

January 25, 2017

The Lincoln County Board of Commissioners met for a regular session on January 25, 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**.

9:15 AM **2017 Commissioner Chairperson and Committees:** Present were Alan Gerstenecker, Tina Oliphant, and Nikki Meyer, Eureka via VisionNet.

Commissioner Cole explained we are here to discuss the annual commissioner chairperson and committee appointments. Historically the commissioner who is up for reelection is appointed as the chairperson. Due to the resignations, we have gone off that course. Commissioner Cole asked if we want to maintain or change that process. **Motion** by Commissioner Peck that Commissioner Cole retain his seat as commissioner chairperson for 2017. Second by Commissioner Bennett, motion carried unanimously. Other committee appointments are as follows:

Commissioner Cole - Council on Aging Area VI

Commissioner Bennett - Port Authority Board

Commissioner Peck - City/County Board of Health and the Resource Advisory Committees

Commissioner Cole & Commissioner Bennett - MACO Public Safety and Justice Committees

Commissioner Peck - MACO Public Lands and Forest County Coalition Committees

9:30 AM **Leigh Lake Trail/Grant Submission:** Present were Tina Oliphant, Brett McCully, Road 1 Supervisor Marc McCully, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet.

Marc clarified that Leigh Lake Trail is actually the old Snowshoe Trail. The grant application submitted to the Recreational Trails Program of the Montana Fish, Wildlife & Parks will support Phase 1 activities; 6.97 miles of trail clearing, trail definition/shaping, supply and installation of 4 culverts and 2 steel bridges and establish a parking lot. The grant request is to fund the steel bridges and the match will be provided by in-kind work by the county on the remaining needs of the 7 mile project. Marc said the city and the county are working together on this project and the total project goal allows for 31 miles of trail beginning from the City of Libby that can be used by hikers, cross country skiing, snowshoeing and mountain biking. **Motion** by Commissioner Bennett to approve the letter of support and committing the county to contribute manpower, equipment and supplies in the equivalent amount of \$46,244. Second by Commissioner Peck, motion carried unanimously. The county will agree to maintain this project area. Commissioner Cole expressed his support of utilizing and connecting old trails for recreational use.

10:00 AM **Treasurer's Monthly Update:** Present were County Treasurer Nancy Higgins, Alan Gerstenecker and Nikki Meyer, Eureka via Vision Net.

Nancy submitted the Monthly Cash Reconciliation Report and Lincoln County Investment Reports for commissioner review. Nancy expressed that cash reserves should be reviewed and set to reflect current budgets during the FY 17/18 budget process. Robin said cash reserves should be set at a maximum 33% of a budgets total appropriation to carry the budget from July 1 to November before tax dollars begin to come in. Nancy asked if reserves should be reflected on the cash reports. Robin said that would be up to commissioner preference as they review cash reports.

10:30 AM **Administrative Issues:** Present were Payroll/H.R. Coordinator Dallas Wamsley, Alan Gerstenecker, Bethany Rolfson and Nikki Meyer, Eureka via VisionNet.

- The commission read the minutes for January 18, 2017. **Motion** by Commissioner Bennett to approve the minutes as submitted. Second by Commissioner Peck, motion carried unanimously.
- **Motion** by Commissioner Peck to approve and sign FAA Categorical Exclusion required for the Eureka Airport Project and the AIP Grant Oversight Risk Assessment. Both documents are standard for all FAA grant process. Second by Commissioner Bennett, motion carried unanimously.
- Dallas requested commission approval to pay the quarterly payment for the county workers comp. Commissioner Peck commented that workers comp for ambulance personnel will no longer pass through the county because Ambulance Departments are not county entities. The commission unanimously granted permission to pay the county quarterly worker's comp payment.
- Robin informed the commission that County Weed Director Dan Williams provided statutes for commissioner information that a Weed Management Plan may be required as part of the process for any county land purchases per M.C.A. 7-22-2154.
- Robin said she would like it mentioned in the minutes that the State of Montana Surplus Property Program is actually a resolution. Robin said she failed to notice that it was in resolution format and asked if she should vet it through the county attorney's office for approval. Commissioner Peck said that it does need to be vetted through the county attorney's office.

11:00 AM **Public Comment Time:** Present were Hank LaSala, Alan Gerstenecker, Bethany Rolfson and Nikki Meyer, Eureka via VisionNet.

Hank submitted a letter to the commission expressing that it has now been over 2 years since the matter of the Troy Area Dispatch District (TADD) was first brought to the attention of the Lincoln County Board of Commissioners. The letter states that the only manner to resolve this matter which everyone should accept is to obtain legal decision from the State Attorney General's Office which would answer the following legal questions:

1. May the county unilaterally dissolve the TADD?
2. May the county withdraw from the TADD referring to the Interlocal Agreement?
3. May the TADD Office provide services to the Town of Troy that is not authorized in the Interlocal Agreement?

Hank also submitted a summary of facts as he sees them regarding the TADD. Hank strongly encouraged the commission to seek an Attorney General opinion so this issue can be finalized. The commissioners commended Hank for the time he has spent researching and providing information to the board.

1:00 PM **Glen Lake Irrigation District (GLID):** Present were County Planner Lisa Oedewaldt, Alan Gerstenecker, Bethany Rolfson, Steve Curtiss and Nikki Meyer, Eureka, via VisionNet.

The commissioners received a letter from the Glen Lake Irrigation District Board in regards to three specific issues.

1. Encroachment upon the Glen Lake Reservoir shoreline
2. The illegal use of water for domestic, lawn and garden irrigation
3. Erosion of the Glen Lake dam and reservoir edge as a result of wave action from boats resulting in extensive costs to GLID irrigators in excess of \$80,000 to repair the Glen Lake Reservoir, a State of Montana High Hazard Dam.

Lisa commented that the letter is in the county attorney's office for review and recommended to the commission to wait until we receive county attorney opinion/advice, and then hold a meeting with all stakeholders involved. Commissioner Bennett agreed that is a good idea. Commissioner Cole said the commission will review the letter but is not prepared to dive into this, but agrees to wait for county attorney response.

Steve stated that sounds non-productive to him because there are only two players that have any say in this and that is Lincoln County and GLID. Steve asked what the commission has done about people who are stealing water out of Glen Lake, that whoever is using water out of that lake without proper permits needs to cease and desist. Steve stated that this has nothing to do with DNRC and FWP. Steve said that he has been discussing this issue with the county for a very long time. This is something that the GLID board and the county commission should discuss and resolve.

Commissioner Cole commented that we as a commission see it in a broader scope and will wait for a county attorney opinion and discussion with all agencies. Commissioner Cole stated that we are now done with the discussion for today. Steve stated that GLID is on the agenda until 1:30 PM.

Steve asked if Commissioner Peck would give him a call because he is not done discussing the issue. Steve said the county is a member of GLID and there has always been a cooperative relationship. Steve said this project is an agricultural project that benefits the entire North end of the county.

Commissioner Cole said there is no one more supportive of Glen Lake than he is. Commissioner Peck commented that there are clearly legitimate issues and concerns and admits but wants to wait to see what the county attorney has to say first. If people are drawing water out of the lake without a permit or a water right in place; that needs to be addressed.

Commissioner Peck said he does not believe the county has authority. Mr. Curtiss agreed the county has no authority. Steve recommended for the commission to review the information he has provided and he would love to sit and visit with the commission at their earliest convenience. Commissioner Cole said he would be very interested in having further discussion. Steve felt there is a lot of discussion that needs to take place between GLID and the county prior to a stakeholder meeting.

1:30 PM **Planning Department:** Present were County Planner Lisa Oedewaldt, Deb Blystone, Byron Sanderson, Bethany Rolfson, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

- **Variance Request/Burnt Creek Hideaway:** Lisa said the Planning Department cannot take cost into consideration for a variance when there are already the same utilities servicing lots above and below the properties in question. Therefore; Planning cannot in good faith, approve this variance from the utility condition simply on costs alone when there is evidence that phone exists.
Byron discussed that communication can be serviced through internet or satellite communication instead of telephone and would like the commission to consider this in their decision. The power is in place for the internet. There was a brief conversation about emergency communications availability. Lisa said the current subdivision requirement says developers must go with companies and for this area that would be Frontier or Northern Lights. Commissioner Peck stated the county should rewrite the requirement that it should be based on functionality instead of companies. Lisa agreed that would be a good idea to have a function base and not a company base requirement in revised subdivision regulations; the planning board is currently reviewing regulations. Lisa recommend to table the variance request until it is determined if the owner wants to conduct a feasibility study or a variance with restrictions. Everyone in attendance agreed.
- **Braach Family Transfer:** Lisa said there are no planning staff issues and recommends approval of the Braach Family Transfer. **Motion** by Commissioner Peck to approve the Braach Family Transfer subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.
- **Resolution 968 /Road Naming / County Addressing and Signage:** Lisa asked if the commission has reviewed Resolution 968. Lisa is requesting commissioner approval and wants to start implementing the regulations during the subdivision process. The regulations will help emergency service locate residences when responding to emergency calls. **Motion** by Commission Peck to approve Resolution 968 for establishing improved policy for road naming, addressing and signage. Second by Commissioner Bennett, motion carried unanimously.

2:00 PM **Thompson Chain of Lakes Update:** Present were Dave Bennetts, MTFWP and Dave Landstrom, FWP.

Mr. Landstrom said the State Park Systems has developed a plan to reclassify all state parks and direct resources to the parks based on need. The good news for Lincoln County is the Thompson Chain of Lakes which includes Logan Park is classified not as a state park, but as a state recreation area.

Mr. Bennetts informed the commission that a capital project currently in progress at Logan Park is adding electricity to more camp sites and installing a new floating dock. The project should be complete by May 1st. There is some hazard tree work to be conducted along the Thompson Chain of Lakes campsites which will improve overall health and create a safer area for the public; a replanting strategy will follow.

Mr. Landstrom stated they consider themselves partners with Lincoln County and are available to assist in any way to help Lincoln County.

3:00 PM **Clerk and Recorder Mid-Year Report:** Present was Clerk and Recorder Robin Benson, and Accounting Clerk Wendy Drake.

Robin said we are now about 58% through the fiscal year and provided a summary expenditure report indicating what percentage budgets have expended per department. Overall Lincoln County has expended 38% of its budget for current fiscal year. Robin pointed out that only Drug Forfeiture has over expended, but also showed that it did receive unanticipated revenue. The General Fund has expended 52% of its budget. The overall anticipated revenues received are at 52%.

Robin provided a 4-year history of Payment in Lieu of Taxes (PILT) revenues and expenditures for commissioner review. Robin gave a brief summary of what types of expenditures are being paid out of PILT. Some of the major expenditures over the past 4 years are consulting and legal services, retirement payouts, VisionNet, Callahan Creek, Asphalt, County Website, vehicles, heating/cooling system, and budget transfers. FY 16/17 PILT Cash Operating beginning balance is \$1,547,747 and a Cash Reserve of \$575,000. FY 16/17 expenditures to date are \$131,952; this does not include approved budget transfers.

Robin expressed that now is the time to begin next year's special budget discussions/meetings. Robin reminded the commission of the timeline and that some topics of discussion for budget working sessions are:

- Organizing a Citizen/Elected Official Budget Committee to begin analyzing county mandated, discretionary and duplicated services
- RFP's for Audit Services
- Allocated Cost Adjustments
- Employee Insurance Costs
- Grant Administrator / Increase revenues

Meeting adjourned at 4:30 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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