

January 4, 2017

The Lincoln County Board of Commissioners met for a regular session on January 4, 2017, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, and Clerk and Recorder Robin Benson. Commissioner Peck was absent.

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

9:00 AM **USFS/Kootenai National Forest (KNF) Monthly Meeting:** Present were Chris Savage and Alan Gerstenecker. **KNF** currently has 139 MMBF of uncut wood under contract, equates to \$9.85M in remaining value. Oly Moly Stewardship will be offered this month at 28 MMBF.

East Reservoir court date is set for February 9 with the 9th Circuit. Young Dodge will also be heard that same day. The outcome of East Reservoir may hold precedent to the Cottonwood/Salix ruling around Lynx and timber sales around the region.

KNF is currently in the middle of the DEIS comment period for **10 Lakes Project**. Comments close the end of January. It has been requested to extend the comment period for a couple of weeks.

KNF is working with EPA and other stakeholders around Feasibility Study and Remedial Investigation documents for **OU3**. WR Grace's contractor is trying to minimize OU3 boundary as well as the remediation that would be required within OU3. KNF is working on longer term fire preparedness and suppression strategy within OU3 and moving forward with funding options on fire preparedness.

Reviewed and made comments to **Montanore** amended plan of operations and are waiting to see how they incorporated comments. KNF is working with Montanore on the mitigation plan and land acquisition as well as the State of MT (DEQ and FWP) on finalizing agreement for oversight committee. Still working on litigation and the court has released the schedule. The hearing will be the beginning of the new calendar year.

The KNF received a revised SDEIS from the comments received for **Rock Creek Project**. Reviews will occur this month, and will hopefully be on track for spring objection period.

KNF is currently working with **Hecla/Revett Silver** on reclamation of the tailing impoundment. The top priority for Hecla is to reclaim this site. There may be an issue with finding enough top soil as specified in EIS and required by MDEQ.

Upcoming Year and Other Priority Projects:

- Finalizing Koochanusa Reservoir Management Plan. The Plan will make recommendations on future development and opportunities for additional recreational facilities around the reservoir.
- FY 17 visitor use surveys will be conducted on the forest; occurs every five years.
- Need to resolve management plan with Lincoln County and Libby Shooting Range.
- The KNF has been chosen to provide the **2017 U.S. Capitol Christmas Tree**. The official press release went out a couple weeks ago.

Commissioner Cole said it is his personal recommendation to conduct some timber management on the Kootenai Reservoir drive between Libby and Eureka stating the timber growth is diminishing the view along the Hwy 37 scenic byway.

10:00 AM **IT Eureka Airport Projects:** Present was Tim Orthmeyer, Martha Hendrickson, and Alan Gerstenecker. Nikki Meyer and Bill Caldwell was present via conference call.

Tim discussed a Taxiway Edge Lighting project scheduled for FY 2017/2018. The project is anticipated to have a total project cost of approximately \$400,000; the county match would be 10%. Robin asked which fund to pay the 10% match and Commissioner Cole confirmed the match would come out of the PILT fund.

Bill stated the projects are valuable and shows the county's interest in offering support of improving the airport infrastructure. Commissioner Cole said he agrees it is important, but as we look at matching grant funds, it comes down to revenues. Commissioner Cole said that airport budgets seem to be lacking in bringing in revenue, stating the county needs to be very careful during the next budget process.

Bill suggested a meeting to discuss a 5-year plan and prioritize projects. Tim said the Taxiway Lighting project is a last infrastructure project; from there we move into maintenance. Tim discussed hangar rental as a source of potential revenue.

Jerry said that moving forward PILT funds will become more valuable and there needs to be more effort put forth to generate airport revenue. **Motion** by Commissioner Bennett to approve the Taxiway Edge Lighting Project for the Eureka Airport with a 10% match funded out of PILT. Second by Commissioner Cole, motion carried.

Tim submitted the Engineering Agreement and the standard Project Agreement to be signed by the commission. **Motion** by Commissioner Bennett to approve the Engineering Packet as submitted. Second by Commissioner Cole, motion carried.

10:30 AM **Administrative Issues:** Present were Dallas Wamsley, Jerry Bennett, and Bethany Rolfson.

- Karmen McKinney requested the Annex building in Eureka be closed for the day because the sewer system has frozen. Commissioner Cole said he would call Karmen and discuss it. Closure timeline will be dependent on how the work to fix the sewer system is going.
- The commissioners read the minutes for December 12 and December 14, 2016. Robin said she would like to add a sentence stating the commission did accept the Final Findings regarding the Lakeshore Construction Permit No. 2013-11-25-RC. Robin said that she missed putting that in the minutes prior to emailing the draft minutes out for review. Commissioner Cole said the commissioners did accept the Final Findings and approved adding a sentence to that effect. **Motion** by Commissioner Bennett to accept the minutes as presented with the sentence added to the December 14 minutes that the commission did accept the Final Findings for the Lakeshore Construction Permit No 2013-11-25-RC. Second by Commissioner Cole, motion carried.
- Commissioner Cole said the Eureka Road Department would like to purchase a 2006 tractor mower. Commissioner Cole said the expense can be absorbed in the current FY 16/17 Eureka Road Budget. The road department did find a tractor mower to be purchased for \$30,650.00 which does include freight.

- Robin discussed a conversation among County Clerks that there are many counties that have commissioners in one room due to lack of space. There was a brief discussion regarding the laws pertaining to commissioner quorums and meetings and even the appearance of conducting county business without public participation. Lincoln County Commissioners have separate offices to ensure the statutes regarding public participation are met.
- Robin explained that a document would need to be recorded in the Clerk and Recorder's Office stating the approved variance request of Steve Gunderson for Mobile Estates Subdivision, Lot 7. Robin submitted a variance document for Chairman Mike Cole to sign.
- Robin presented draft Resolution No. 981 setting the 2017 holiday schedule, mileage rate, and meal reimbursement rates for Lincoln County. Robin mentioned that Commissioner Peck has commented that he felt the meal reimbursement rates were too low. Commissioner Cole said the issue will be put under advisement until next week.
- Robin mentioned to the Commission that upon conducting records inventory in the Clerk and Recorder's Office that Deputy Clerk Chris Nelson found that in 2005 two resolutions were given the same number. Both resolutions were approved in the minutes and signed. Robin suggested assigning No. 726 to the resolution dated October 26, 2005 because there is no resolution assigned to No. 726. **Motion** by Commissioner Bennett to assign resolution No. 726 as presented to clear up the duplication issue. Second by Commissioner Cole, motion carried.
- The Department of Revenue submitted a tax abatement request on behalf of Lois Theonnes stating there was a 2nd house on her property pre-2000 and the 2nd refuse was never take off. The DOR requests approval that a refund be issued for three years in the amount of \$135 each year for a total of \$405. **Motion** by Commissioner Bennett to approve tax abatement request as submitted. Second by Commissioner Cole, motion carried.
- Robin provided a document from the Department of Administration, Surplus Property Program requesting what county employees could be authorized to participate in the program as agents for the Lincoln County. Lincoln County is considered a doner. Only people who are listed can participate on behalf of the county. The surplus is any cars, trucks, equipment desks etc....that was originally purchased with state money. Robin said she will conduct research to find out who was listed in prior years for Lincoln County and bring that information back to the commission.

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

11:30 AM **MSU Extension/Agreement:** Present were Svea Jorgensen, County Extension Agent.

Svea presented the annual contract between Lincoln County and Montana State University Extension. Svea said the contract does not affect current FY 16/17 budget, but is actually based on the approved current budget. Commissioner Cole said this is one of the areas during the budget process that he feels should increase, stating he is a big advocate for 4-H and other youth programs offered by the Extension Services. **Motion** by Commissioner Bennett to accept the annual contract/agreement with MSU Extension for FY 16/17 as submitted. Second by Commissioner Cole, motion carried.

1:00 PM **EMA Update:** Present were EMA Director, Kirk Kraft, Robert Mast, Alan Gerstenecker and Bethany Rolfson. Also present was Nikki Meyer via telephone conference.

- Kirk said that Flower Creek is flowing well, but there is some concern at Graves Creek. Both creeks are being monitored daily.
- Kirk is requesting approval for the 911 equipment upgrade RFP to replace the county system to go out to bid. The Sheriff Department's budget of 911 funds will be absorbing the cost. Kirk said the RFP has been approved by the County Attorney. Commissioner Cole asked if it could be delayed for one week for commission review. Kirk said he will know more about cost after the bids come in.
- Kirk and Lisa are focusing on the corrosion problems on the communications equipment at the City Water Treatment Center. A special room must be built or a building constructed next to the water treatment plant. Still need to build out the site with a tower.
- EMA is studying the communications coverage areas and working on solutions to fill the gaps.
- The Homeland Security Grant Program is now open. Potential grants are for radio equipment, communication site build out, cyber security or any equipment that the EMPG grant does not cover.
- As the County Fire Warden, Kirk said he is working with fire departments to help them with the Federal Excess Surplus Program called the Firefighter Property Program through DNRC. Efforts are to aid McCormick, Yaak, Bull Lake and Fisher River Fire Departments with trucks, engines, and other needed equipment. Equipment is free because it is federal excess.

1:30 PM **County Attorney Office Restructure:** Present were Vic White, Kirk Kraft, Bernie Cassidey, Marcia Boris, Robert Mast, Jeff Zwang, Cyndi Miller, Dallas Wamsley, Alan Gerstenecker, and Bethany Rolfson.

Jeff submitted and explained a comprehensive plan both for current and future staffing and how it will affect the County Attorney budget for the commission to review. Jeff stated the current job descriptions do not accurately reflect the responsibilities and duties of the county attorney staff and what the employees are actually doing. Jeff is proposing to staff the county attorney's office with two legal assistants at a grade level 10 and one secretary at a grade level 5. The pay grades were established by using a chart provided by the H.R. Department. Research was also conducted by using the ONET System and looking at and comparing pay rates from Flathead County. Vic explained the ONET System is a tool that helps determine salary range and job descriptions within the State. Jeff said the proposed changes would be an increase of approximately \$4,084 for FY 16/17 and an increase of \$6,609 for FY 17/18. Commissioner Cole said the proposal would be taken under advisement and reviewed by the Commissioners and will be put back on the agenda for further discussion.

2:00 PM **Callahan Creek:** Present were Mike Fraser, Alan Gerstenecker, and Bethany Rolfson.

Mr. Fraser said he waiting on a schedule from KSI Surveying to conduct a floodplain survey at the Callahan Creek Site showing adjacent land owners. Mr. Fraser commented there have been delays with the permitting process probably due

to the holidays. Mr. Fraser submitted an estimated budget of expenditures for the entire Callahan Creek Project at \$253,953 based on potential contribution work done by the County Road Department.

Mr. Fraser submitted a contract between Lincoln County and Fraser Management & Consulting for Commission approval. Commissioner Cole tabled the approval of the contract until next week.

2:15 PM Library/Vehicle Discussion: Present were Rick Ball, Dallas Wamsley, Alan Gerstenecker and Bethany Rolfson. Rick discussed how twice a week there are driving routes between Libby, Troy, Eureka and Kalispell to get the crates/books and other materials to the county libraries.

Dallas said there is a van that is currently not being used; a 2004 AeroStar and is asking approval to use the van. The commission approved the use of the AeroStar vehicle to be used as needed by the Library Department.

Rick said that after the recent accident in July, there is a \$2,000 bill remaining and he is inquiring if there is another fund or account available to pay for this. Commissioner Cole said that the bill is to be paid out of the library fund and if the budget goes over, it will be discussed and evaluated at the end of the fiscal year.

2:45 PM Juvenile Detention Discussion: Present were Roby Bowe, Brandon Huff, Dallas Wamsley, Alan Gerstenecker, and Bethany Rolfson.

Roby said there have been female adult inmates housed at the Troy Juvenile Detention facility recently due to the Lincoln County Detention facility running at full capacity. Roby said the Sheriff's Department has not completed its research to determine exactly why there is an increase in the number of inmates. The facility was built for 25 people, but currently has reached maximum capacity with 40 people. The commission toured the Sheriff's Department as part of today's meeting.

Roby said he has visited with both Sanders County and Flathead County and both would be open to house kids in the Troy Juvenile Detention Center. Roby wanted to be clear that there may be some initial transportation and training costs until we get the facility up and running. Brandon provided statistics showing there is a significant increase in the number of juveniles; basically tripled in the past three years. Commissioner Cole asked how do we increase our adult facility capacity and maintain the juvenile facility. Brandon stated the problem is that we do not have the option to not house inmates. Roby said this is a daily struggle to manage how to deal with this issue that is cost effective and still keep the community safe.

Roby discussed briefly the difficulties of housing 40 inmates in a facility designed for 25 inmates. Roby suggested a committee be formed because there needs to be serious discussion about expansion of the Sheriff's Department because this issue is not going to go away.

Roby and Brandon discussed the startup costs to man the Troy Juvenile facility, especially training. Brandon said he has been visiting with Matt Pickett to help put together a cost plan for the restructure of the Troy Juvenile facility.

Roby said he is now looking for a vote from the commission that the Sheriff's Department will absorb and manage the Troy Juvenile Detention facility with permission to move forward with restructuring. **Motion** by Commissioner Bennett to authorize the Sheriff's Department to conduct a comprehensive restructuring of all detention facilities (Troy Juvenile Facility and Lincoln County Detention Center) with the caveat to keep the commissioners involved and informed. Second by Commissioner Cole, motion carried.

3:45 PM Libby Creek Trail Extension: Present were Brett McCully, Tina Oliphant, Bethany Rolfson and Alan Gerstenecker.

Tina is requesting approval and signature from the commission for a letter of support for the Libby Creek Trail Extension. The grant was initially approved in March of 2016. The letter authorizes the Lincoln County Road Department to contribute manpower and equipment in the equivalent of \$30,052. Brett provided pictures and explained the proposed trail project. Commissioner Cole stated that there needs to be some concern and discussion about the road departments doing work that takes away from the private sector. Tina commented that private business cannot provide in-kind grant match. Commissioner Bennett commented about the counties declining revenues and we may get to a point that the road department can only do road department work. **Motion** by Commissioner Bennett to approve and sign the letter as submitted to provide the in-kind match of \$30,052 to the Libby Creek Trail Extension Project as requested. Second by Commissioner Cole, motion carried.

Meeting adjourned at 4:00 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Chris Nelson, Deputy Clerk of the Board