

**JUNE 29, 2016**

The Lincoln County Board of Commissioners met for a regular session on June 29, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Mike Cole, Commissioner Greg Larson, Commissioner Mark Peck and Election Administrator, Leigh Riggleman.

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

9:00 AM **Kootenai Business Park - Public Hearing on Zoning District and Zoning Regulations:** Present were Lanette Windemaker, Brett McCully, Janet Cornish, Tina Oliphant and Alan Gerstenecker.

9:00 AM

- **Resolution of Intent 973** - Port Authority has hired Community Development Services. Lanette Windemaker, from AICP, is a planning consultant from Bozeman, MT. The meeting was to discuss and sign Resolution of Intent 973 to create the Lincoln County Port Authority Zoning District and Adopt the Lincoln County Port Authority Zoning Regulations with Map. She said that there had been a large amount of noticing done: the business park area was posted, 2 newspaper notices for Public Hearing and the proposed regulations went to Planning Department for approval. If the Resolution of Intent is passed, then a 30 day protest period from people within the district begins. After the 30 day protest period ends and depending on any response, the Commission has another 30 days to adopt the final resolution. Commissioner Larson asked how it would affect the zoning if the moto-cross or other recreational entity decided to leave. The Zoning Regulations were written to be fairly flexible and open to many possibilities and set up so that the Port Authority is the administrator unless the Commissioners have another preference. The Port Authority is trying to work on getting a road access for the southern portion – which has been designated as a recreational space but does not exclude other uses. Commissioner Peck moved to approve Resolution of Intent 973 to create the Lincoln County Port Authority Zoning District and adopt the Lincoln County Port Authority Zoning Regulation with map pursuant to 76-2-201 et seq., MCA. Commissioner Larson seconded and the **Motion to approve** carried unanimously.

9:30 AM

- **Kootenai Business Park - Targeted Economic Development District (TEDD)** - Janet Cornish, CDS of Montana. TEDD enables local government to set aside taxes to encourage secondary, value-added economic growth by providing a financial mechanism to install necessary infrastructure improvements. Montana State Law says that you must pass a resolution that there is necessity – which the Commission authorized several months ago. The next step is to hold public hearings and law requires that all property owners must be sent a certified notification letter. An ordinance must be adopted for the TEDD district 30 days after the TEDD is adopted, the packet of information goes to the State of Montana which will work with local Revenue office to finalize details. Commissioner Cole asked what the difference between a resolution and ordinance and a provisional ordinance and an ordinance was. Lanette Windemaker believes that ordinances deal with taxes. Alan Gerstenecker commented that his thoughts were that resolutions are not legally enforceable and ordinances are enforceable, but that it was strictly his opinion. Tina Oliphant said that several key items had to happen: The rail spur upgrade, superfund delisting and the TIFID (Tax Increment Financing Industrial district were all important factors that needed to be in place to facilitate forward movement. **Ordinance 2016-1** uses January of 2016 as the base year for the purposes of calculating the tax increments. It designates the Kootenai Business Park Targeted Economic Development Area, Creating the Kootenai Business Park Targeted Economic Development District and Adopting the Kootenai Business Park Targeted Economic Development Comprehensive Development Plan with a Tax Increment Financing Program Pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated. Commissioner Larson moved to pass Ordinance 2016-1 as read, Commissioner Peck seconded. There were no comments or other discussion and the **Motion to approve** carried unanimously.

10:00 AM **Nancy Trotter Higgins, Lincoln County Treasurer** delivered the monthly treasurer's report. Present were Alan Gerstencker and Nikki Meyer via VisionNet from Eureka. This month is out of balance \$3,485.14 but she believes that it will resolve itself next month. Commissioner Peck asked about the 2300 – Sheriff's fund and the transfers that were taken out but Nancy said that they were not from her department. She has talked to Roger Cox who is with Raymond James Investments: the market has turned volatile and interest rates and investments were a bit uncertain. 1.77 million dollars has been called and interest will be reinvested as soon as something appropriate comes up. She is in negotiations with Glacier Bank for money in the money market accounts and she is considering dividing the amount to STIP accounts, but no decision has been made. Commissioner Peck expressed concern that the next Treasurer will not have her degree of knowledge. She hopes

that continuity and training will make the transition easier. Lincoln County Transportation Committee meeting is scheduled for July 7, 10:00 AM in the Lincoln County Conference Room and asked that one or more of the Commissioners attend. She also explained the process of taking property on which taxes have not been paid. Individuals or county can send notification to take delinquent tax lien sale and that a lien can be filed on the property. There is a process that must occur in a 36 month period after the assignment. Commissioner Larson asked about income potential. Nancy believes there is definitely the ability for the County to use this process as a potential income producer. There would be additional work because of the notification process and title search process. Discussion on the entire process was discussed as to whether the county should be in the business of attaching delinquent properties to generate revenue and the idea was something to take under consideration.

#### 10:30 AM **ADMINISTRATIVE**

- **June 22, 2016 and June 23, 2016 Minutes** – Commissioner Larson moved to accept both set of minutes with corrections. Commissioner Peck seconded. **Motion to approve** carried unanimously.
- Dallas Wamsley needed a contract signed for the Leavitt Great West Insurance Services and appoints Brent Schwab as the insurance representative and producer of record for all matters relating to and concerning Lincoln County's health insurance. Dallas said that Brent is coming next week to discuss what can be done for the county employees. EBMS needs a signature for the flex plan for last year's flex plan. Commissioner Larson moved to accept and sign the Flex Plan. Commissioner Peck seconded. **Motion to approve** carried unanimously.
- Wendy Drake – Emergency Disaster Fund is over by \$107,819.36 and must be fixed by July 1. Her suggestion is to take it from PILT and repay after taxes. Commissioner Peck moved to pay the overage from PILT. Commissioner Larson seconded. **Motion to approve** carried unanimously.
- There is no follow up on the letter and meeting with Henry LaSala
- Kootenai Country magazine is a new business starting up. Bob Henline emailed Clerk and Recorder, Robin Benson asking if Lincoln County might want to take out an ad. The request was taken under advisement.
- The contract for the Hospital Provider Agreement for Emergency Detention Patients for Pathways Treatment Center needed signatures. Commissioner Larson inquired as to how much has been spent and what department pays. In the 2015-2016 fiscal year, there was nothing paid to Pathways, however additional information may be available.

#### 11:00 AM **PUBLIC COMMENT** - No Public Comment

11:30 AM **PUBLIC HEARING for Troy Road Shop Purchase** – Dallas Wamsley, Seaborn Larson, Lisa Oedewaldt present. Lisa asked how long it's been advertised in the paper, whether the land purchasing price has been negotiated, that the land has been appraised and the appraisal is market value and asking price. All requirements have been met. The property is located directly behind the Troy Road Shop and would be used for expansion of the Troy Shop area. Located at 202 Sunrise Road, the property is ½ acre, appraised at 63K, but the house on the property would have to be removed. Commissioner Cole noted that, with the county cutting costs, is it a wise direction to be beneficial to the county in the future. Libby and Eureka road department shop areas are much larger than Troy. The department does have that money in their budget. Commissioner Peck moved to approve going forward with the purchase of the land adjacent to the Troy Road shop and to continue the Public Hearing until further information is obtained. Commissioner Larson seconded. **Motion to approve** carried unanimously.

1:00 PM **COLA DISCUSSION** – Dallas Wamsley present. An Elected Official meeting had been held where a 1% COLA was approved for elected officials. Discussion of the same 1% COLA for hourly employees means an expenditure of approximately \$60,000 and will raise contributions the same 1% amount. Commissioners have the option of any increase or not. An 1% increase plus the increase in insurance is a substantial amount. Dallas said that insurance rates are based on the number of family based insurance rates. Self-funding insurance would mean lower rates, but would require a reserve fund but money would have to be found for this purpose. Commissioner Larson moved to fund 1% COLA for hourly county employees for the fiscal year 2016-2017, Commissioner Peck seconded. **Motion to approve** carried unanimously.

1:30 PM **PLANNING DEPARTMENT** – Lisa Oedewaldt, County Planner, Tina Oliphant and Alan Gerstenecker present.

- **COURT ORDERED SURVEY for Deshazer/Briskin** – Stewart Briskin DBA South Libby, LLC and Jack Deshazer are proposing a court ordered split to dissolve the Jack's interest in the partnership. Property near the Libby airport was surveyed and property will be divided by the court. Commissioner Peck moved to approve court order split of the LLC, Commissioner Larson seconded. **Motion to approve** carried unanimously.

- **LAKESHORE APPLICATION for Montana State Logan Park on Middle Thompson Lake** – The State of Montana came in for a variance as the dock at Logan State Park is not ADA compliant. The dock is also old and needs to be replaced. They want to be able to have boat slips for visitors and be ADA compliant. Lisa believes there will be no hardship and no alternative as the dock must be replaced and the dock approach upgraded as it already exists. There will be no adverse impact as the boats will be further out which will decrease turbidity. No environmental impact as the dock has always been there and will be extended. Commissioner Cole wanted to know if the longer dock would be detrimental for navigation and Lisa indicated that the length of the dock would not be detrimental. The walking path that approach will be rock and gravel. The Planning Board has reviewed the application and has approved. Commissioner Peck moved to accept the variance request and permit. Commissioner Larson seconded. There was no further discussion and **Motion to approve** carried unanimously.
- **Review of Resolution 968** which has replaced Resolution 804. This resolution updates the policy for the standardization of property addresses, road naming and road signage for private roads in Lincoln County. The County Attorney has reviewed and suggested his changes. If Resolution 968 is accepted, public hearing will be scheduled for Libby, Eureka and Troy. Commissioner Larson asked if Alan Gerstenecker from the Kootenai Valley Record might do a news story to inform the public on how important it is to use the correct addresses to help the County Emergency Service Agencies. Commissioner Peck moved preliminarily to accept Resolution 968 and to proceed with public hearings in each community. Commissioner Larson seconded and no discussion followed. **Motion to approve** carried unanimously. Commissioner Peck clarified that the policy can be changed if needed.
- **Growth Policy/CEDS Grant Opportunity** with Lisa Oedewaldt and Tina Oliphant (KRDC/Port Authority) – Lisa would like to hire a consultant to help with revisions and updates for Growth policy which was written in 2009. A CDBG grant could cover some of this at a rate of 1 to 3 of hard match. Growth policy and a tiger grant Federal Transportation/infrastructure would go hand and hand. No consultants locally, but Kalispell or Missoula s a good possibility. Commissioner Larson wanted to know costs associated with the request. Lisa said that they need to find a consultant for an estimate before costs can be figured, but she figured an estimate of \$25 - \$50 for each and intends to ask for buy-ins from other entities. Tina reminded that they need to be aware of the next step after the policy has been written. Commissioner Peck said that, ideally it needs to be written as a usable tool. Commissioner Peck moved to go forward with the perusal of grants for economic development. Commissioner Larson seconded. **Motion to approve** carried unanimously.

2:00 PM **PRELIMINARY BUDGET ADOPTION** – Robin Benson, Clerk and Recorder present. Robin will be updating budgets over the weekend and will not have information until next week and gave the Board her list of things that must be done. Friday budget meetings will be scheduled with department supervisors on July 1, 2016 from 9 AM to Noon. She recommends the commissioners formally note the July 1 date to go ahead per 7-6-4025. Commissioner Larson moved to approve expenditures for all departments from July 1 until final budget adoption is approved per 7-6-4025 and that final budgets have not been approved. Commissioner Cole seconded. **Motion to approve** carried unanimously. PILT received \$635,059 for fiscal year 2016-2017. She has final audit report which was very good. She also talked about the 2015-2016 allocation plan that had been put on hold to see if ARP would have allocated funds. Old plan was only updated to the 2800 funds and the auditor told Robin to update the rest of the funds. The road department has been over-allocating and the sheriff and landfill departments under-allocating and an amendment for 2015-2016 for those funds must be done. Commissioner Peck wanted to know how long this has been happening. Robin said that they are being refigured back to 2012. Commissioner Peck moved to accept Resolution 972 which authorizes adoption of the Indirect Cost Allocation Plan as proposed. Commissioner Larson seconded. No discussion and Robin will adjust accounting for unanticipated cost as needed once the budget is closed. **Motion to approve** carried unanimously.

2:30 PM **EPA UPDATE** – Shaun McGraff – District 8 regional administrator for the EPA was present. Also present were: Rebecca Thomas, Christina Progress, Mike Cirian, Deborah McKean, Seborn Larson, Brett McCully, Nick Raines, Kathi Hooper, Doug Roll, Jenny Chambers, George Matthews and Jennifer Hornson Lone. Shaun McGraff wanted to let the Commission know that the asbestos clean-up is getting close to being finished. Folks need to make a deadline of July 29<sup>th</sup>, 2016 to sign up for investigation of asbestos contamination with absolute last call of March 29 of 2017. He is hopeful that all clean-up will be finished by the end of 2017. He said that the public needs to know that there is a firm deadline for clean – up and that strategy needed to be discussed for additional public education. Commissioner Peck wanted to be organized and have a very well-coordinated strategy and effort to make the exit as smooth as possible. Mike Cirian has had zero call backs and that people seem happy with the clean up results. Shaun asked if there is anything that the EPA could do for the County. Commissioner Peck brought up inconsistencies on how the ARP grants were allocated and that a payback will be needed and

how that will occur. Rebecca Thomas said that ARP reallocation is in process and details are being finalized. Mike Cirian thought that they would be able to get a 120 properties finished this year, but it looks like it will be closer to 150 and they plan to continue as long as possible in the fall so that there will be approximately 90 properties to finish up in 2017: however, there might be more with the properties that may still need to be investigated. He said that there are still 400 refusals from property owners that may still change their minds about having their properties investigated for asbestos contamination. Rebecca is committed to IC steering committee to make it happen and putting it together is moving slowly forward, but the hope is that it will be another 2 weeks before the committee positions will be filled. Community Outreach was done in March and 23 citizens were contacted; most feedback was positive. Jennifer Hornson Lone talked about the Community Involvement plan on website and it will be in the papers next week. Action plan is to focus on additional social media coverage. Christina Progress updated the Commission on OU3 which has a longer timeframe than anticipated. Agencies are coordinating and developing response plans for wild fire season. There is concern for asbestos in fire or smoke being deposited in town or in other areas and the coordination includes responsibility for response, communication and information dissemination to provide updated documents. They would also like to have a simulation for response and feels ahead of the game. OU3 feasibility study – they are working with WR GRACE to provide additional information and dates as well as technologies for further clean-up issues and contamination mitigation. They are also looking at impact of wood stove ash from wood/bark being burned and then cleaned out the woodstove. The work is going well but it is very complicated and time consuming. Commissioner Peck attended a long term funding meeting in Helena with Nick Raines. He feels that there needs to be a long term cost analysis that is based on number of homes left in the community. Jenny Chambers commented on budget projections to figure out how to maintain the program. Senate Bill 20 was passed to maintain funds and to develop a trust fund to be managed for allocation for specific purposes. Commissioner Cole expressed appreciation for all the hard work that is being done for clean-up.

3:30 PM **BID for Legal Advertising** – 2 bids received. Kootenai Valley Record and the Western News.

**Kootenai Valley Record –**

\$ 1.80 per folio for first insertion and \$1.50 thereafter.  
 \$3.00 per column inch for display ads.

**Western News -**

\$3.30 per folio for first insertion and \$2.70 thereafter.  
 \$3.50 per column inch display ads.

Commissioner Larson asked Alan about Kootenai Valley Record Circulation. Alan estimated that there was 3000 per week but that he would check with Lee Bothman. Commissioner Larson remarked that both bids met the criteria of the bid. Commissioner Larson moved to accept low bid of Kootenai Valley Record. Commissioner Cole seconded. **Motion to approve** carried unanimously.

3:45 PM **BID for Gas and Diesel** – 2 bids received. Golden State Oil and Moore Oil

**Golden State Oil – Libby and Troy**

#1 diesel @ \$2.1707      #2 diesel @ \$1.8489      unleaded @ \$1.7726

**Moore Oil - Troy**

6 cents over OPIS

There were no bids for Eureka. Commissioner Cole would like to take the Gas and Diesel Bid under advisement.

4:00 PM **BID for Gravel** - 2 bids received. Remp Sand and Gravel and Ward Crushing

**WARD CRUSHING**

**REMP SAND & GRAVEL**

Libby ½ inch	\$ 6.16	\$ 3.54
5/8 inch	\$ 6.16	\$ 3.50
1 inch	\$ 5.49	\$ 3.25
½ inch clean chips	\$13.27	\$10.00
3/8 inch clean chips	\$25.00	\$14.25
AIR QUALITY	\$30.00	\$12.50
Troy ½ inch	\$ 6.50	\$ 3.65

5/8 inch	\$ 6.50	\$ 3.50
¾ inch	\$ 5.80	\$ 3.35
1 inch	\$ 5.30	\$ 3.15
½ inch clean chips	\$13.61	\$12.50
3/8 inch clean chips	\$25.34	\$14.25
Eureka ½ inch	\$ 9.00	\$ 3.70
5/8 inch	\$ 8.20	\$ 3.50
¾ inch	\$ 7.25	\$ 3.35
1 inch	\$ 6.80	\$ 3.15
½ inch clean chips	\$14.81	\$12.50
3/8 inch clean chips	\$25.84	\$14.25

Commissioner Larson moved to accept Remp Sand and Gravel bid. Commissioner Cole seconded. **Motion to approve** carried unanimously.

4:15 PM **BID for Road Oil** – 2 bids received. McAshphalt Industries, Unlimited and Idaho Asphalt Supply, Inc.

**MCASPALT INDUSTRIES LIMITED**

	LIBBY	TROY	EUREKA
MC – 250	\$753.00	\$757.00	\$737.00
HF – 150	\$371.14	\$375.44	\$355.26
HF – 250	\$391.14	\$395.44	\$375.26
HF – 500	\$461.14	\$465.44	\$445.26
HF – 1000	\$521.14	\$415.44	\$395.26
CRS – 2	\$411.14	\$415.44	\$395.26
ADL – 70	\$451.14	\$455.44	\$435.26

**IDAHO ASPHALT SUPPLY, INC**

MC – 250	\$628.00	\$628.00	\$639.00
HF – 150	\$498.00	\$498.00	\$509.00
HF – 250	\$513.00	\$513.00	\$524.00
HF – 500	\$523.00	\$523.00	\$534.00
HF – 1000	\$553.00	\$553.00	\$564.00
CRS – 2	\$438.00	\$438.00	\$449.00
ADL – 70	no bid	no bid	no bid

Commissioner Larson moved to accept bid from McAshphalt Industries. Commissioner Cole seconded. **Motion to approve** carried unanimously.

4:20 PM **FIREWISE 2017 TITLE III BUDGET** – Ed Levert present. Robin Benson asked Ed to come up with overall budget. He went through the list of costs item by item. Funds available are \$250,296. Total budget that Ed presented is \$117,000. Commissioner Larson wanted to let Commissioner Peck review. Commissioner Cole was in agreement.

4:41 PM **Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

**ATTEST:** \_\_\_\_\_  
 Leigh Riggleman, Clerk of the Board