

March 15, 2017

The Lincoln County Board of Commissioners met for a regular session on March 15, 2017, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, and Clerk and Recorder Robin Benson.

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

10:15 AM **Elections/2017 Federal Special Election SB305**: Present were Lincoln County Election Administrator Leigh Riggelman, Libby via VisionNet, Barry Roose and Nikki Meyer.

Leigh read **Resolution No. 985** in its entirety. A Resolution requesting a Mail Ballot Election for the 2017 Federal Special Election to fill the Office of the United States Representative for Montana, contingent upon Passage of SB305. Leigh is requesting signage to conduct a mail ballot election if SB305 passes through the legislature allowing counties to decide if the election to be held on May 25, 2017 will be mail ballot only or with polls. Leigh said the resolution has been vetted through and approved by the county attorney's office. **Motion** by Commissioner Peck to approve Resolution No. 985 for further discussion. Second by Commissioner Bennett.

Commissioner Bennett explained his experience on the legislature and shared his concern that having a mail ballot election on a state issue may set a precedence of future elections. Commissioner Bennett said his priority and concern is maintaining the integrity of the election and future elections. Commissioner Bennett clarified that he is not so concerned so much locally, but with statewide elections. If we go that route the process needs to be nailed down to ensure integrity of the votes are maintained.

Commissioner Peck said he recognizes the cost savings of mail ballot elections, but feels that elections are the bedrock of our system and that locking it into one procedure concerns him. Commissioner Peck shared frustration about having to make these type of decisions based on money.

Commissioner Cole said he is a firm proponent of ballot polls; SB305 is specific to this election and not ongoing elections and the cost savings is 40% or approximately \$30,000 to the county if we (Lincoln County) conducts a mail ballot only election.

Barry expressed that we need to be judicially responsible and prudent this one time. Barry stated that a mail ballot election should only be a one-time thing.

Nikki shared that due to the short time frame and financially as well, feels the commission should pass this resolution.

Commissioner Cole asked for a vote to approve and sign Resolution No. 985. **Motion** carried with a 2 to 1 vote;

Commissioner Cole and Commissioner Peck in favor and Commissioner Bennett opposed.

Commissioner Peck said he is hesitantly supportive and his approval is only based on the uniqueness of this election.

Commissioner Bennett said his opposition is based on setting a precedence of future elections but is understanding of the money issue.

10:30 AM **Administrative Issues**: Present were Barry Roose and Nikki Meyer.

Robin shared a letter from the Department of Revenue that Parcel 1C of COS 1834 is owned by Lincoln County but a real property tax exemption application was not received by March 1, 2016. After conducting history of ownership there needs to be a quiet title filed due to error in the history of ownership filings. Robin recommended having a local title company review and resolve the error. Lincoln County was deeded the property by First National Bank of Eureka in 1991. Property is located at the Eureka Airport. **Motion** by Commissioner Bennett to have a local title company research and resolve the issue of said property. Second by Commissioner Peck, motion carried unanimously.

Robin informed the Commission that before she can physically adjust the Public Health budget in the accounting system as approved in last week's regular commissioner meeting, she must first advertise a Public Hearing per M.C.A. 7-6-4006(4). The budget amendment is to increase the Public Health budget due to unanticipated revenues received for immunizations. The Public Hearing and the Resolution will be on the April 5<sup>th</sup> Commissioner agenda.

Commissioners read the minutes for Special Session March 7 and Regular Meeting March 8, 2017. **Motion** by Commissioner Peck to approve minutes as amended. Second by Commissioner Bennett, motion carried unanimously.

Commissioner Bennett said the Core of Engineers out of Seattle issued a Declaration of Emergency that included Callahan Creek. What that does is originally in the repair of the dike, it was an 80/20 split of cost; the declaration allows for the entire cost to the Corp of Engineers, eliminating cost to the county. Commissioner Bennett said the Corp of Engineers suggested Lincoln County to declare an emergency also to coincide with theirs, but wants to do more research first.

**Motion** by Commissioner Peck to enter into a cooperative agreement for flood fight with the Core of Engineers for repair of Callahan Creek. Second by Commissioner Bennett, motion carried unanimously.

Darren Coldwell said the county does need to declare a state of emergency due to flooding at Callahan Creek. **Motion** by Commissioner Bennett to declare a State of Emergency due to snow pack and heavy rains. Second by Commissioner Peck, motion carried unanimously.

Commissioner Bennett explained that EPA did conduct a house and land inspection of the Shaver property located directly behind the county shop in Troy, but one of the things left out in the agreement is that EPA is to conduct an inspection of the roof and tiles in the house. The homeowner does not want to deal with this, so Lincoln County can have the inspection conducted after the county purchases the property. Commissioner Bennett said he did a walk-through of the home and recommends moving forward with the purchase of property and conducting the inspection after purchase.

Commissioner Bennett informed the Commissioners that the rock quarry site; 4.5 acres owned by Dennis Welch needs more research before the county moves forward with purchase. Davis Surveying did the survey using a utility exemption,

and after visiting with Vicki in the Clerk & Recorder's office, questioned if the utility exemption applies. The legal description is incorrect on the 1.41 acres portion that is intended for trade. Lincoln County will need to conduct a survey on the 1.41 acre piece. Commissioner Bennett said another option is to ask Mr. Welch for a 99 year lease. Lincoln County could take the rock down to the level of the road. The property would be owned by Mr. Welch and Lincoln County could mine the rock. A mining permit would be processed and approved first, and then the lease could move forward. Commissioner Bennett will do more research and bring the information to the commission for further discussion.

Commissioner Peck informed the commissioners that he is working on a couple of letters; one of support and one non-support of a couple of bills. Commissioner Peck said he would like to draft a letter of support for SB281 by Representative Chas Vincent. Commissioner Peck said he would like to draft a letter of non-support for HB481, authorizing counties to allow fire districts to self-dispatch on wildland state and federal jurisdiction. Commissioner Peck said that system of linking local, state and federal government has been in place for many years and is the one thing that works; this bill will muddy that and he sees no reason for the bill. Commissioner Cole and Commissioner Bennett agreed and requested Commissioner Peck to draft the letters.

Commissioner Cole said the RAC agreement came through on the Ksanka Creek Restoration Project. Commissioner Cole submitted a contract amendment from WGM Group, Inc. for review.

Commissioner Cole said he is donating \$2500.00 to help pay for grooming at 10 Lakes. The money will come out of the Eureka Park Fund.

Commissioner Cole said he is donating \$11,300 to the Eureka Cemetery to help with lawn mower cost. The money will come out of the Eureka Economic Development Fund.

**11:00 AM Public Comment Time:** Present were Nikki Meyer and Barry Roose.

Barry explained a project on his property located on Hwy 93 and Mud Creek Road. Barry said he received a 319 grant to reestablish the creek flow for safety reasons and needs to go through the permitting process with DEQ. Part of the grant guidelines state educational outreach needs to be conducted for cleaner water. Barry said the project on Mud Creek is to clean up a mess left by the old sawmill from the 1950's. Barry expressed enthusiasm for this project and is looking forward to getting this tributary cleaned up. Barry asked for permission to place a 4 X 8 sign on county property. The sign is in recognition given to appropriate agencies contributing to the project that recognizes good stewardship. **Motion** by Commissioner Bennett to approve the sign at Mud Creek as requested. Second by Commissioner Peck, motion carried unanimously.

Commissioner Peck asked if there is any type of agreement that is protective of the sign on county property. Barry said the county will be addressed on the sign as a contributor to the project with a county seal. Commissioner Bennett requested Barry to email a copy of the sign to the commissioners when the design is complete.

**1:00 PM USFS Bryan Donner:** Present were Bryan Donner, Rexford/Fortine Ranger Districts, Jonathan Colby and Nikki Meyer:

**Current large planning projects:**

- Galton Vegetation and Fuels Management update.
- Ten Lakes Travel Management: Recently closed a comment period, received 240 comments. Of those comments 140 were individual and the rest was by form letter. The forest service will review and then issue a revised environmental impact statement. Most comments were about maintaining recreational use and wildlife. Commissioner Peck said that Act was to maintain recreation at the current use level. Bryan agreed the recreational use is to be comparable to 1977 use.
- Gateway Restoration Project: Mostly centered around private or timber company ownership historically and then after the reservoir, the forest service acquired property in the 1990's. Currently studying how to manage old routes whether trails or roads to be put on the system formally; currently those areas are designated as undetermined.
- Pinkham-Meadows Vegetation and Fuels Management: Moving forward, timber harvest, burning, over 100,000 acres. Barry said this is our largest project for sales in 2018.
- Young-Dodge Litigation: Barry said we are in a waiting period for a decision.

Bryan said the forest service is meeting with a couple members of the snow mobile club for discussion about the 10 Lakes Travel Management Plan.

**Green Box Sites:**

- Barry said there is concern of effectiveness as a bear deterrent at the West Kootenai site. The site is not fenced and the concern is the design does not hold up to the machinery that dumps those containers. The locks are not holding up. Barry is asking if maintenance can be conducted by the county. Commissioner Cole said the county is having those discussions with the Health Department and is aware it's a very big maintenance issue.
- Pinkhan/Othorp Project is to move the site into a facility on forest service land. The permit is ready to be signed except waiting on a biological assessment. This is a good project to help with management of the new site.

Bryan said a cattle guard on the West Kootenai county road is proposed to better separate two forest service pastures. The location is near Poverty Creek just past the Dodge Creek road and a cattle guard is to help facilitate moving the cattle at the right time to the correct pasture. Barry said he is asking the county to support the installation. Commissioner Cole said he needs time to have some conversations with the people who live in that area.

Sophie Lake Road FLAP project is funded but the forest service is waiting on Federal Highways for implementation timeframes.

Youth Conservation Corp (YCC) recruitment for this summer has begun and the forest service expects to hire 12 high school kids. Bryan updated the commission on YCC activities.

RAC funds have been obligated to support the project to restore Ksanka Creek and relocate a portion on the forest service compound. Contactors are approved to move forward.

Bryan said the challenge in locating the Capitol Christmas Tree is accessibility; needs a fairly large cutting area. The goal is to have 9,000 ornaments and we are currently at 1,000. Bryan said the forest service is involving a lot of kids and organizations and there will be ornament booths and information set up at most of the county events. The forest service has weekly planning meetings.

Sewer line installation on National Forest Service Land at the County Fairgrounds: Barry said there is a plan and appropriate approach. Barry said he is looking forward to future meetings to start talking about those options to make this happen.

**Timber Sales Update:**

- Timber sales over 5MMBF each are under contract and are either still logging or are about to begin operations. Three other large sales are finished logging but still need to complete final activities before the contract is closed. One sale in Big Creek is currently operating but all sales will soon be inactive due to spring break-up.
- Five small sales are still open, ranging from 2015 fire salvage to blowdown salvage.

Commissioner Cole commented that HWY 37 is a scenic byway and suggested a stewardship project for tree management because the view is obscured due to tree growth.

2:00 AM **Callahan Creek Update:** Present were Mike Fraser and Nikki Meyer.

Mr. Fraser said he met with all agencies involved about the removal plan and predicts start up early April. Mr. Fraser estimates the work plan will take 20 to 25 working days. MFWP comment period expires today and Mike Hensler indicated no substantial comments had been received as of March 7<sup>th</sup> and expects to issue the permit soon after March 15, 2017. Army Core of Engineers has approved the removal but expressed concern over the Stieger disposal site. A conference yesterday resulted in a decision to submit a desk top wetlands delineation to receive confirmation the site is suitable for disposal. Lincoln County Flood Plain Administrator should be able to issue a permit soon. Stimson Lumber has signed the Site Access Agreement; commissioner's approval and signature is needed. Commissioner Bennett contacted Dennis Welch and it appears the Welch's will sign the access agreement. The last application is for a Construction Storm Water Permit which is complete. The Notice of Intent will be sent before work begins. There are no Best Management Practices to implement. There will be meetings with county road crews and supervisors to outline the limits of removal so no actions can be construed as placing fill; understand they can dig, but not pile. Spillage will be put into trucks and hauled away. Around the Stieger fill area a silt fence will have to be placed before fill begins. There are some wetlands areas near Stiegers which will have to be avoided. These will be flagged for the crews. Commissioner Bennett said he will be meeting with Gene Rogers and Julie Steiger regarding the access agreement. The mitigation plan is being processed and signed by EPA. Once work is done, the restoration plan will need to go to EPA within 90 days. Mr. Fraser will begin working on this now with commission input. The area will be monitored for a couple of years after completion.

Mr. Fraser said he has toured the county detention facility. There is preliminary project money available for planning and cost analysis possibly coordinated with Tina Oliphant to receive CDBG grant money. There are other funding options to be discussed further since Lincoln County is statistically low income. Once a cost estimate is in place, the county can better determine how to pay for cost.

2:20 PM **Lincoln County Junior Fair: Cancelled**

**Meeting adjourned** at 2:15 PM

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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