

January 18, 2017

The Lincoln County Board of Commissioners met for a regular session on January 18, 2017, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Cole, Commissioner Peck and Clerk and Recorder Robin Benson. Commissioner Bennett is in Helena on county business.

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

9:30 AM **County Road Restrictions:** Present were Road 3 Supervisor Ray Price, Ken Marek, Duane Hostetler, Buck Schermerhorn, Bob Cuffe and Nikki Meyer.

Commissioner Cole said we are moving into the 3rd year after the new road restrictions in Eureka were implemented according to Resolution No. 930 and we are now past the test stage. We are here to discuss the next stage and how we are going to move forward.

Buck discussed how the contractors were able to contribute more to the economy due to the guidelines outlined in Resolution No. 930 and felt there was minimal impact to the roads and recommends the county adopt the Eureka road restrictions as the county standard. Ray said he feels there was not a lot of damage but after visiting with Road 1 Supervisor, Marc McCully, he would like to maintain the verbal permitting process through communication.

Commissioner Peck expressed full support of the contractors to be able to work but does not want to do anything that creates more restrictions and feels that constant communication seems to be the correct process. It's a communication problem and that is the answer as well. The process in South Lincoln County works well.

Commissioner Cole said the trial we have completed has gone very well, so is a countywide continuity where we want to move towards or do we want to implement restrictions for Eureka only.

Bob commented that everyone wants to follow the rules although there are always those few who do not follow rules no matter what policy is in place. The policy in place is a great improvement to how it used to be. Bob said he prefers to see a policy in place vs. putting it all into one person's hand (road supervisors). The new policy is restrictive, yet allows the contractors to work; 350 lbs. per inch gives contractors the assurance that they will be able to continue to work.

Ray feels there can be and already is a good relationship between him and the contractors. Ray stated he feels there should be uniformity within the county and wants to maintain authority to close roads if necessary.

Commissioner Peck said it really is not in one person's hands; road supervisors work for the commission. Commissioner Peck said that he will support what Eureka wants to do, but does not want to implement something new in South Lincoln County. The process we have in place works, there is no reason to fix something that is not broken.

Ray reiterated that he believes the process/policy should be uniform countywide.

Ken commented that trucks from Flathead do not know our restrictions or policy and that in and of itself creates its own issues. Buck feels a policy needs to be in place so the trucks coming out of Flathead know what the restrictions are. Ray said he is willing to contact contractors out of the Flathead, plus restrictions are on the county website as well. It was agreed that local contractors will work alongside Ray to notify Flathead of the Eureka road policy.

Commissioner Cole read the restrictions and guidelines from Resolution 930 and asked if we want to go from a temporary resolution to a permanent resolution? **Motion** by Commissioner Peck to extend Resolution No. 930 for one more season. Second by Commissioner Cole, motion carried. Commissioner Cole said he would like see improved communication with entities in the Flathead and ensure they receive the restrictions and policy.

10:30 AM **Administrative Issues:** Present were Vic White and Nikki Meyer.

- The commission read the minutes for special meeting on January 10 and regular meeting for January 11, 2017. **Motion** by Commissioner Peck to approve the minutes for January 10 and 11, 2017 as submitted. Second by Commissioner Cole, motion carried.
- Vic updated the commission on the County Administrator position. The position will be advertised for a total of three weeks and will close this Friday. Vic would like to start the process to review the applications after the advertising ends. The commission agreed to move the hiring process forward as soon as possible.
- Vic asked about workers comp for ambulance personnel. Commissioner Peck said he has a meeting scheduled with Penny Kyes and stated that the county cannot legally carry workers comp because ambulance departments are not a county entity. Vic commented that Libby Ambulance is not compliant because they have not submitted the required paperwork.
- The commissioners agreed to schedule special meetings every Tuesday to review the county administrator applications and to begin preliminary budget discussions.
- Commissioner Peck submitted the contract agreement with Moore, Cockrell, Goicoechea & Johnson for legal services pertaining to the non-partisan election issue. Commissioner Peck said it is a standard contract and includes an outline of the scope of work. Commissioner Peck said that Representative Mike Cuffe has submitted a bill in case we decide to move forward with the legislative fix; there would be something in place to move forward if necessary. Commissioner Peck said that both Commissioner Bennett and Mike Cuffe have talked to the Attorney General's Office and Lincoln County is free to request an opinion, but we are not sure if they would review it. The other option is taking it in front of a judge but the question is who has authority to place the issue in front of a judge? The contract for legal services is in place to answer those questions and move us forward as judicially as possible. **Motion** by Commissioner Peck to approve the contract for independent legal counsel by Moore, Cockrell, Goicoechea & Johnson, P.C. Second by Commissioner Cole, motion carried.
- The commissioners signed a letter to The Western News notifying them that Lincoln County accounting practices require invoices to make payments. The letter states that The Western News has implemented a new computer system and the county will allow 3 months for The Western News to submit invoices (not statements).
- Robin informed the commission that Lisa Oedewaldt and Kirk Kraft have requested to be added to the State Surplus Program. The commissioners agreed to add Lisa and Kirk as listed people to participate in the State Surplus Program on behalf of Lincoln County.
- Commissioner Peck read from an email by Commissioner Bennett recommending splitting the In-State and Out-of-State per diem rates for employee travel to be \$8 for the morning meal, \$9 for mid-day meal, and \$17 for the dinner

meal. **Motion** by Commissioner Peck to set In-State per diem rates for employee travel to \$8 morning meal, \$9 mid-day meal and \$17 for dinner meal. Out-of-State rates will stay the same. Second by Commissioner Cole, motion carried. Robin will make changes to Resolution No. 981 accordingly.

- Commissioner Cole asked Robin to calendar for the discussion of county chairman and committee appointments. Robin will coordinate with Dallas to calendar a time on the commission agenda.

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

11:30 AM **PSAP / Request for Proposals:** Present were Kirk Kraft and Lisa Oedewaldt.

Kirk said EMA is still in the process to replace the 911 answering equipment in the Sheriff's Department, stating that most of the PSAP systems in the state are being replaced. EMA is trying to get through this process and get a new system before any significant issues arise. Commissioner Peck questioned if costs in the proposal are budgeted? Kirk said the 911 funds are in place, and that Sheriff Bowe is aware of the 911 replacement project and that costs will be coming out of the Sheriff's budget. Commissioner Cole asked about the RFP selection committee. Kirk said that Scott Richardson is consulting; Brandon Huff, Sheriff Roby Bowe and himself will be reviewing the RFP's. Kirk commented that the system is basically a replacement but that it must be new generation 911 capable and will include text for cell phones. This gives capability to text into 911 on cell phones, not just call in. It is beneficial to this area because you can text longer distances then calling where you might be outside calling range.

There will be approximately a 45 day turnaround on the bid process and approximately 6 months before starting the actual work, but it should be complete this year. Kirk said Troy and Eureka completed their own process; this bid is just for the Libby system. All 3 systems will be able to continue business as usual. Kirk commented that the County Attorney has approved the RFP, but stipulated county commission approval is required. **Motion** by Commissioner Peck to approve moving forward with the Lincoln County PSAP RFP's for the E911 telephone equipment. Second by Commissioner Cole, motion carried.

1:00 PM **Eureka Fairgrounds Project:** Present were Tracy McIntyre, Lois Sciliago, Nikki Meyer, and Jake Mertes, Kathi Hooper and Wendy Drake, Libby via VisionNet.

Tracy submitted a Lincoln County MT Fair and Rodeo Improvement Project Manual for the commissioners and for the Clerk & Recorder's Office. Tracy went through the manual and explained what it entailed including information on the bleachers, sewer, budget, Intercap Loan, and the draft Memorandum of Understanding between the Tobacco Valley Rodeo Association and Lincoln County. The sewer component shows mapping and the location of the sewer phase is included. Commissioner Cole said the Forest Service is working towards securing funding for their portion of the project. Tracy said that meetings will take place with the Town of Eureka to discuss interlocal agreements.

Jake said a couple of septic systems are inadequate for the number of people using the system and the project cannot be issued a permit because the Town of Eureka has a public system within 200 feet per Administrative Rules. Lois commented the event buildings are used year round and benefit to the public to have the sewer system upgraded is great. Commissioner Cole said the Tobacco Valley Rodeo is committed to helping with the costs of the bleacher portion. The ultimate goal of the rodeo association is to help the fairgrounds with their funding.

Commissioner Cole said that at this time, we are just reviewing the manual and information provided. We will reconnect and continue discussion how to keep this project moving forward. This project is to grow the events and economy through the use of the Eureka fairgrounds.

1:30 PM **Planning Department:** Present were Nikki Meyer and Lisa Oedewaldt and Deb Blystone, Libby via VisionNet. Lisa said Resolution 968 (formerly Resolution 804) naming and road addressing has had two public hearings. Resolution 968 is an updated resolution establishing a policy for the standardization of property addresses road naming and road signage for private roads in Lincoln County. Lisa said she has received no public comment by phone or email.

Commissioner Cole said he has received two informal comments and will forward those comments to Lisa.

Commissioner Cole said neither of those comments would prohibit the county from moving forward. Final approval of draft Resolution No. 968 was granted by the county attorney's office. Commissioner Cole asked for this issue to be placed on next week's agenda for final discussion and approval.

Commissioner Cole suggested a meeting to be scheduled to address a letter received from the Glen Lake Irrigation District. Lisa will coordinate with Dallas to put it on next week's agenda.

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

Mr. Fraser said the removal plans and joint application are ready to be signed. We got some good weather and it's time to get the floodplain and storm water permits to begin construction. **Motion** by Commissioner Peck to approve the joint application for the remediation of the Callahan Creek Project. Second by Commissioner Cole, motion carried. There will be a 30 day review by the USFWS. The next big step is to meet with the land owners, and Mr. Fraser said he is not expecting any issues.

2:15 PM **Libby Park District By- Laws:** Present was Lisa Oedewaldt, Libby Park Board Member.

Lisa said the Libby Park District only had changes to the responsibilities of the board chairman and secretary positions. Libby Park Board has approved the new by-laws. Lisa said the Libby Park Board never had a mission statement and the new by-laws now reflect a mission statement. Commissioner Peck commented that the commissioners have no legal authority to sign district by-laws. Lisa said the commissioners historically have always approved the by-laws. **Motion** by Commissioner Peck to no longer continue the practice of signing the by-laws for the Libby Park District. Second by Commissioner Cole, motion carried.

2:30 PM **Safety Committee/2017 By- laws and Incentive Program:** Present were Lisa Oedewaldt and Vic White.

Lisa said the by-laws and incentive program are annual by calendar year. The only changes are updating dates. **Motion** by Commissioner Peck to approve the 2017 Lincoln County Safety Committee By-Laws as presented. Second by

Commissioner Cole, motion carried. Lisa gave a history of the workers comp credit the county has received. **Motion** by Commissioner Peck to support the Lincoln County Safety Incentive Program as presented. Second by Commissioner Cole, motion carried. Robin commented that the cost for the employee safety incentive program has come out of PILT. The commissioners agreed that the cost for the Safety Incentive Program should come out of the safety budget starting FY 17/18.

Meeting adjourned at 2:45 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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