

February 1, 2017

The Lincoln County Board of Commissioners met for a regular session on February 1, 2017, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, Commissioner Bennett and Clerk and Recorder Robin Benson.

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

9:00 AM **2017 USFS Monthly Update/Capitol Christmas Tree:** Present were Forest Supervisor Sandi Mason, Alan Gerstenecker and Bethany Rolfson.

Sandi is here to update the commission about the Capitol Christmas Tree to come from the Kootenai National Forest for 2017. There will be a kickoff public event Saturday, February 18, at the Eureka Elementary School from 1:00 to 5:00 PM. The event will allow for ornament making and meeting the representatives. Lincoln County will provide six to eight thousand ornaments. All ornaments will be collected by October 1, 2017. The tree will be 60 to 70 feet; a tree selection committee has been set up to locate 4 or 5 Douglas Fir, Spruce, or Grand Fir trees. The Capitol Architect will be here in July to make the final selection and is in charge of the tree decorating. The Forest Service is actively in contact with all the schools and community organizations to participate in the ornament making events. The KNF will also provide 70 companion trees for the Department of Agriculture Departments coordinated with the State. The tentative parade route will pass through Libby, Troy and Eureka in Lincoln county, as well and Sanders, Missoula, Helena, and Great Falls. The tentative route is dependent on where the tree actually comes from.

Commissioner Peck commented this is the right time to take this opportunity and have a natural resource meeting here in Libby with our legislators.

10:00 AM **Health Department Update:** Cancelled due to scheduling error.

10:30 AM **Administrative Issues:** Present were Vic White, Alan Gerstenecker, Bethany Rolfson, and Nikki Meyer, Eureka via VisionNet.

- Human Resource Director Vic White presented the Commission with an update on the county hiring process for new employees for Commissioner review. The issue was put under advisement for further review and discussion.
- The commission read the minutes for January 25, 2017. **Motion** by Commissioner Bennett to approve the minutes for January 25, 2017 with addition. Second by Commissioner Peck, motion carried unanimously.
- Robin presented a request from the Department of Revenue (DOR) for Tax Abatement for Parcel #10228 described as Parcel A, CS 3639. The parcel inadvertently was changed from 10.01 acres to 15.02 in 2015 and therefore was charged the wrong amount of taxes. Owners Andrew and Louise Stockholm's paid \$296.57 in tax and it should have only been \$255.51. The DOR is requesting a refund of the difference of \$41.06. **Motion** by Commissioner Bennett to approve the DOR Tax Abatement Request. Second by Commissioner Peck. Commissioner Cole and Commissioner Bennett approved the request. Commissioner Peck voted against the request, motion carried. The Commission expressed dissatisfaction with quality and accuracy of the DOR processes.
- Commissioner Cole announced the hiring of a new County Administrator. Commissioner Cole explained the two separate application cycles for the administrator position. Six interviews were recently conducted and four of those interviewed were from Lincoln County. Commissioner Cole said the decision for the position was unanimous by the hiring committee. The position was offered to Darren Coldwell out of Troy and he has accepted the position as County Administrator and will begin on Feb. 20, 2017. The commissioners commented that all candidates were excellent and were pleased to see several high quality applicants, locally; there are some very talented people in Lincoln County.

11:00 AM **Public Comment Time:** There were no public comments.

1:30 PM **EMA Update:** Present were Kirk Kraft, Lisa Oedewaldt, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

- **Ice Buildup Issues:** Kirk said there are no changes with Graves Creek; melted out and flowing. Due to warmer weather the water in Flower Creek is cutting its own channel and there are no concerns at this time. John Huber from Yaak FSA requested sand and bags in preparation of any problems; there are no problems at this time.
- **E-911 Equipment Upgrade:** RFP was released and bids are due back February 24, 2017.
- **Communications Update:** EMA has received approval from the City of Libby to build a special positive pressure room at the water treatment plant. EMA is receiving bids for the project and are also applying for a grant to pay for the project to include the 60' tower. Kirk said another issue is repairing the AM 530 radio system for Libby. It stopped working and is no longer serviceable. EMA has received replacement costs and is applying for a grant. It is currently located by the EMA office but the future plan is to move it to the Water Treatment Plant for better coverage. EMA is working to improve local government radio interference; change RX tones and changes to zone dispatch. The Lincoln County Radio Plan is approximately 20 years old; working to revise/update and put it into a Power Point presentation with audio so anyone can view it on the county website.
- **Lisa/Grant Discussion:** Lisa gave a history of EMA grants since 2009. The total amount of grant money brought in from 2009 – 2016 was \$3,387,921. FY 17/18 Lisa will be applying for grants totaling \$1,349,772. Some of the grants are for Emergency Planning, Homeland Security, Violence Against Women, Hazard Mitigation, Pre-Disaster Mitigation and Community Economic Development.

1:45 PM **Planning Department:** Present were County Planner Lisa Oedewaldt, Deb Blystone, Lisa presented a draft Notice to Cease & Desist from any further work that could be performed on the lot located at 1021 Swanson Lodge Rd, also known as Parcel B of CS 7063RB. It was brought to the county's attention by neighboring

property owners and the planning department that there is an RV Park or similar type of development going on and after speaking with the County Planner Lisa Oedewaldt, nothing has been submitted for review to the county per subdivision regulations. Commissioner Peck suggested a sight visit and more fact gathering before going this route. Commissioner Bennett discussed briefly private property rights, and feels a site visit as well as meeting with Mr. Silberman would be fair and beneficial.

2:00 PM **Callahan Creek Update:** Present were Lisa Oedewaldt.

Lisa presented a progress report for the Callahan Creek Restoration and Mitigation Project. The application for removal of stockpiles has been completed and mailed out. Mike Frazer drafted an Environment Assessment for Mike Hensler for use in preparing the 124 Permit from MFWP. Commissioner Bennett and Mr. Frazer will meet with Dennis Welch, Mike Pattee, Julie Stieger and the City of Troy. The flood plain has been staked for the land owner's review. The goal is to obtain permission to dispose of the sand and gravel in temporary dikes on their property outside the flood plain. After meeting with the landowners, then plans to finalize the removal and disposal either on the owner's property or the county pit. The last application is for a Construction Storm Water Permit which is complete and will be submitted today. Mr. Frazer asked HDR to wait before proceeding with any restoration or mitigation planning. In the next few weeks, the agencies will be reviewing the application requesting additional information and preparing the permits.

2:15 PM **City/County Board of Health Legal Support Discussion:** Present were Nick Raines, Jennifer McCully, D.C. Orr, Bethany Rolfson, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet.

Commissioner Peck briefed everyone in attendance of the status of the City/County Board of Health as follows:

Commissioner Peck stated with the departure of Mr. Payne and lack of staff at the county attorney's office, the county will need to find legal counsel to the City/County Board of Health (BOH). Commissioner Peck said he was encouraged by the county attorney to seek legal support and feels it was logical to request legal service from Jennifer Merriman of Moore, Cockrell, Goicoechea & Johnson, P.C. because they have provided good, solid legal services to Lincoln County and is familiar with EPA and environmental law. Jennifer took the request to her partners and initially there was some concern because one of the partners provides legal services for citizens which may create a conflict of interest. Commissioner Peck said the state is comfortable with the caveat that if one of those situations arises, she would have to step away. It is a minimal possibility, but is still there and will be mentioned in the agreement. Commissioner Peck said we will need some legal support, but does not think it will be extensive; mainly reviewing ordinances and making recommendations. It is strictly a contract for time spent. The bottom line is the BOH does need legal support. The BOH is currently reviewing all the existing ordinances which many are outdated, not revised and the new board wants to attain legal guidance on the ordinances. By statute the county attorney should provide the legal service and whether the county attorney department pays for it, is up for discussion. In the meantime the health department will pay the attorney fees. In all actuality it is the BOH that selects the attorney, but the county pays for those services. Commissioner Cole asked if there was a local firm that could provide those legal services. Commissioner Peck said that is more difficult because it requires specialized services.

Commissioner Peck continued stating that we need to look at some pretty strong, qualified legal counsel going into our last year with EPA and DEQ as we move towards the end of EPA's work to ensure we are protected in perpetuity; a firm that is strong in environmental law and superfund law. Commissioner Bennett asked if the county is recommending Moore, Cockrell, Goicoechea & Johnson, and P.C. or are we still reaching out? Commissioner Peck said he would visit with Amy Guth and inquire if she is aware of any local firms that are specialized in this area.

Motion by Commissioner Bennett to approve \$5,000 in legal services for the City/County Board of Health to be paid out of the Health Department budget for the remainder of FY 16/17. Second by Commissioner Peck, motion carried unanimously. Commissioner Peck said he will contact Libby and Troy to discuss legal support for the operations and maintenance and the IC phase of the superfund site. Commissioner Cole said he would visit with the Mayor of The Town of Eureka.

Meeting adjourned at 2:45 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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