caution Mr. Olsen to take care and not say something that may compromise the ongoing complaint and investigation and to not use names. Mr. Olsen would like to see county personnel, at the very least, to be reprimanded for using county time concerning email streams from county employees. He would like to see the commissioners continue to move forward to make elections fair and secure. He will be working on recall papers for individuals involved, including Allen Payne. He is willing to produce copies of all paperwork he has for anyone to view, including depositions. He offered copies of papers to the Commissioners. Commissioner Larson left to make copies of an excerpt from a deposition he brought with him. Commissioner Cole told him that they are monitoring the on-going situation and Commissioner Peck stated that they are working towards being careful, methodical, legal and fair. Mr. Olsen said he would be happy to visit with anyone and would be happy to produce all paperwork.

2:37 – PUBLIC COMMENT PERIOD

Rob Hubbard – He does not understand why names should not be mentioned. He believes his issue is parallel to Mr. Olsen's. He indicated that he does have a lawsuit against the County and said that he walked into the Commissioner's office 4 years ago to find information, but didn't find any help. He told the Commissioners that he is in possession of many boxes of evidence that implicate past and present county employees – 5 of whom have left the county and asked the Commissioners if they would want the evidence he has. Commissioner Cole told Mr. Hubbard that they really could not comment as that lawsuit is active and still in process. Mr. Hubbard wanted to know what the Commissioners are going to do about actions that are still being taken by current employees. He used an example of altering 911 calls/logs. He said he didn't care about the liability aspect of any 'wrong-doings', but wants someone to investigate and provide remedy. Commissioner Peck asked for clarification from Mr. Hubbard on the alleged 911 recording times/police reports altered to be the same as recording time (original and fabricated)/evidence planted or moved/audio and video recordings of

officers/affidavits, etc. Mr. Hubbard wants someone to be accountable if someone within the county was wrong – if no wrong-doing is found, he would be willing to apologize and he thanked the Commission for listening.

Arlen Magill – stated that 2 complaints had come from the Commissioner of Political Practices – 1 finding of wrong doing and the second one will be filed with the County Attorney’s office tomorrow. He was asking for transparency of the Commission and any action they might take. Commissioner Peck made the differentiation between city and county jurisdiction and said that it was a legal matter. Mr. Magill wondered what would happen if fines, or other actions are taken by the Commissioner of Political Practice’s Office against city council members: two whom are also county employees. He appreciates the current commission’s transparency in dealing with issues.

Lee Bothman of the Kootenai Valley Record asked the commissioners what the type of jurisdiction was between a county employee and an elected official – both of which have been named in a finding against several members of the Libby City Council. Commissioner Peck replied that they only have jurisdiction over the county employee, but not the elected official.

3:30 ADMINISTRATIVE BUSINESS

Minutes of May 20, 2015 were read and approved by unanimous vote of the Board as written.

Rob Dufficy has been appointed by the Library Board of Trustees. Motion to approve from Commissioner Peck and Commissioner Larson seconded. Discussion ensued on advertising of positions and the interview process. **Motion** carried with a dissent by Commissioner Peck.

Commissioners signed letters of appreciation and thanks for 3 volunteer board members who had submitted letters of resignation. They are: Dale Smith from the Lincoln County Airport Board, Paul Tisher from the Lincoln County Planning Board and Henry Roy from the Fisher River Valley FSA Board.

Commissioner Larson will set up a time to meet with the Acting Regional Forester for Region 1.

3:47 Eureka Walk Path – CTEP project. Highway 37 Bike and Walk Path - Commissioner Cole said he is running into a snag. The cost estimate is considerably higher than what they have money for and comes to about \$100,000 more. The Eureka Road Foreman, Tim White, indicated that the project could not be worked on until fall. Commissioner Cole wants to know if the additional costs will be guaranteed. CTEP money is right at \$345,000. Discussion followed on bids, design and cost. Commissioners agreed that it is a worthy project and discussion was tabled pending additional information on other ways to lower costs.

Personnel issue discussed.

4:04 PM Meeting adjourned.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Leigh A. Riggleman, Clerk of the Board