

June 21, 2017

The Lincoln County Board of Commissioners met for a regular session on June 21, 2017, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, County Administrator Darren Coldwell and Clerk and Recorder Robin Benson.

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

10:00 AM **Health Department Update:** Present were Kathi Hooper, Nick Raines, Jennifer McCully, Elka Wood, Alan Gerstenecker, and Krista Nemeroff, Eureka via VisionNet.

Nick said the grant application for continued ARP services has been submitted to EPA and is going through review. The IC Steering Committee has met twice and will be developing recommendations for IC's over the next 10 to 12 months.

Nick said he is organizing a meeting with the Director or Deputy Director of DEQ to discuss Senate Bill 315. Senator Vincent is very willing to participate in that conversation. Senate Bill 315 becomes effective the 1st of July. SB 315 is AN ACT REVISING LAWS RELATED TO THE CLEANUP OF THE LIBBY ASBESTOS SUPERFUND SITE; CREATING AN ADVISORY TEAM; CREATING A TRUST FUND AND AN OPERATION AND MAINTENANCE ACCOUNT; CREATING A LIAISON; ESTABLISHING DUTIES AND FUNDING; PROVIDING FUND TRANSFERS AND APPROPRIATIONS; REQUIRING REPORTING; AMENDING SECTION 75-10-704, MCA; AND PROVIDING AN EFFECTIVE DATE.

Nick said that after the meeting we will have more information on establishing an advisory committee and a liaison position.

Jennifer submitted a monthly snapshot of Immunizations, Communicable Disease and Tobacco Prevention for Commissioner review. Jennifer informed the commission that she will be hiring a 90-day temp. position to fill the County Nurse vacancy. The current nurse position will be temporarily absent for maternity leave.

Public Health is establishing a focus on suicide prevention in the school system and the public. There are trainings for school faculty and staff and educational free and open sessions planned for the public. *For more information, please contact Riley Black at 406-283-2447 or via email at: rblack@libby.org*

Jennifer requested the Annual Child/Maternal Health Grant to be approved for FY 17/18. **Motion** by Commissioner Bennett to approve the Lincoln County Maternal and Child Health Block Grant. Second by Commissioner Peck, motion carried unanimously.

Kathi informed the commission that the Junk Trailer Program will be available September 11 - 23, 2017. Kathi said the county has provided funds in the past for hauling and is asking for commissioner consideration. **Motion** by Commissioner Peck to approve up to \$5,000 towards cost of hauling to be paid out of PILT. Second by Commissioner Bennett, motion carried unanimously.

Kathi said she is reviewing Solid Waste Regulations because they have not been updated since the 1980's.

HECLA and Fisher River green box sites are being fenced starting today.

10:30 AM **Land Solutions, Black Butte, Pathways Agreements:** Present were Vic White and Elka Wood **Motion** by Commissioner Peck to approve Land Solutions, Inc. Agreement. Second by Commissioner Bennett, motion carried unanimously. The agreement is for Land Planning Services while the Lincoln County Planning Department is in transition.

Motion by Commissioner Peck to approve the Communications Use Lease Agreement with the Forest Service. Second by Commissioner Bennett, motion carried unanimously. Agreement is for access to the Black Butte Communication Site.

Motion by Commissioner Bennett to approve the annual Hospital Provider Agreement with Pathways in Kalispell. Second by Commissioner Peck, motion carried unanimously. The agreement is for Pathways service to treat Lincoln County patients while on Emergency Detention. Emergency Detention and treatment is court ordered.

10:45 AM **Administrative Issues:**

The Commissioners reviewed the minutes for June 6, 7, and 13, 2017. **Motion** by Commissioner Bennett to approve the minutes for June 6, 7, and 13, 2017 as corrected. Second by Commissioner Peck, motion carried unanimously.

11:00 AM **Public Comment Time:** Present were Chad Campbell, representing Senator Tester, Elka Wood, Alan Gerstenecker and Krista Nemeroff, Eureka via VisionNet.

Chad said he is here to listen and visit with the commissioners about Lincoln County and to give an update on legislation issues. Chad said that health care is the big discussion right now and there are still a lot of unknowns at this time. Commissioner Cole asked if there was any focus with Senator Tester and Secretary of Interior, Zinke about some of the Northwest resource issues. Chad said they have not yet had that discussion.

Commissioner Peck expressed frustration with the lack of implementation of the Farm Bill and Good Neighbor Authority. Commissioner Peck stated that the lack of production on the Kootenai National Forest is killing us and he does not know how to fix that, but categorical exclusions would be a step in the right direction. Commissioner Peck expressed that Lincoln County cannot survive and it is sad to beg for SRS when our forests are a mess; Counties need to tell their story and we are turning the heat up.

Chad submitted handouts regarding protection of social security benefits, expanding affordable housing in Montana and healthcare and education development for troops and veterans.

11:15 AM **Support Letters/Tina Oliphant:** Present were Tina Oliphant, Leroy Thom, Tanis Hernandez, Alan Gerstenecker, Elka Wood, and Krista Nemeroff, Eureka via VisionNet.

Leroy explained the Center for Asbestos Related Disease (CARD) project is for engineering design to plan for space for future expansion and parking lot. The Big Sky Trust Fund Grant (BSTF) is for \$16,800 and there is a 50% match. Leroy said the CARD is responsible for the match and he is only requesting a county support letter. **Motion** by Commissioner Bennett to write a letter of support for the BSTF Grant for engineering and expansion of the CARD Clinic. Second by Commissioner Peck, motion carried unanimously.

Tina is requesting a county support letter for a \$25,000 BSTF Planning Grant. The grant is for engineering work toward preliminary engineering and technical support for the BNSF Site Certification process in the Kootenai Business Park. Tina said the Port Authority would match 50% of \$12,500. **Motion** by Commissioner Bennett to offer a county letter of support for BSTF Grant as requested. Second by Commissioner Peck, motion carried unanimously.

11:45 AM **Resolution 990/Special Deputy Attorney:** Present were Alan Gerstenecker, Krista Nemeroff, Eureka via VisionNet.

Commissioner Bennett read Resolution 990 in its entirety. **Motion** by Commissioner Bennett to approve Resolution 990 as presented. Second by Commissioner Peck, motion carried unanimously. Resolution 990 authorizes that Special Assistant Attorney General Rune Vander Wey of the Department of Labor and Industry is appointed as a Special Deputy County Attorney for Lincoln County for the purpose of assisting in the investigation and prosecution of labor-related criminal cases.

1:15 PM **Lincoln County Public Information Policy Review and Vote:** Present were Ernie Anderson, John Blodgett, Alan Gerstenecker, and Krista Nemeroff, Eureka via VisionNet.

Robin said she did visit with County Attorney Bernie Cassidy as requested by County Administrator Darren Coldwell and that the county attorney's office has approved the Lincoln County Public Information Policy as presented. Darren said he will add the fee change as requested by the commission. **Motion** by Commissioner Peck to approve the Lincoln County Public Information Policy as amended. Second by Commissioner Bennett, motion carried unanimously.

Krista asked what the purpose of the new policy is for. Commissioner Peck said it mainly brings consistency to the county departments and the requestor and there is added fees to accommodate staff time for larger requests.

1:30 PM **Compensatory Time Policy Review and Vote:** Present were SGT. Brandon Holzer, John Blodgett, Dallas Bowe, Jessica Vanderhoef, Nate Scofield, Alan Gerstenecker and Krista Nemeroff, Eureka via VisionNet.

Jessica asked if you have to use comp time before vacation. Jessica explained that some employees are dependent on cashing out accrued comp time. Jessica said employees in the Sheriff's Department are using comp time payout for a wide variety of financial reasons.

Nate stated there are 110 comp time minimum hours budgeted a year for sheriff department employees. Those hours have been cashed out to 100 hours at the end of each year. Commissioner Peck said that we cannot create a policy that is not for all employees.

Darren said that he has researched several other counties and could not find one county that cashes out comp. time. This is also to get a true cost of each department; we need to figure out where the cost to the county is. Darren said he realizes it's a change, but there is no money available to continue doing business this way.

Commissioner Bennett expressed his belief that it is not healthy for employees to be working so many hours. It would be healthier and financially prudent to hire more employees to offset excessive overtime. Commissioner Peck agreed that at approximately \$200,000 in overtime cost, at what point do we add employees to offset that cost; not including comp time payouts.

Darren clarified there is a maximum of 120 hours of accrued comp time in the new policy. No comp time will be cashed out as of July 1, 2017. Employees do not have to use comp time before vacation time, but after 120 hours it no longer accrues. Employees who go over the 120 hours will be paid overtime.

Commissioner Cole suggested that the commission review the comp time policy for a week and come back to it.

Commissioner Bennett said he would like to look at the vacation and the comp time policies together.

Commissioner Bennett said his concern is with the health of the department. The Sheriff's Department will always have spikes, but the current amount of overtime and comp time should not be the norm.

1:45 PM **Approval of Class "A" Roads and Tax Abatement Request:**

Schedule "A" Road Agreement: Darren submitted the Annual Schedule "A" Road Agreement between Lincoln County and the Forest Service. **Motion** by Commissioner Peck to approve the revised 2017 Schedule "A" Road Agreement with the Forest Service. Second by Commissioner Bennett, motion carried unanimously. A portion of Leigh Lake Road is added this year to the agreement.

Tax Abatement: Kathi explained that she can approve a change in a person's refuse assessment, but cannot approve a refund. Kathi is requesting a \$405.00 refund for Lynn Walker. There is only 1 house on the parcel, but the owner has been paying refuse fees for two homes.

Motion by Commissioner Peck to approve tax abatement refund for the past three years of solid waste assessment fees of \$405.00. Second by Commissioner Bennett, motion carried unanimously.

2:00 PM **Callahan Creek/Mike Fraser:** Present were Alan Gerstenecker.

Mr. Fraser submitted a Progress Report for Callahan Creek Restoration and Mitigation for commissioner review. HDR Engineering has completed drafting an outline Restoration and Mitigation Plan. The plan has been submitted to EPA, ACOE, USFWS, and Montana Fish, Wildlife and Parks. Mr. Fraser requested a conference call to hear comments which would be incorporated into the final plan. There was a brief discussion regarding the draft Restoration Plan, wetlands, geomorphology, fisheries and flood plain management. The draft Restoration Plan was submitted to the commission for review.

2:15 PM **Planning:** Present were Kristin Smith, Jake Mertes, Ken Davis and Alan Gerstenecker.

Final Plat Approval for Weasel Creek Estates Subdivisions located in Troy, Montana for Bull Lake Estates, LLC: Kristin said everything is in order and Planning Staff recommends Commissioner approval. **Motion** by Commissioner Peck to approve final plat for Weasel Creek Estates Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.

2:30 PM **Leigh Lake Road RAC Project/USDA:**

Darren submitted a RAC Project Agreement between Lincoln County and the U.S. Forest Service. The purpose of the project is for road improvements on Leigh Lake Road. The project is RAC funded to pay Lincoln County for actual costs incurred, not to exceed \$22,959. The Lincoln County Road Department will conduct the work. **Motion** by Commissioner Peck to approve the Road Project Agreement between Lincoln County and the Forest Service. Second by Commissioner Bennett, motion carried unanimously.

Meeting adjourned at 2:45 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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