

January 13, 2016

The Lincoln County Board of Commissioners met for a regular session on January 13, 2016, 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 Larson **opened the meeting** with the Pledge of Allegiance.

9:00 AM FWP/USFW Monthly Update: Present were Wayne Kasworm, Kim Annis, Alan Gerstenecker, and Bob Henline. Kim said she would give a visual PowerPoint presentation that will highlight bear activity in 2015. Kim and the Commission discussed the options to have some dumpsters replaced with bear proof containers, fencing options, and the option of having some of the dumpsters removed in the summer/high bear activity time and then putting them back during the winter months. The Environmental Health Department has been working on permitting to have some dumpsters replaced with bear proof tops instead of replacing the entire dumpster. Kim explained the grant cycle and fund raising efforts she could help with towards bear mitigation. The group discussed possible places for new sites on Highway 56 and Fisher River Road. The Commission agreed to have further discussions about dumpster sites in the county and bear activity mitigation to help prepare for spring/summer of 2016. Kim is working with Kootenai Disposal about providing bear proof options to its customers. Kim explained her outreach and educational efforts to the public relating to bear activity in residential neighborhoods, especially the attractant of fruit trees. Wayne reported about the bears that were moved to other locations and bears that were killed within the county in 2015.

10:00 AM EPA Update: Present was Mike Cirian, Allen Olsen, D.C. Orr, Alan Gerstenecker, and Bob Henline. Mike Cirian said he is hopeful the ROD will be signed by the EPA Regional Administrator this week. Mike said EPA is trying to pull the final numbers on properties who have refused to have investigations completed on their property and is currently working on last call for investigations. There are approximately 700 properties in this category which is less than 10% of total properties. EPA is preparing for the construction season and the goal is to work on 150 properties in 2016. Commissioner Peck said he has been assured that local government will have a lot of input regarding institutional controls. Commissioner Peck discussed the efforts by the Commission and the City/County Health Board to attain public input regarding institutional controls. Commissioner Larson shared his concern of the impact to the county when EPA leaves, especially regarding the money (guesstimate approx. 9 million) that goes into the county from the clean-ups and other EPA related activities.

11:00 AM Public Comment Time: Present were D.C. Orr, Alan Gerstenecker, and Lisa Oedewaldt. DC Orr gave a brief description about himself. He discussed the previous EPA Update meeting and questioned where EPA gets their air quality data. Mr. Orr talked about the contamination issues in Libby and his business working with the contaminated areas. Mr. Orr talked about the Family and Partnership building and how Mike Cirian never found any contamination there. He is aware of what the EPA has done in Libby and those institutional controls that will be left behind. Mr. Orr expressed he is upset that the City will not report what goes on in the City/County Health Board meetings and has concerns about the citizens not receiving information about what is going on with the EPA. Mr. Orr said he has issues with Dr. Brad Black being on the City/County Health Board in regards to being the CEO of the CARD Clinic. Mr. Orr said he has requested his property looked at by the EPA, and the EPA has never responded. He stated the EPA used contaminated soil for eight years to replace the contaminated soil and the public does not know about it. Commissioner Peck asked Mr. Orr if the EPA has ever contacted him about his property being cleaned. Mr. Orr stated that they have not. Mr. Orr stated that EPA sent a request for unconditional access on his property, but he would only give the EPA conditional access, not unconditional access. Mr. Orr stated that Alan Payne is paid by the EPA, and is the Attorney for the City and feels that is a conflict of interest. Mr. Orr asked for the Commissioners to fight for the people of Libby.

Lisa Oedewaldt gave an update on the Disaster Emergency Declaration. The county can only use overtime and gas for the cost of the disaster, not regular time. Lisa stated the cost of the disaster was \$127,539. The estimated state assistance is \$64,294.23.

11:30 AM Lisa Oedewaldt/Planning Department: Also present was Deb Blystone and John Damon.

- Deb submitted new county road books for Libby, Troy, Eureka and unincorporated areas. The books are available to the public for purchase. The road books are updated annually.
- Preliminary Plat Review/Triple Rock 3 Subdivision located in Section 19 T31N, R33W. Developer is Bonny Larson; Surveyor is John Damon, KSI. The developers intend to create 1 additional lot from the 9 acre parcel; Lot 2 is existing with access, structure and facilities. The Lincoln County Planning Department recommends approval for Rock 3 Subdivision subject to Planning Staff recommendations. **Motion** by Commissioner Larson to approve Triple Rock 3 Subdivision subject to Planning Staff conditions and recommendation. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.
- Final Plat Approval for Echo Flats located in the SE4NW4 Section 8 T30N R33W. Plat Map #7122. **Motion** by Commissioner Larson to approve Echo Flats Subdivision subject to Planning Staff recommendations. Second by Commissioner Peck and so ordered upon unanimous consent of the board.

1:00 PM Administrative Issues:

- **Support Letter for Museum:** **Motion** by Commissioner Larson to sign a letter on behalf of Lincoln County in support of the Museum, Inc. application for a Montana History Foundation (MHF) education and outreach grant for a Strategic Plan for the rebuild, operation, and public exhibition of the 1906 Shay #4 Steam Locomotive and the 1876 Ringling Bros combination passenger/baggage car. Second by Commissioner Peck and so ordered upon unanimous consent of the board.
- **Em-Kayan Water/Sewer District:** The County received a letter from the Em-Kayan Water/Sewer District Board to appoint Jay Forsythe and Dean Byrns and to reappoint Art Pankey to the Em-Kayan W/S Board. No other

applicants were received from the board vacancy advertisement. Letters of Interest were received from Art Pankey, Jay Forsythe, and Dean Byrns. **Motion** by Commissioner Peck to appoint Jay Forsythe and Dean Byrns and to reappoint Art Pankey. Terms will expire on December 31, 2018. Robin reported that board vacancies are also advertised during the billing cycle on area resident's water/sewer bills.

- The Commission read the minutes for January 6, 2016. **Motion** by Commissioner Larson to approve minutes as submitted. Second by Commissioner Peck, and so ordered upon unanimous consent of the board.

1:30 PM **Clerk and Recorder Mid-Year Update:** Present was Alan Gerstenecker and Marc McCully.

Clerk and Recorder Robin Benson reported on the status of budgets now that we are about 58% through the budget year. The Sheriff Charges budget will need to be amended at year end due to the fire season. The Cost Allocation Plan has been updated and will also be included in the year end amendment for FY 15/16. Robin is waiting to find out if EPA will approve ARP to be included in the Allocation Plan before presenting it to the commission.

Robin asked about the process to create and adopt a county Capital Improvement Plan/Policy. Marc McCully agreed this is something the county needs to begin working towards. To help the process, Commissioner Peck said he will visit with Flathead County about their Capital Improvement Plan and said it would be a good resource and starting point.

Robin informed the commission the Laserfiche Records Management System is implemented and running. IT Director Ric Kesling is downloading all the commission minutes and Robin has been putting in resolutions. Employees in the Clerk & Records office are currently being trained. There was a brief discussion about contracting out imaging services to get older documents into the system quicker. Robin said Lisa Oedewaldt has submitted a grant that would help with contracting costs. We will know by July if the grant is successful. Robin said she would like to apply to the 2016 Montana SHRAB Student Archivist Program to have an intern student conduct inventory of old maps and present a plan on how to better preserve them, with a long term plan for public viewing of old historical maps of the county.

Robin said last year's district board training was well received and recommended another District Board Training for 2016 in April. Commissioner Peck feels the county should offer this on an annual basis. Some topics of discussion will be Board Membership Policy, Capital Improvement money/cash reserves and other related budgeting questions as well as open discussion. Robin will get back to the commission on dates and formulate a letter that will go out to all District Boards asking them to submit feedback on what topics/questions of discussion they would like to review during the training.

2:00 PM **Easement-Libby Creek Kootenai Surveyors/Noble:** Present were Chris Noble, Lisa Oedewaldt, Deb Blystone, Marc McCully, Byron Sanderson, and Alan Gerstenecker.

Chris Noble is here to propose an easement along Libby Creek to change the irrigation channel. Change to a pipeline instead of an open ditch. Chris supplied maps and a set of plans to show the commission the area affected by the proposed changes. Shared water rights are between Crazy Man LCC and Beebee's property. The main reason is there is a lot of water loss with the current open ditch. Slash, gravel, and/or any damage would be repaired and left in better condition. Commissioner Peck suggested setting up a meeting with Chris Savage to discuss the process moving forward. **Motion** by Commissioner Peck to grant use of the county easement within the right-of-way contingent upon a maintenance agreement and the Forest Service release of easement. Second by Commissioner Larson, and so ordered upon unanimous consent of the board. Chris Noble will draft a maintenance agreement.

2:30 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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