

**March 1, 2017**

The Lincoln County Board of Commissioners met for a regular session on March 1, 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**.

9:00 AM **USFS Monthly Update:** Present were USFS Chris Savage, Bethany Rolfson and Alan Gerstenecker.

**KNF Timber Program-Forest Priorities**

- 159mmbf of uncut wood currently under contract equates to over 10M in remaining value.
- With new Temporary Restraining Order on East Reservoir, sales currently have 44.7mmbf held up in litigation (all Libby Ranger District sales)
- Oly Moly Stewardship recently offered to Idaho Forest Group for 28mmbf.
- Planning to release Galton FEIS towards the end of the Month. Record of Decision; 30 days after FEIS release.
- Young Growth Draft scheduled for March DEIS comment period.
- Flower Creek and Elk Rice projects currently in review at the Supervisor's Office.
- On tract to offer 65mmbf this year.

Commissioner Bennett requested actual amounts harvested and value for 2015 and 2016. Chris said he could get those actuals to Commissioner Bennett.

**East Reservoir:** Still waiting on 9<sup>th</sup> Circuit ruling. Forest Service was asked for some additional information last week from the court.

**10 Lakes:** Comment period ended February 15, 2017. Received approximately 10,000 comments; many of those come from online form letters. Currently reviewing comments and will incorporate into FEIS. The FS is planning on issuing a decision this summer. Commissioner Cole asked what triggered that many comments. Chris said locally there is a lot of interest around 10 Lakes and travel management. Also, regionally across the state, the FS is designating study areas and there is interest in past and current land use.

Commissioner Peck asked if his understanding on the wilderness study is correct that the goal is to maintain as current use what is equal to that in 1977. The Snow Mobile Club states they have not increased use. Chris said the FS feels they have good data on snow mobile use but the FS needs to find the balance of what use was in 1977 and the best fit for current travel management. Chris Savage agreed to meet with representatives of the Snowmobile Club to discuss some of the numbers that have gone into the planning. Commissioner Peck stated that according to the Wilderness Act, the travel management should correspond with 1977 use, not what is deemed as current. Chris said there are added restrictions regarding grizzly bear. Commissioner Peck commented the grizzly has increased in that area since 1977 and expressed his frustration about no habitat approach when putting a species on the endangered species list.

Commissioner Peck said he doesn't know what to say other than it is bullshit. Chris said the FS is trying to have new discussions on conservation strategy using best habitat science. Commissioner Peck said the key issue in recovery is setting the stage and getting buy in from the local public, there is a huge failure on the USFW Service with lack of public trust. The whole concept of not having any local input, yet we (the county and citizens) are the ones having to live with the decisions, is not acceptable. It is apparent that local government has no political clout. If we followed Gifford Pinchot, and if you studied his beliefs about healthy forest management, it is all about local management. Commissioner Peck continued sharing his frustration expressing that of the 10,000 public comment letters received, you would find that maybe 500 are local and the rest come from people who couldn't tell you where 10 Lakes is, but yet those people are dictating our land management.

The federal government is taking the place of local management and that management is not based on common sense and real science, yet we are a government entity put here to make decisions for the best interest of our communities and we are not allowed to do so. Commissioner Bennett said one of the issues is that regarding the Endangered Species Act, there is a process for listing, but there is no process for delisting.

**OU3:** Working with EPA and other stakeholders around Feasibility Study and Remedial Investigation documents. WR Graces's contractor is trying to minimize OU3 boundary as well as the remediation that would be required within OU3. Working on longer term fire preparedness and suppression strategy within OU3.

**Montanore:** District court date set for March 30, 2017 to be heard by Judge Malloy. The FS is waiting to see an updated Plan of Operations from Montanore and has met with Montanore on the mitigation plan and land acquisition about a month ago. Montanore is focusing on land acquisition until project moves through litigation.

Signed Memorandum of Understanding with the State of Montana (DEQ & FWP) on finalizing agreement for oversight committee.

**Rock Creek:** KNF is currently reviewing the draft ROD. Forest Service provided comments to ERO (contractor) on FEIS. The objection period is planned for April.

**Troy Mine:** FS is currently working with Hecla/Revett Silver on reclamation of the tailings impoundment. 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. The Ball Mill collapsed this winter.

**Upcoming Year and Other Priority Projects:** Continuing with Visitor Use Surveys to be conducted on the forest. This occurs every five years. Need to resolve management plan with Lincoln County and Libby Shooting Range. Need to have a meeting with the commission to discuss the county's interest in RS-2477 Right-of-Way's and converting to trails.

**Capitol Christmas Tree:** Successful kickoff event was held in Eureka on February 18<sup>th</sup>.

Next events will be scheduled in other communities. Working with schools, civic groups and other social entities in helping create ornaments and keep the momentum going.

10:00 AM **Gary Huntsberger/National Endowment for the Arts:** Present were Gary Huntsberger, Alan Gerstenecker, Bethany Rolfson and Nikki Meyer, Eureka via VisionNet.

Gary introduced himself as the president of the Kootenai Heritage Council helping to organize events at the Memorial Events Center. Gary said the purpose of this meeting is informational about the Montana Performing Arts Consortium

(MPAC). Gary shared concerns about funding sources. The grant agencies are the Montana Art's Council, National Endowment for the Arts, Montana's Cultural Trust, and Western States Arts Federation. Lincoln County receives 2 grants a year through this process. Gary expressed that part of his job is ensuring the county commission is aware of the purpose of the Memorial Events Center and also to have the knowledge of continued funding concerns. Gary gave a brief history of the Memorial Events Center and noted that none of our schools in South Lincoln County have an auditorium so we use the Events Center. Gary asked what our culture is; we have our mining and timber history but what is our current culture now? This is a difficult question for our youth to answer. Gary shared the variety of the upcoming cultural events potentially planned at the Memorial Events Center throughout 2017. Commissioner Cole said that the potential lack of funding is a concern and asked if the commissioners could write a letter of support for the funding agencies. Gary said it would be beneficial to have a support letter recognizing the importance of the four agencies mentioned as funding sources. With commission permission, Darren said he would draft a support letter. Commissioner Cole thanked Gary for his hard work and efforts to bring these high quality events to Lincoln county.

10:30 AM **Administrative Issues:** Present were Nikki Meyer, Eureka via VisionNet

- The commissioners read the minutes for budget workshop session February 21, 2017 and regular session February 22, 2017. **Motion** by Commissioner Bennett to approve the minutes as submitted. Second by Commissioner Peck, motion carried unanimously.
- Robin informed the commission that the restoration of the 1909 survey of Lincoln County has been completed and is in transit back for framing. Robin said she would keep the commission informed.
- Robin said she received a request from the Heritage Museum regarding a World War I map that is currently stored in a vault in the courthouse. The museum is requesting a permanent donation of the map ensuring that it would be archived and stored in an acid free box and permanently taken care of. The map was spread out on the commission conference table for everyone to view and photograph. The museum would like to display it for the public during the summer season. **Motion** by Commissioner Bennett to donate the World War I map to the Heritage Museum. Second by Commissioner Peck, motion carried unanimously. Robin commented that Lincoln County has maps in multiple locations that are not being preserved/stored properly. Members of the Heritage Museum attend regular conferences and training regarding archiving and map preservation. Their next conference is next week and Laurie Mari said upon return from training, they would share their knowledge to help with county map preservation. Robin said she is excited about the relationship and the knowledge will be very beneficial.
- Robin presented a letter from the Libby Video Club requesting funds to help operate and maintain the community off-air TV system for the Libby area. **Motion** by Commissioner Peck to approve \$1500.00 to be donated to the Libby Video Club. The donation will be paid from the Libby Economic Development Fund. Second by Commissioner Bennett, motion carried unanimously.

10:45 AM **Unite For Youth/Memorandum of Understanding (MOU) Agreement:** Present were Alan Gerstenecker, Bethany Rolfson and Nikki Meyer

County Administrator Darren Coldwell submitted the Memorandum of Understanding (MOU) for commissioner review. Darren clarified the MOU is required for grant opportunities and is signed every 5 years. The only change is the date of March 1st, 2017. **Motion** by Commissioner Peck to approve and sign the Memorandum of Understanding between Lincoln County and Lincoln County Unite for Youth Coalition. Second by Commissioner Bennett, motion carried unanimously.

11:00 AM **Public Comment Time:**

- Commissioner Cole said after visiting with Steve Newman, owner of the Tobacco Valley News, he would be very opposed to having non time specific commissioner meeting agendas. Steve said he appreciates why it was considered; saving time and also accommodates cancellations. Darren commented that he checked with several other counties and they all have time specific agendas. The commissioner meeting agendas will remain time specific.
- Robert McLaury informed the commission that several years back he allowed the county on his property to widen the switchback on Parmenter Road with the condition that the bank of his property would be stabilized. Robert said that so far nothing has been done and he expressed his concerns about run off and feels it is only a matter of time before the bank slides.
- Robert McLaury also said he has mining claims up Granite Creek and expressed his frustration that the forest service has closed the road denying him access. Robert said he feels it is an illegal road closure and he would like to get up to his mines. Robert said he has approached the forest service but is not getting any access permission and if given guidelines he would be willing to do any required road work himself. Robert gave a history of the road and said the specific area is the Victor Empire Claims. Commissioner Peck commented that this is another reason why we need to look at every county road. Commissioner Bennett agreed and stated the county has been inventorying roads, but we need to complete the effort. Robert expressed his opinion that the forest service road closures on these old roads lead to something of value. There is ore and minerals untapped; road closures deny access to move product. Commissioner Cole said that we (the county) share your frustration on many levels. Robert said there is no reason why we cannot be eco-friendly and have industry and jobs here. Commissioner Bennett and Commissioner Cole agreed with the sentiment.

11:30 AM **Fire District Acclamations:** Present were Election Administrator Leigh Riggelman.

Leigh informed the commissioners that the number of filed candidates equals the number of position open for Fire Districts in all fire districts; Bull Lake, McCormick, Troy Rural and Lincoln County Rural. There were the same amount of candidates as positions. Therefore, the regularly called for Fire District Election held on May 2, 2017 is cancelled. All filed candidates are duly elected by acclamation. Candidate are as follows:

Bull Lake Fire District: Sylvia M. Maffit and Patricia Sargent

McCormick Fire District: Steve Allen

Troy Fural Fire District: Max Schrader

Lincoln County Rural Fire District: John Curtis Jones and Richard S. Wood.

**Motion** by Commissioner Bennett to approve the Notice of Trustee Election by Acclamation as presented. Second by Commissioner Peck, motion carried unanimously. Official letters will be sent to each fire district board.

11:45 AM **CAN-AM Search & Rescue (S & R):** Present were, Sheriff Roby Bowe, Bo Pitman, CAN-AM Board Members Charlie Meienberg and Patty Gill, Colby Cash and Nikki Meyer, Eureka via VisionNet.

Commissioner Cole clarified that we are here to continue from last week's discussion about the correct operating and budget processes for Search and Rescue (S & R). Commissioner Cole clarified that CAN-AM and David Thompson are not a district; they are a county entity within the sheriff's department. Roby stated the structure is according to state law. Roby said that CAN-AM is a 501(c)3, set up for donations so the public can receive tax credit from their contributions. Commissioner Peck commented that fire districts have auxiliary boards but all cash flows, including donations should flow through the county system so there is record of revenue received. Commissioner Peck stated that for any county entity and for any district receiving public funds, all revenues will legally run through the county with the understanding that this is protective of the boards that manage those funds; we all are aware there have been issues.

Roby gave a brief history when Search & Rescue was started in 1970's, then it went to voters in the 1980's and voted 1 mill divided 33% / 66%. Roby stated that he agrees S & R needs to make some changes to ensure we are following state law. Commissioner Peck commented that Roby has overall control over S & R, but the county does not have authority on how the money is spent, the S & R boards do that and Roby monitors spending. Commissioner Peck said S & R need to start submitting all revenues now that have been put into their personal revenue accounts. Robin said she will visit with Nancy about setting up individual revenue accounts because currently S & R is set up under one revenue account. Roby stated that he will not approve CAN-AM to get a bank loan because board members would sign the loan paperwork, and then board members leave but are still responsible for the loan and it would not be legal anyway, therefore it's a moot point. Roby said there are other avenues to take other than going through banks to achieve their goal. Roby said he will attend a CAN-AM board meeting to discuss how to achieve the goal of having a new building for equipment storage. Commissioner Peck commented the importance of understanding the commission is in support of the new equipment building. Commissioner Bennett agreed, we just need to ensure it is done legally.

1:00 PM **EMA Update:** Present were Lisa Oedewaldt, Alan Gerstenecker, Nikki Meyer and Joe Purdy, Eureka via VisionNet.

- The 911 RFP's came in; 7 total received. All RFP's have been date and time stamped and review time will be completed soon.
- Lisa is currently working on grants; a total of 22 grants (all standard) mostly pertaining to communications will be submitted. Lisa explained the difficulties of attaining grants from increased, more stringent federal requirements.
- Lisa will be on conference call with the governor's office to discuss the disaster declarations.
- All creeks are in good standing right now and are under continued monitoring.

1:15 PM **Fairgrounds Projects:** Present were Jake Mertes, Kathi Hooper, Joe Purdy, Lois Sciligo, and Nikki Meyer, Eureka via VisionNet.

Commissioner Cole wants the conversation to continue to move forward to determine what direction the county will be taking regarding the fairgrounds improvement project. Commissioner Peck stated that as he is reading through the Memorandum of Understanding (MOU) with the Town of Eureka, it seems that everything is on the county; operative statements of county "will" and county "shall". Commissioner Peck expressed there needs to be more of an equal responsibility. Commissioner Peck questioned the easement, stating there is no discussion on the value in the MOU. Commissioner Bennett questioned the issue of 2 to 3 years to process the final agreement with the Forest Service, and the difficulty of basing decisions without all agreements in place. Commissioner Bennett said in one document he read the fairgrounds has nine septic tanks and another document stated only 6 or 7. Lois clarified there are 7 septic systems. There was confusion between Lois and Commissioner Cole on the number of septic tanks. Commissioner Cole commented there was a restroom on the rodeo side that has failed and is no longer in use.

Commissioner Peck said the need for improved sewer is not in question, but we don't know where we are at budget wise. We are in discussion about potential elimination of positions; that makes this a complex situation.

Darren wanted to be clear that PILT may be the county's only non-restricted use fund and there is uncertainty of the continuation of receiving those federal funds. The county is very dependent of those funds at this time and we do not know how long the fund will exist, yet we are basing a 15 year loan decision as PILT being the revenue source.

Commissioner Cole commented on the importance of infrastructure; it stays for many years. Commissioner Peck asked about the focus on increasing fairground revenue sources.

Commissioner Peck commented about Engineer Mike Fraser's recommendation or option of no sewer and using portable restrooms, or using a grinder pump system which is approximately \$99,000 vs. \$218,000 in the project plan.

Commissioner Bennett questioned if improvements can be done in phases.

Joe said he has a concern with the Town of Eureka and where the city sewer is planning to expand to. Is our piece of the puzzle with our 200 acre lots available that we have on the south side of the fairgrounds is in consideration; the investment is already put into it. Commissioner Peck said he wants to know that is satisfied as there is a potential for 200 homes paying taxes to the county. We need to look at this in a broad scope, including surrounding areas. Commissioner Bennett said he would be interested in knowing the capacity of the Town of Eureka system or cost to support 200 homes.

1:30 PM **Planning Department:** Present were Lisa Oedewaldt

Lisa asked about Deb Blystone's position since her last day is March 17<sup>th</sup>. The applications have come in. Commissioner Peck said we may possibly move another employee to work part time into this position. Darren asked if it could be a part time job? Lisa felt that between addressing and data entry, it should be full time. Commissioner Peck said that at some point in time the addressing will be completed. Darren commented that on a finance perspective, he would like to try it part time. Commissioner Peck suggested checking into having it contracted out to get all the rural addressing done.

Lisa mentioned DNRC is visiting with the Forest Service about potentially putting in an RV Park below the marina.

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

Mr. Fraser said he has approved language on the Administrative Order of Consent (AOC); the agreement is between Lincoln County and EPA. EPA has taken over enforcement of the Callahan Creek Restoration Project. The AOC has been vetted and approved by the county attorney. There is a conference call about the removal plan with EPA and other stakeholders on March 7<sup>th</sup>. Mr. Fraser said we are getting very close to action on this project.

**Motion** by Commissioner Bennett to approve the Administrative Order of Consent. Second by Commissioner Peck, motion carried unanimously. Mr. Fraser submitted copies of signed access agreements from Stimson Lumber Company, City of Troy and Julies Stieger, but is still working on an agreement with FWP.

Mr. Fraser submitted a summary of past, current and projected costs to the commission for review. Approximately \$253,000 is estimated for the whole cost projected out through 2018-2019. The Troy road work is not included in the cost. Lisa commented she can apply for grants for restoration costs, but not for removal costs.

2:15 PM **Sheriff's Department / Troy Juvenile Detention (TJD) Discussion:** Present were Sheriff Roby Bowe, Undersheriff Brandon Huff, H.R. Director Vic White and Payroll/H. Coordinator Dallas Wamsley, Alan Gerstenecker and Bethany Rolfson.

Roby submitted standard costs for current FY and last year for comparison for adult and juvenile detention. The cost spreadsheet also showed comparison cost to outsource Troy Juvenile Service. The TJD cost analysis showed a savings to the county of \$106,385 if the TJD facility were to be suspended and services outsourced. Roby and Brandon agreed that suspension of the TJD facility was the best solution to the current situation. Commissioner Peck clarified that is a Sheriff's Department decision, not commissioners.

Roby said the adult detention facility is beyond crisis and is seeking permission to absorb 5 of the TJD staff, giving immediate relief to the understaffed issue we are facing now in the adult facility. Roby said the biggest problem is there is no place to put violent offenders away from others. Brandon commented that many facilities across the state are in a similar situation as Lincoln County.

Commissioner Peck stated that we need to start talking about the solution and determine the number of full time employees to trim back overtime. Brandon said we will have to look at jail standards; we want to fall under the same licensing we are now as a remodel or expansion. We do not want a re-build; relicensing will require outdoor recreation, and a whole lot of new cost. Commissioner Peck said that we need to focus on staff right now and questioned if we need to have a public hearing for discussion on potential closure of the Troy Juvenile Detention Facility. We are not taking jobs away, but moving them. Vic said MACo recommends a public hearing. Commissioner Peck said he would like to see the MCA's.

Roby informed the commission that he did fill the records clerk position with a detention officer and now would like permission to fill the detention position. Darren said that coming from a budget perspective, filling full time positions should be conditional that overtime is significantly reduced. Commissioner Peck said he would like to see costs summarized in one spreadsheet; costs should be comparative to current costs.

**Motion** by Commissioner Peck to give the Sheriff's Department permission to fill any open detention position until further notice. Second by Commissioner Bennett, motion carried unanimously.

Commissioner Bennett said he would like to see construction costs and recommended having an engineer look at the adult detention facility and come up with a design/cost plan. Engineer Mike Fraser and County Administrator Darren Coldwell toured the adult detention facility.

**Meeting adjourned** at 3:30 PM

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Mike Cole, Chairman

**ATTEST:** \_\_\_\_\_  
Robin A. Benson, Clerk of the Board