

May 11, 2016

The Lincoln County Board of Commissioners met for a regular session on May 11, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Larson, Commissioner Peck, and Clerk and Recorder Robin Benson.

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

9:00 AM **USFS Update:** Present were Chris Savage, Jerry Bennett and Alan Gerstenecker.

**RAC:** Kootenai National Forest is currently allocated about \$1.2 M in Title II funds. The next RAC meeting is June 28 and hopefully there will be a quorum and vote on projects; still waiting on new RAC members to be vetted and approved. The goal is for the RAC to recommend about \$1.5 M in projects for Mr. Savage's approval. Different potential projects were discussed. Chris said he is looking toward a collective effort with local organizations that are looking to fund projects that benefit the KNF. Commissioner Peck mentioned the possibility of using RAC funds for trail projects.

**East Reservoir:** The Forest Service has heard from plaintiffs that they will file a TRO/Preliminary Injunction sometime in June which could interrupt about 6.7 MMBF under contract and an additional 8 MMBF that is planned to be sold this year. Thompson River Lumber currently has three sales with the project. It is uncertain if the judge will grant this; will fall back to the merits of the hearing a couple weeks ago.

**Montanore:** Currently working on litigation associated with three complaints. The Forest Service is waiting for a lot of pre-evaluation requirements from MMC before approval on the Plan of Operation.

**Rock Creek:** Completed the SDEIS comment period on April 20<sup>th</sup>. The Forest Service is currently going through those comments and the next milestone will be publishing the SDEIS and DROD early 2017 and starting the objection period.

**10 Lakes:** Finalizing the DEIS to start the comment period; should be out in the next month. District will be releasing Galton this week for comments, then 10 Lakes to follow.

**June Meeting with Commission:** Chris suggested having the annual Agency Administrator meeting and would like to schedule time to discuss the Life First Safety Engagement sessions. Also John Tucker of US Border Patrol is interested in scheduling a meeting with the county commissions.

10:00 AM **Tim Orthmeyer/Libby & Eureka Airport Projects:** Present were Jerry Bennett, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

Tim said the **Master Plan Study for the Libby Airport Project** is completed and he brought final close out documents to be signed. Tim Orthmeyer submitted the final invoice from Morrison Maierle, Inc. for \$7,600 and an FAA Summary of Project Costs. Tim will submit the FAA final drawdown that will cover the final invoice amount. **Motion** by Commissioner Peck to approve final payment due to Morrison Maierle, Inc. Second by Commissioner Larson; motion passed unanimously.

**Libby Taxiway Lighting and Obstruction Removal Project** is also completed and ready to close out. The Project was over by \$6,102 mainly due to increase in cost in the placement of shoulder grading materials, which were higher than original estimated quantities. **Motion** by Commissioner Larson to approve letter requesting a grant amendment to the FAA for \$6,102 to cover the overage. Second by Commissioner Peck; motion passed unanimously. The commission accepted the final invoice from Morrison Maierle for \$6,000.

Tim discussed the **Eureka Airport Master Plan Study** for FY 16/17 for the Eureka Airport. The total project cost is \$163,000 which includes a 10% county match. The FAA share is 146,700 and the county match is \$16,300. There is entitlement amount available to the Libby Airport and Tim is requesting to transfer \$44,000 of those funds to help the Eureka project. **Motion** by Commissioner Larson to approve the entitlement move per approval from the county attorney. Second by Commissioner Peck; motion passed unanimously. **Motion** by Commissioner Larson to approve the Eureka Master Plan Study grant project as presented including the Morrison Maierle, Inc. Engineering Agreement. Matching grant amount of \$16,300 will be paid out of PILT. Second by Commissioner Peck; motion passed unanimously.

10:30 AM **Compensation Board Discussion:** Present were Dallas Wamsley, Vic White, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

Dallas talked about the timeline for the Compensation Board that meets annually during the budgeting process to determine base salaries for elected officials. Dallas discussed the process subject to 7-4-2503 M.C.A. Vic stated the H.R. Department will set up a Standard Operating Procedure for the Compensation Board Process. Everyone serving on the compensation board also needs to have understanding of their role and responsibilities. The Commission set up a meeting for the Compensation Board for Thursday, June 9<sup>th</sup> at 9:30 AM. The county will need to draw up a Resolution after the base salary has been approved. Dallas said a resolution has not been completed since 2007. Robin said she is willing to assist and draw up the resolution.

11:00 AM **FWP/USFW Monthly Update:** Cancelled

1:15 PM **EMA Update:** Present were Kirk Kraft, Lisa Oedewaldt, Roby Bowe, Mike Fraser, Byron Sanderson, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

Kirk expressed appreciation to Commissioner Peck for his participation with the Fire Adapted Community Workshop in Libby hosted by the FireSafe Committee and special thanks to Commissioner Cole and Commissioner Larson for attending the Agency Administrator Workshop in Kalispell hosted by NW Land Office/DNRC.

Kirk said three generators will be going out to bid and installed this summer at King Mountain, Blue Mountain and Pinkham Mountain sites. Generators are purchased by grants. Kirk is currently working to purchase connex storage containers for Pinkham and Blue / 20 ft. long. The storage units need to be in place before the generators are installed. Kirk asked for clarification of Jennifer McCully's position as a Public Information Officer and if her job and responsibilities can be implemented into local emergency planning. Kirk said emergency management would welcome her expertise. Commissioner Peck said that would be a good conversation and clarity would need to be clearly defined.

Kirk said the Fire Coop newly revised County Operating Plan is out for signatures and there are very few changes.

Kirk commented that Eureka FSA, Trego/Fortine/Stryker FSA and West Kootenai Fire Company would like Eureka Dispatch to start using the county run dispatch system. Kirk said he is working with Ron Miller about the radios that were purchased by Lincoln County that will need to be returned by Cabinet View.

Lisa said there are new standards for federal grants and the Pre Disaster Mitigation should be updated every 5 years.

**Motion** by Commissioner Peck to approve letter authorizing County Planner Lisa Oedewaldt to update the Pre-Disaster Mitigation Plan. Second by Commissioner Larson; motion passed unanimously.

1:30 PM **Lisa Oedewaldt/Planning Department:** Present were Deb Blystone, Byron Sanderson, Mike Fraser, Larry Dolezal, Alan Gerstenecker, and Nikki Meyer.

- **French Family Transfer:** The Planning Department received a request from Marquardt, on behalf of their client Davy French to transfer a portion of their property to his daughter Monette French and retain a parcel for himself. **Motion** by Commissioner Larson to approve request to use exemption subject to planning staff recommendations. Second by Commissioner Peck; motion passed unanimously. Commissioner Cole pointed out a small piece of property (less than an acre) adjacent to the French property that they may be interested in purchasing. Lisa pointed out the public process for selling county land.

- **Lick Lake II Subdivision Review:** Lot 4, Lick Lake Subdivision (PM 6367) 2 Residential Lots  
Glen Lake Irrigation District (GLID) was contacted and there was discussion on ownership of Lick Lake. The GLID Board has not responded to this subdivision since initial request on April 18, 2016. **Motion** by Commissioner Larson to grant preliminary approval of Lick Lake II Subdivision subject to conditions and based on findings in the staff report. Second by Commissioner Peck; motion carried unanimously. Byron Sanderson said the landowners have expressed concern about fire review on lot 2 and would like to make sure the subdivision will continue to move forward. Lisa said to indicate a mutual agreement between property owners and the fire risk evaluator as one of the conditions.

- **Callahan Creek Flood Mitigation:**  
Mike Fraser said he has reviewed the RFQ's from WGM Group, Inc. and HDR Engineering, Inc. He is comfortable with both firms, but feels HDR is more qualified stating he is impressed with HDR's experience with EPA, project approach and staff. Mr. Fraser noted that WGM did come for a site visit. **Motion** by Commissioner Peck to select HDR Engineering, Inc. as the consultant for the Callahan Creek Mitigation. Second by Commissioner Larson; motion carried unanimously. Mr. Fraser said the next stage is data collection and a conference call with all the stakeholders simply to hear concerns and issues so as we move forward those concerns can be addressed specifically. Commissioner Cole asked about the timeline. Mr. Fraser said he will notify the consultant to put a framework together. All parties will be given opportunities to negotiate under the Administrative Order Upon Consent process. EPA will ultimately be the final decision maker.

2:00 PM **Administrative Issues:** Present were H.R. Director Vic White, Dallas Wamsley, Dan Williams, Larry Dolezal, DC Orr and Alan Gerstenecker.

- **Motion** by Commissioner Peck to approve Participating Agreement between Lincoln County Weed District and the USDA, Forest Service KNF. Second by Commissioner Larson; motion carried unanimously. The agreement addresses treatment of Rush Skeletonweed using funds from the Montana Noxious Weed Trust Fund Grant Program.
- Vic and Dallas informed the commission that Eureka and Troy Road Departments want to purchase loaders. Dallas said she needs to verify funds are available after they purchase all their fuel in June. Dallas will work with Tim White and Dave Kyriss and schedule a meeting to update the commission.
- Dallas said we need to discuss budget changes, options and request for payroll increases for the county attorney's office. Dallas will set up a meeting with Bernie Cassidy for further discussion.
- The Commissioners read the minutes for April 27, May 2, and May 6, 2016. **Motion** by Commissioner Peck to approve minutes for 27<sup>th</sup> with one correction. Second by Commissioner Larson, motion carried unanimously. **Motion** by Commissioner Larson to approve minutes for May 2<sup>nd</sup> as submitted. Second by Commissioner Peck, motion carried unanimously. **Motion** by Commissioner Larson to approve minutes for May 6<sup>th</sup> as submitted. Second by Commissioner Peck, motion carried unanimously..
- Commissioner Cole commented that Partners Creative is holding a public meeting at Riverstone Lodge in Eureka on May 23<sup>rd</sup> at 8 am. The public is encouraged to attend.
- Due to scheduling conflicts, there will be no regular commissioner meeting next Wednesday,

2:30 PM **Public Comment Time:** Present were DC Orr, Larry Dolezal and Alan Gerstenecker.

- DC Orr commented about stinger BSTF grant that is scheduled later on today's agenda. His research indicates different grant amounts and he would like clarity on the total grant amount or if there were two separate grants. Mr. Orr asked if the county has a FOIA office and Commissioner Peck said FOIA requests are to be submitted to him and the requests need to be very specific. Mr. Orr discussed the Olsen residency case and he is searching for any documents that were used in the complaint submitted to the Commissioner of Political Practices Office (COPP) by Susan Rice. Mark said that Susan never approached him personally for any documents and that he is unfamiliar with the complaint sent to the COPP Office.

3:00 PM **Robin Benson/Clerk & Recorder/Budget Update:** Present were Accounting Deputy Wendy Drake, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

- County Board Training: Robin said she was very pleased by the attendance; there were approximately 55 people in attendance and that close to 20 boards were represented countywide.
- Robin said she has met with the Eureka Cemetery Board, the Ambulance Board and Bull Lake Rural Fire District Board and is scheduled to meet with McCormick Fire District Board and Fisher River FSA Board later this month. Robin commented that the county has never tracked Ambulance Board memberships and the commission asked her to do more research since the Ambulance Department receive public funds.
- Robin said she is currently working on entering preliminary budgets into Budget Prep and is working alongside Payroll Clerk Dallas Wamsley to ensure payroll and insurance estimates are accurate. Robin reminded the commission that she will be meeting with them to go over the preliminary budget proposals that have been submitted on June 1<sup>st</sup>.

- The Indirect Allocated Cost Plan has been updated per auditor recommendation. There is \$74,864 less going into the general fund. Robin said the money is not gone per se, but remains in the road department. Commissioner Larson requested the percentages to be increased, thereby increasing the amount of revenue into the general fund.
- Laserfiche Update: All resolutions and commissioner minutes dating back to the 1930's have been implemented. The Clerk and Recorder's Office is now working on implementing contracts and agreements. Document inventory will be a slow process due to elections and budgets, but will be a priority in 2017.
- Robin went over the FY 2014/2015 draft audit. She said there are only two findings and she is very happy with the draft audit report. One finding is about transfers from Title III that did not meet Title III guidelines. Robin said this was corrected in FY 15/16 and the only transfers are for FireWise which is compliant. The other finding was about a reimbursable loan to Tobacco Valley Industrial District. The loan has been paid, but there were errors in how the payments were tracked. Robin said the county expenditures were approximately 1.4 million above revenues. The county auditor will schedule an audit exit meeting to explain the FY 14/15 audit report and answer any questions.
- Draft Fire District Annexation Process: Robin said it was suggested by Bill Clark to have a written petition process for fire district annexations to help clarify any confusion. Robin submitted a draft annexation process for the commission to review. The draft has been given out to all four county fire districts and she is requesting comments and input from the commission and the fire districts before it is adopted. The draft outlines the petition requirements, verification process by the election administrator, presentation of the petition to the county commission and the public hearing process. Commissioner Peck commented the process is statutorily driven. Robin said the MCA codes that apply are in the draft. Robin said it would be beneficial if the fire districts and the commission agree on the draft before it is approved.
- Robin read an email from Hank La Sala requesting information about Troy Dispatch E911 funds and if the commission approves how that money is spent. Hank wanted to know if the commission needs to approve E911 expenditures since there is an Interlocal Agreement. Commissioner Larson said the commission approves the mills for district budgets but does manage how funds are spent. That is for the board to manage those funds. Robin said she will contact the City of Troy to attain more information.
- Robin asked the commission to make a motion rescinding their earlier motion dated March 23, 2016. The earlier motion was to transfer funds from Animal Shelter Donations Fund 7050 to its own revenue account under Animal Control. Upon further research Animal Control is in the general fund, so any revenues would go into the general fund cash balance. For better tracking since these funds have restricted use, it is recommended to leave funds as is in its own fund instead of combining with general fund cash. **Motion** by Commissioner Larson to leave Fund 7050 as is and rescind motion dated March 3, 2016. Second by Commissioner Peck, motion carried unanimously.
- Robin showed the commission the Montana Tax Foundation, Inc. FY 14/15 Tax Levies book. She said it shows levies for all counties in the state. Of interest is that Lincoln County and Mineral County are the only two counties in the state of Montana that does not levy to help fund roads. Robin pointed out that only 4 counties use less total mills than Lincoln County, but the value of mills are varied so it's not an apples to apples comparison. Robin invited the commission to review the book if they were interested in researching other county levies.
- Robin said there is \$22,857.32 cash balance in the Libby Area Water Conservancy District fund. Options for those funds per county auditor is to transfer those funds to a department that has similar or clearly related use such as EMA or Disaster Emergency. The other option is to give those funds back to the 594 taxpayers in that district. **Motion** by Commissioner Larson to transfer Libby Area Water Conservancy District remaining cash balance to EMA Fund 1000-237/FY 16/17. Second by Commissioner Peck, motion carried unanimously.
- Robin submitted Statement of Expenditures/Budget vs. Actual Reports for FY 15/16 for the commission to review. The report shows each fund and if the fund is over budget. It was noted the General Fund is at 64% expended, and the report was run at 83% through the fiscal year. The Disaster Emergency Fund is over budget due to last summer's fire season. The Airport Construction Fund is over budget due to a 2015 claim paid in 2016 and because there was no grant matching amount budgeted in a prior year. Those funds will be reflected on the end of year budget amendment.

3:45 PM **Official Canvass/McCormick Fire District and Libby Area Water Conservancy District:** Present were Election Administrator Leigh Riggelman and Alan Gerstenecker.

Leigh submitted the hand counted Abstract of Votes for Libby Area Water Conservancy District (LAWCD). There were 145 FOR the dissolution of the Libby Area Water Conservancy District and 37 AGAINST. **Motion** by Commissioner Larson to accept the hand counted Abstract of Votes as submitted. Second by Commissioner Peck; motion carried unanimously.

Leigh submitted the hand counted Abstract of Votes for the McCormick Fire District Trustees. The results were: Dean Gerald Braaten 74, Owen Openo 64, and Kathy Humberg 37. **Motion** by Commissioner Larson to accept the Abstract of Votes as submitted. Second by Commissioner Peck, motion carried unanimously. The Commission signed the County Canvass for LAWCD and McCormick.

4:00 PM **Alpine Precision/Support Letter:** Present were Tina Oliphant and Alan Gerstenecker.

**Motion** by Commissioner Larson to sign support letter to Montana Department of Commerce to request a favorable review of the CDBG ED grant application for the assisted business, Alpine Precision. Second by Commissioner Peck; motion carried unanimously. Commissioner Peck commented the purpose of the CDBG Grant is to supplement a business that is already established but is taking steps for expansion.

4:15 PM **Extension request on Stinger Welding BSTF Grant:**

**Motion** by Commissioner Peck to sign a letter requesting a one year extension on the BSTF Contract #MT-BSTF-1-10-01E for the equipment purchases in the Kootenai Industrial Park, formerly Stinger Welding, Inc., ending on July 6, 2017. Second by Commissioner Larson, motion carried unanimously.

4:30 PM **Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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