

October 14, 2015

The Lincoln County Board of Commissioners met for a regular session on October 14, 2015, in the Commissioner's Office of the Lincoln County Courthouse. Present were Commissioner Mike Cole, Commissioner Greg Larson, Commissioner Mark Peck and Clerk & Recorder Robin Benson.

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

9:00 AM **CVFSA Petition:** Present were Alan Gerstenecker, Russ Bache, Robert Mast, Ron Miller, Bob Henline, DC Orr, and Nikki Meyer, Eureka via Vision Net.

Leigh Riggelman submitted a letter to the Commission stating that she has verified every signature on the petition that was submitted to the Election Department. There were 42 qualifying signatures. The requirement for signatures has been met pursuant to 7-33-2401 M.C.A. Commissioner Cole read a draft Resolution of Intent submitted by Robin Benson for review. Robin has sent the resolution to the County Attorney's Office for approval.

Robert Mast asked if the public hearing could be held in the old CVFSA building. Commissioner Cole said the Commission would take that under consideration. The Commission will schedule CVFSA for further discussion after the county attorney has reviewed and approved the resolution.

9:15 AM **Deputy County Attorney Discussion:**

The Commission received a letter to fill a vacancy in the county attorney's office. **Motion** by Commissioner Larson to authorize to begin advertising to fill the position of Deputy County Attorney. Second by Commissioner Peck, and so ordered upon consensus of the board. Commissioner Peck would like the opportunity for discussion in support of civil matters of the county. Commissioner Larson agreed and said the discussion should include defining a percentage of time for civil matters of the county.

9:30 AM **Public Comment Time:** Present were DC Orr and Alan Gerstenecker.

DC Orr discussed his candidacy for the upcoming City Council Election in November. Mr. Orr discussed the Allen Olsen residency issue and relayed his concerns about election fraud and if the county is taking safeguards about the electors vote. Mr. Orr expressed concerns regarding Election Administrator Robin Benson and that he wanted to hear from the Commission that it is aware of the residency issue and the findings of the Commissioner of Political Practices.

Commissioner Cole said that ensuring good election practices is part of his responsibility as an elected official.

Commissioner Larson said that he has full confidence in Robin Benson's integrity and ability as the County Election Administrator. Commissioner Peck said he does not know if the Commissioner of Political Practices has complete prosecutorial authority and reminded Mr. Orr that people are innocent until proven guilty and this issue has not been resolved yet. Commissioner Peck said that he is confident votes are not going to be tampered with.

Mr. Orr gave a brief history of his past and current dealings with EPA. Mr. Orr has been involved for many years and expressed his concerns about the recent announcement of the air being 10,000 times cleaner. Mr. Orr feels EPA has created more pathways than decreasing those pathways using Rainy Creek drainage into the Kootenai River as an example. The Commission thanked Mr. Orr for his comments.

10:00 AM **EPA Update:** Present were Mike Cirian, Nick Raines and Alan Gerstenecker.

Mr. Cirian said EPA is looking at December to complete the Record of Decision. EPA is still looking at and reviewing all the comments that have come in. The initial goal was to clean about 80 properties this year, but dependent on the weather, EPA could reach 103 properties. Mr. Cirian explained since the project is under budget, EPA is looking into cleaning some of the alleys and other small jobs. Asbestos Resource Program Director, Nick Raines is helping EPA make contact and visit with property owners who have refused clean up.

Commissioner Larson asked Mr. Cirian to clarify what "trace" means. Mr. Cirian said "trace" is defined as within the range of .2% down to non-detect in areas within the 25% rule. It means that an area around a tree or garden area can be left alone if the level is determined to be "trace" or less. Commissioner Larson explained his frustration of education to the public to understand "trace" and what it means. Mr. Cirian believes it is impossible to remove all asbestos, it is not reality. Starting January 1, 2016 there will be a last call for inspections combined with providing the property owner with important information. Commissioner Peck suggested that in November or December there should be a coordinated effort, non-technical feature story in local newspapers about what last call actually means so the homeowners can make informed decisions. Commissioner Cole agrees that people need to understand last call and what being put on the refusal list actually means as a property owner. Nick gave a brief overview of the process by the Asbestos Resource Program when property owners call his office about asbestos related questions, inspection and investigation and funding questions leading up to a recommendation to EPA for follow up or removal.

Mr. Cirian discussed the survey returns by property owners after cleanup has been completed and said there has been a 40% return. Mr. Cirian expressed that he is well pleased with the returns and that most returns fall into the very satisfied to satisfied category. It is worthy to note that there are about 700,000 man hours worked without a lost time accident. Over 100,000 of those hours from 2015.

11:00 AM **FWP/USFW Monthly Meeting:** Present were Kim Annis, Tonya Chilton-Radandt, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

Kim talked about the black bears that have been seen and removed from town (Libby) and residential neighborhoods. The bears are non-aggressive but are in these areas due to easy access to food. Kim is setting traps and mentioned two bears that were removed only to have new bears come into the same area the following day. There are abandoned cubs roaming in local areas and there are multiple reasons as to why cubs become separated from their mothers. There was a report of one grizzly bear up Snowshoe Road which has been caught, collared for tracking and relocated to the Cabinet Mountains.

Kim said that once the dumpsters were removed on Bull Lake Road, all calls of bear activity in that area ceased. Commissioner Larson talked about finding alternative waste disposal sites and stated that once the bears go into their hibernation, the waste disposal site will be put back at the Halfway House on Bull Lake Road. Kim talked about some of the difficulties of land solutions regarding conservation easements and private properties. Commissioner Larson discussed the issues in Troy regarding waste disposal sites and bear activity. Kim suggested she could visit with the Troy City Council for further discussion. Kim talked about grant proposals and the fund raising process for the construction of fencing for these problematic bear/dumpster sites.

Commissioner Cole asked about the bluetongue and other related deer diseases that is being reported in North Lincoln County. Tonya said bluetongue can affect cattle as well as sheep. There have not been bluetongue issues in Libby, but there is not as much cattle as there is in the Eureka area and Eureka is a drier environment. In dry seasons sources of water become an area that infected deer, cattle and sheep may congregate together which contributes to the spread of disease. Tonya said this is an issue that MFWP is taking seriously but informed the commission that typically the disease dies off in one season.

**1:30 PM Planning Department/RV Regulations Public Hearing:** Present were Lisa Oedewaldt, Deb Blystone, Jake Mertes, and Alan Gerstenecker.

Lisa gave a brief overview outlining current RV Regulations, and 2014 Proposed RV Regulations. The 2014 proposed regulations were held up because an "RV Park" and other related terms first need to be clearly defined. Lisa presented a PPT explaining definitions for RV, RV Park and RV Subdivision as well as the 2015 Proposed RV Park Regulations. The discussion included topics on RV space/lots, parking, size of RV Lot (based on DEQ standards), RV Pads, density, setbacks and natural visual buffers, addressing, dust, erosion, noise, roads and signage. There were no public comments. Public Hearing closed. Public hearing will be reopened at 1:30 PM, October 21<sup>st</sup> in Eureka.

**Nelson Family Transfer:** The County Planning Department received a request for family transfer located off Black Lake Road, Eureka. The Exemption Review Committee met and determined that there did not appear to be an attempt to evade subdivision review. **Motion** by Commissioner Larson to approve request to use exemption subject to conditions and based on the findings in the planning staff report. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.

**Dibbern Family Transfer:** The County Planning Department received a request for family transfer located off Sherman Creek Road, Eureka. The Exemption Review Committee met and even though there was a quitclaim deed removing one of the parties, which is historically used as evasion; it was determined that this instance was not evasion but a means to get mortgages in order to build their homes as originally planned in 2014. There did not appear to be an attempt to evade subdivision review. **Motion** by Commissioner Peck to approve request to use exemption subject to conditions and based on the findings in the planning staff report. Second by Commissioner Larson, and so ordered upon unanimous consent of the board.

**Final Plat Lake Creek Ranch Phase II:** Lot 1 of Lake Creek Views Subdivision located in the SE4 Section 17, T30NR33W. All conditions have been met. **Motion** by Commissioner Larson to grant final plat approval subject to conditions and based on the findings in the planning staff report. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.

**Final Plat Cedar Hollow Subdivision:** Located in E2 of Section 29, T34NR34W. All conditions have been met. **Motion** by Commissioner Larson to grant final plat approval subject to conditions and based on the findings in the planning staff report. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.

**2:00 PM Study Commission Board Vacancy:** John Righter and Gary Neff applied for the board vacancy. The Study Commission discussed the applications and recommends John Righter to the County Commission for approval. **Motion** by Commissioner Larson to approve John Righter to the Lincoln County Government Review Board. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.

**2:30 PM Robin Benson Clerk & Records Office/Records Management:** Present were Ric Kesling, Bob Henline and Nikki Meyer, Eureka via Vision Net.

Robin proposed a new scanning system to the Commission that she would like to purchase and implement to improve the records management within the Clerk and Recorder's Office. Improvements to records management is a benefit to the county and to the citizens of Lincoln County. Robin expressed that she feels records management is a high priority as one of her responsibilities as Clerk and Recorder; history is the basis for future decisions. After much research, Robin and IT Director Ric Kesling selected Laserfiche Avante with an initial cost of \$12,133. This software has optical character recognition which is vital to locating documents quickly and efficiently. The public and office staff can search for documents within moments by entering key word text. The cost for two people to come to Libby for one week to install, scan and train will be approximately \$7,000 to \$10,000. Additional storage software will be \$5200. Total initial cost is around \$27,000. There is close to \$85,000 in the records preservation fund. One dollar for every \$7.00 recording fee goes into the records preservation fund. It has been building for many years and it is time to utilize these funds to maintain, store and retrieve county records. We are in the technology era, its time to update our process. The annual maintenance fee is \$3495, well under the yearly amount going into the records preservation fund. It's a large, messy undertaking but it will have such a huge, positive impact to get over 30 years of paper files into an organized system. Commissioner Peck suggested contracting out a temporary employee to continue the scanning of many years of paper files. Scanned images will be commission minutes, contracts/agreements, county ordinances, resolutions, to name a few examples going back many years. Lets just do it right and get it done. Robin agreed that she does not have the staff to do this very large job and still maintain the everyday work and high activity in the Clerk and Recorder's Office. **Motion** by Commissioner Larson to allow Robin to spend up to \$30,000 from the records preservation fund. Commissioner Peck said he does not want to limit the cost. Since the funds are available, Robin should spend appropriately to get the job

done. Motion died from lack of a second. **Motion** by Commissioner Larson to approve proposal as presented for the Laserfiche Avante software program, and scanning expenditures without limiting the cost within the records preservation fund. Second by Commissioner Peck and so ordered upon unanimous consent of the board. The Commission agreed that this is big step in the right direction.

**3:00 PM Community Action Partnership of NW Montana:**

Robin said she received an email about attaining a support letter. The Commission did sign a letter of support on October 8 for the Community Services Block Grant Program.

**3:15PM Budget Authority/Move Fund 2972 Asbestos Resource Program:**

Robin discussed the meeting held last week with Commissioner Mark Peck, Allan Payne, County Auditor Bob Denning, Nick Raines and Kathi Hooper.

After discussing the ARP Program and its association with the City/County Board of Health, Auditor Bob Denning suggested changes appropriate for the county accounting system and process. The EPA grant is not a county federal grant, but is hosted by the City/County Board of Health. The Board of Health has registered with the state and the grant will be managed by the City/County Board of Health instead of it being a county fund. The City/County Board of Health will contract county services to run the Asbestos Resource Program. Bob Denning will help Robin set up the fund appropriately to meet federal law and the grant guidelines.

**3:30 PM Flower Creek Trails and Biatholon:** Present were Ben Scott, Nick Raines, Tina Oliphant, Bill Pepper and Alan Gerstenecker.

Ben Scott talked about his passion for mountain biking and other outdoor recreational activities. Ben has been researching other communities that have transferred into a more recreational base. Trail infrastructure starts in town and then goes out to other trail systems. Ben discussed his ideas about non-motorized recreational users of the forest. There is big money in grant programs that foster trail projects. Ben is working with a group to come up with a multi-use trail project similar to other counties who have already established a recreational trail system. Some of the non motorized users are cross country skiing, back country horseman, mountain biking, ATV Club, and hikers. After the group becomes more established and organized, he would like to see the commission write a letter of support which would be beneficial for the grant writing processes. Commissioner Peck discussed the potential for special use permits with the forest service that may benefit the group with their planning. Ben presented a map of a Troy Community Mountain Bike Plan for Troy. Commissioner Peck stated the importance of communicating with other groups and organizations and understanding what others are doing so we are not competing with each other and we can all share ideas and resources. Ben feels there is enough interest from various different recreational groups to see this through. The group would like to attain a 501-(c)-3 status necessary for the grant process and attain funding to move forward. The idea is to come together as a group of small clubs to form a large group to form and create an actual plan before approaching the forest service on how to make this happen. Commissioner Peck stressed the importance of improving the communication between groups and becoming well organized prior to any presentation. We need to realize the investment that will be required on our end. The Commission commended Ben Scott for his time and efforts to organize this project.

**4:00 PM Kathi Hooper/County Health Department:** Present were Dr. Brad Black, Vic White, Nikki and Micki, Jeannie, Eureka via Vision Net

Commissioner Cole stated this meeting is to continue the discussion about growing and improving the County Health Department. Kathi said the restructure would require a full time public health manager position, designating Jennifer McCully for this position who already has her Master's Degree in public health. Kathi is asking for a budget increase to make this transition. The Asbestos Resource Program would hire a new employee to replace Jennifer's current position which is totally grant funded. Commissioner Cole feels that we should engage the public to discuss what their benefit to growing the county health department would be. Kathi said there are gaps and needs that should be addressed. Dr. Black mentioned the gaps and current need for a broader Immunization program, home visits and elderly care, flu clinic, to name a few, as well as increased education about communicable disease; these are big things for the community. Carmem talked about the necessary change from competitive health care to cooperative health care. There needs to be one place for the public to go to learn about resources available. The public has questions and needs guidance about Medicaid, assisting with applications and other medical information, to learn about preventative care resources, screenings and testing resources. There needs to be an office to coordinate these resources with people who know what and where these resources are.

The Community Health Assessment was extensive and its results showed a lack of county health services was in the top three. Commissioner Peck expressed that a core role of county government is to provide public safety and public health. Micki said that she would like to offer more immunizations in the south end of Lincoln County and that she is currently conducting home visits for infants and toddlers. Micki expressed that she has wanted to build this triangle for several years so that we are not duplicating, but instead, we are all working together.

Carmen feels that it will be critical on how this is presented to the public. Dr. Black said this is an effort to improve the county's health care system.

**Motion** by Commissioner Peck to approve the restructuring of the department as proposed with the new position of a full time public health manager and moving Jennifer McCully into this position. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

**4:45 PM Administrative Issues:** Commissioner Peck absent.

- The Commission read the minutes for October 7, 2015. **Motion** by Commissioner Larson to approve the minutes as submitted. Second by Commissioner Cole, and so ordered upon unanimous consent of the board.
- Robin submitted a request from the Western News for advertisement in a brochure it is creating. The Commission said to thank the Western News but the county is spending money mainly on Pubic Notices for county business at this time.

4:45 PM The meeting was adjourned

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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