

May 10, 2017

The Lincoln County Board of Commissioners met for a regular session on May 10, 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 Jakes Mertes, Jennifer McCully, Nick Raines, Kathi Hooper and Alan Gerstenecker.

- **Green Box Sites:** Kathi reported that the Hecla and Fisher River sites are ready to fence. Estimates are coming in and funding is in place for Hecla but still pursuing funding for the Fisher River site. Kathi discussed other sites that need gatekeepers, fencing, and possible relocation and consolidating some sites. Environmental Health will be looking at Pinkham Creek and West Kootenai. Kathi commented that there are problems with the containers not holding up. Green box sites with gatekeepers cost \$250 to \$500 per month and does not include hauling costs.
- **Air Quality:** Jake said open burn season closes at 5 pm tonight. There are less burn permits issued from last year. Jake commented there are some people are burning without attaining permits.
- **Public Health:** Jennifer submitted a Public Health Snapshot. April was busy for immunizations in schools. Flu season is over and there were 90 reported flu cases which is in the middle of previous years. Jennifer submitted the annual PHEP grant of \$37,262 for approval. The PHEP grant is used for emergency planning, communicable disease, and funds a half time person. **Motion** by Commissioner Peck to approve the annual PHEP grant for FY 17/18. Second by Commissioner Bennett, motion carried unanimously.
- **Asbestos Resource Program (ARP) Update:** Nick said he is working with Darren to proceed with the EPA grant funding for ARP and will have a new cooperative agreement in the next few weeks for the commission to review and approve. EPA requires the county Finance Policy and Procedures to be adopted and approved. Darren has sent the policy to the county auditor and MACo for approval. Nick stated that EPA is still going through their evaluation and is requesting a time analysis of Allan Payne's billable hours of his service to the Board of Health (BOH).
- **Warren Case:** Kathi said the verdict has come back and Animal Control will be seeking approximately \$50,000 in restitution for the care of the animals that were confiscated and cared for by Lincoln County Animal Control. Animals are fostered out but cannot be adopted out until after sentencing.
- Jake discussed an upcoming new regulation that will require well drilling permits within the county. Jake said it will be approved by the BOH and then it will go into effect after 60 days. Jake expressed the permitting for wells is a good idea for health and safety. Commissioner Bennett encouraged Public Health to put the issue on the BOH agenda for public input.

10:45 AM **Administrative Issues:** Present were Wendy Drake and Alan Gerstenecker.

- Wendy said she received a check for \$23,271 from MACo for the building at the Eureka Fairgrounds. The payment is from the claim for the collapsed building during the snow season. Commissioner Bennett said we should look into the county insurance policy to see if the building was insured at replaceable costs.
- Darren received an email from Tina Oliphant with a draft letter to be reviewed, edited, and placed on county letterhead. The letter is a request to the Montana Department of Commerce/Grant Review Committee for Contract amendment; MT-BSTF-1-10-01F, Equipment Purchases in the Kootenai Business Park, formerly Stinger Welding, Inc. Commissioner Peck said this is a black eye on the county and reflects a total lack of a coherent plan; there is a lot of money hanging out there. Darren said he would set up a meeting with Tina and the Commissioners for further discussion. Commissioner Peck commented that the county is heavily invested and this needs to be cleared up.
- The commissioners read the minutes for May 2 and 3, 2017. **Motion** by Commissioner Bennett to approve the minutes as submitted. Second by Commissioner Peck, motion carried unanimously.
- Robin requested a motion to approve Ernie Anderson to the Tax Appeal Board. Robin said that nobody applied during the application timeline and Ernie Anderson has volunteered to serve a 3 year term to replace Hank LaSala's position. **Motion** by Commissioner Bennett to approve Ernie Anderson to serve on the Tax Appeal Board for a 3 year term. Second by Commissioner Peck, motion carried unanimously.

10:30 AM **Appointment of Jinnifer Meriman as Deputy County Attorney:** Present were

Darren submitted Resolution No. 989 to appoint Jinnifer Mariman to the Lincoln County Board of Health (BOH). Commissioner Bennett read Resolution No. 989 in its entirety. Resolution No. 989 retains Jinnifer Mariman of Moore, Cockrell, Goicoechea & Johnson, P.C. as a special deputy county attorney to assist in the representation of the BOH. Commissioner Cole noted that the resolution needs to include communities of Troy and Eureka; only Libby is reflected. Darren said he would make that correction and send it to Jinnifer for approval before signing. **Motion** by Commissioner Peck to approve Resolution No. 989 with an addition to include Troy and Eureka. Second by Commissioner Bennett, motion carried unanimously. Commissioner Peck thanked DC Orr for catching that this needed to be done.

11:00 AM **Public Comment Time:** Present were D.C. Orr, Rita Windom, Bob Windom and Alan Gerstenecker.

Rita commented that she read an article in the Daily Interlake about the timber receipts/SRS funds and she worked with some of those people from Oregon. Oregon had legal representation and their amount which has been greater than Libby's was negotiated.

Rita informed Commissioner Peck that there was a National Forest of Rural Counties and School Council of Counties. Rita said there is a lot of historical information out there to be used as you move forward with the new coalition of Northwest Montana Counties. Commissioner Peck clarified that he is aware of the council Rita is referring to and it is still in place and active. The missing piece is county litigation; the new coalition is specific to litigation and counties becoming engaged in litigation. Commissioner Peck said that Lincoln County still pays dues into the National Forest of Rural

Counties and Schools Council of Counties. Commissioner Peck said we need to look at Idaho's model because there is a connection between the governor's office and Idaho counties.

Rita said she has been reading the minutes and it appears that Lincoln County is outsourcing an awful lot of responsibilities. When you start outsourcing, you should give it a lot of thought, keeping in mind that you are taking jobs away from the county. Rita stated that she has really mixed feelings about this. Commissioner Peck said GIS is a combination of outsourcing and employee cross training/multi-tasking. Commissioner Cole said it shows that we are spending a lot of time discussing and looking at all the options and costs.

Rita asked what happened with Mr. Pickett? Commissioner Peck said that Mr. Pickett is not employed with the county. Commissioner Cole stated that Mr. Pickett did help us with what we were anticipating regarding suggestions and processes, but the county has ended the contract. Commissioner Peck said now that Darren is on board, we no longer need his services. Rita asked if the product that he gave to the county was useful and legal. Commissioner Peck said there was a lot of very useful information and recommendations. Darren commented that some portions of the County Financial Policy currently being reviewed by MACo came from Mr. Pickett's financial policy document, although we are not implementing it.

Rita stated that some of the things she read in Mr. Pickett's policy were in adverse position with Montana statutes and questioned that Lincoln County paid approximately \$75,000 for a document that could not be implemented. Commissioner Cole said that Mr. Pickett helped with process and recommendations, not the actual document.

Rita commented that the Airport Fund is way over budget and questioned where the overage came from. Commissioner Peck said some of the expenditures was snowplowing and fuel. Commissioner Peck said there is concern over the entire airport operation and management. Commissioner Peck stated that he understands the importance of airports, but that Lincoln County spends a large amount of money for a small group of folks. Rita reminded the commission that in crisis situations, the airports need to be there. Rita recommended a commissioner to attend the airport board meetings. Bob said it does not appear the airport board is active and when he was on the airport board, they used to have monthly meetings and public participation. Bob said he does not see any sign of participation by the airport board and the public. Bob expressed that the city and commissioners should be more involved.

D.C. Orr thanked the commission for the appointment of Jennifer Mariman to the Board of Health. Mr. Orr commented that he sent many emails to the Board of Health members, county attorney and commissioners back in 2009 but never received responses to questions and he is hoping things change so he does get answers to his questions. Mr. Orr stated this is important to get right.

**11:15 AM 1910 Survey of Lincoln County:** Present were Alan Gerstenecker.

Robin informed the commissioners that the 1910 survey of Lincoln County is complete; restored, framed and placed on the wall in the Lobby of the courthouse. The Commissioners, Darren, Alan, and Robin walked out to view the map and to take photos. Robin said it was a group effort to complete this project and thanked the commissioners for their support. Robin also thanked her staff for their help and participation and Devi McCully for locating the restorer in Chicago and framing service.

Robin informed the commission that she is applying for the Clerk and Recorder's Office to participate in the Senior Internship Program for local high school students. Students would learn about the importance of managing county records, maps and all the work that goes into running elections.

Robin said she is also applying to The Blitz Program which provides funding and support for a week-long processing event to be held at a cultural heritage institution with significant archival collections, a proven need for assistance and a well-organized processing plan that includes collection description, specific goals and guidelines. This program is made possible through a grant from the National Historical Publications and Records Commission. Robin said she is establishing a plan that will benefit Lincoln County by creating an archival area in the basement of the annex where all maps and other historical documents are stored and labeled in an organized manner so records can be easily located and retrieved upon public request.

**1:30 PM Planning Department/Lisa Oedewaldt:** John Blodgett, Alan Gerstenecker, and Krista Nemeroff, Eureka via VisionNet.

- **Final Plat for Velvet Grove 3:** Located in the SW¼ Section 14, NW¼ & NE¼ Section 23, T37N R27W. Owners are Many Lakes East LLP & FW Land Company LLC. Lisa said all conditions have been met and the subdivision is ready to be recorded upon approval. **Motion** by Commissioner Peck to approve final plat for Velvet Grove 3 subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.

The subdivision Velvet Grove 3-5 came in for final plat approval for Phase 1 (Velvet Grove 3) and all conditions have been met for that phase as well as their cash in lieu payment for parkland. The Eureka Park District will receive a check for \$3,089.40. List will deposit in that fund and will send the MCA code to Commissioner Cole which explains what he can use those funds for [76-3-621(4) & (5)]

- **2<sup>nd</sup> Request Extension Request for Rexford Bench #4:** Lisa said all improvements are complete, but the owner is requesting an extension until August 1, 2017 for banking purposes. Recommendation from the planning staff is to approve a 2<sup>nd</sup> extension until August 1, 2017. **Motion** by Commissioner Bennett to approve 2<sup>nd</sup> extension as requested until August 1, 2017 subject to planning staff recommendations and conditions. Second by Commissioner Peck, motion carried unanimously.
- **Planning Board Appointment:** The Planning Board is requesting the commission to appoint Kate Arpin to the Planning Board to fill the unexpired term for the recently vacated Troy board position. Kate will fill the remainder of the term for Jody Peterson that expires. Term will expire on 12/31/2019. **Motion** by Commissioner Bennett to

appoint Kate Arpin to serve on the Planning Board as requested. Second by Commissioner Peck, motion carried unanimously.

- **NorthStar Public Hearing:** Lisa informed the commission that the NorthStar public hearing has been cancelled. Lisa is hoping to reschedule the public hearing in Eureka.

2:00 PM **Callahan Creek Update/Mike Fraser:** Alan Gerstenecker and John Blodgett.

Mr. Fraser submitted a progress report to the Commission for review. Mr. Fraser said Dennis Welch has refused all proposals offered by the county for access to the loose sediments for removal. Mr. Fraser has spoken with EPA about options to allow access. EPA legal counsel is considering options. A last effort for access may be enforcement of the Lincoln County Flood Plain rules; removal must take place before high water 2017.

Mr. Fraser submitted Task Order 3 between Lincoln County and HDR Engineering, Inc. to perform services that reflect specific characteristics and understandings of this stage of the project. **Motion** by Commissioner Bennett to approve Task Order 3 Scope of Services. Second by Commissioner Peck, motion carried unanimously. Commissioner Bennett commented that his concern is to maintain relationships with the community and that he has always been against the heavy hand of government. Commissioner Cole asked if there will be annual restoration. Mr. Fraser said there may be future calls about buildup of materials and a maintenance plan is part of this project. Commissioner Peck clarified that basically the county will have an ongoing maintenance permit for any future issues.

**Meeting adjourned** at 2:30 PM.

#### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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