

January 17, 2018

The Lincoln County Board of Commissioners met for a regular session on January 17, 2018, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Cole, Commissioner Bennett, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson. Commissioner Peck was absent.

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

10:00 AM **Brian Donner, USFS:** Present were Krista Nemeroff, and Alan Gerstenecker, Libby via VisionNet.

Brian briefed the commission on updates relating to the Rexford/Fortine Ranger Districts as follows:

- 1) Current large planning projects:
 - a. Caribou Fire Salvage
 - i. Proposed Action shared with the public a month ago with scoping period ending last night (comments are always welcome)
 - ii. 16 distinct comment letters so far, with about 55 form emails that say about the same thing
 - iii. Two open houses last week in West Kootenai and Eureka with about 30 participants
 - b. Gibraltar Ridge Fire Salvage
 - i. Planning being conducted by Supervisor's office personnel
 - ii. Proposed action near completion with scoping letter next week
 - c. Ten Lakes Travel Management EIS – delayed due to priority efforts around the fire salvage projects but progress will be made as specialists are available
 - d. Pinkham Meadow project on hold until after the Caribou fire salvage planning is completed
 - i. Letter was sent to all who commented informing them of the delay
 - e. Blowdown Salvage
 - i. Trego Triangle – scoping package ready but waiting on new leadership with the Regional NEPA Strike Team
 - ii. Sutton Salvage 17 – October winds created need to reassess contract before putting out for bids
 - f. Gateway Restoration Project – Environmental Assessment and Draft Decision expected in the next couple weeks
- 2) Green Box Sites
 - a. Pinkham/Othorp Green Box Site – Pad construction looks excellent. Looking forward to fence construction this spring.
 - b. West Kootenai relocation – delayed until spring or summer
- 3) Lake Koocanusa Scenic By-Way update – delayed until spring or summer
- 4) At least four Wildland Fire permanent personal will be hired during an all-region effort at the beginning of February in Helena
- 5) Timber Sales Update
 - a. One large sale and three or four smaller sales are currently active
 - b. All decks created during the Caribou and Gibraltar Ridge fires are currently being processed

Commissioner Cole asked about the salvage acres from the Gibraltar fire; Brian estimated approximately 190 acres.

Commissioner Bennett mentioned that subdivisions require a fire mitigation plan to mitigate any supposed fire danger and if there is a fire hazard adjacent to a subdivision, it defeats that purpose. Without the treatment of potentially hazardous conditions, its can become more difficult to save homes.

10:30 AM **Administrative Issues:** Present were Krista Nemeroff and Alan Gerstenecker, Libby via VisionNet.

Robin informed the commission that she presented a 1903 Deweyville and 1906 First Addition to Eureka framed maps to the Town of Eureka at their last council meeting. Darris Flanagan wrote a story, also framed, depicting how the town name changed from Deweyville to Eureka. The pictures were an extension of the Blitz Grant (map preservation) Project. Commissioner Cole and House Rep. Mike Cuffe were in attendance. Robin said it is exciting to find, preserve and display North Lincoln County's historical origin at the new Town Hall building for its citizens to see.

Robin presented the January 10, 2018 minutes to the commission for approval. **Motion** by Commissioner Bennett to approve the January 10, 2018 minutes as presented. Second by Commissioner Cole, motion carried.

Darren submitted the Independent Contractor Agreement between Lincoln County and Nancy Huus. The county did budget \$18,500 to NW Community Health Center which half has been spent and the contract is for \$11,200; we are in good shape from a budget standpoint. Darren commented that with no services available, there is a lot of community support including Cabinet Peaks Medical Center. Cabinet Peaks is providing room and board to Nancy for the first two months. The scope of work by Nancy is to assist the county and community partners to develop a plan for crisis services, including MHP evaluations and voluntary and involuntary commitment. Commissioner Cole explained to the public that this is to help with mental health services to Lincoln County to redevelop a mental health process since NW Mental Health facility closed its doors in Libby. Commissioner Cole expressed the need to bring Jennifer McCully up to Eureka to have a mental health discussion. **Motion** by Commissioner Bennett to approve the contract with Nancy Huus as presented; total cost is \$11,200. Second by Commissioner Cole, motion carried.

Darren submitted the annual contract from the Western Montana Area VI Agency on Aging. The purpose of the contract is to establish and operate the USDA, Food and Nutrition Services, Commodity Supplemental Food Program and to provide supplemental foods and nutrition education to eligible persons through state or local agencies. **Motion** by

Commissioner Bennett to approve contract as submitted. Second by Commissioner Cole, motion carried. Commissioner Cole commented the program benefits the local senior citizen centers.

Darren explained there is one vacancy on the Western Montana Area VI Agency on Aging board and only one application has been received from Sandy Romey. Commissioner Cole said the next Agency on Aging board meeting is in February and he would like to introduce Sandy to the board at that time and requested this be tabled until after the February meeting. Commissioner Bennett commented that he knows Sandy Romey and expressed she would make an excellent addition to the Agency on Aging board.

Darren submitted two Cooperative Law Enforcement Agreements; both annual contracts with no changes. The purpose of the agreements is to document a cooperative effort between the parties to enhance State and local law enforcement in connection with activities on NFS lands and provide for reimbursement to the County Sheriff's Department for the intensified portion of this effort. **Motion** by Commissioner Bennett to approve the two separate contracts between Lincoln County and the USDA, Forest Service KNF as submitted. Second by Commissioner Cole, motion carried.

10:45 AM **Public Comment:** Present were Bryan Donner, Patrick Manley, Krista Nemberoff, Michael Gamblin, Brad Osler, Rich Scheben, Jan Corneliuson, Roy Corneliuson, Dave Guild, Linda Guild, Krispin Lihme, Bert Marchbanks and David M. Brandt.

Rich Scheben commented on his research into the assessment of lands and homes in his area. Rich said he contacted an assessor a few years ago from Libby and clarified to the commission that he lives off grid, no bathrooms, piping, or finished basement, yet he was assessed as having two bathrooms, modern heat, and a finished basement. Rich has talked about this on national radio being a guest or radio show talk host with USAPrepares.com.

Rich stated he believes this is nothing more than fraud. Rich said he has talked to a different assessor from Kalispell and he is being told that he is still on grid, with two finished bathrooms, modern heat and a finished basement. Rich said he welcomes anyone to his home expressing he has nothing to hide. Rich expressed frustration regarding lack of common sense and logic and he is here to stand for principle. Rich commented that we should all have the same rules, laws and accountability for everyone on American soil. Rich feels the assessor should not only lose his job, but should be held accountable. Rich stated the little guy has no voice and he will continue his efforts regarding this issue on national radio; this is unacceptable.

Commissioner Cole explained that we (commissioners) are the messenger in this process. House Rep. Mike Cuffe was in Helena recently and met with the DOR Director, Mike Kadas discussing this issue, and we are now waiting to hear more on what the follow up is. Commissioner Bennett said we can push and place pressure as much as we can, but this is a DOR or state fix; not a county fix.

Rich asked the commission to let him know if he can speak on this issue; he has no problem going to Helena if necessary.

David Brandt said the assessor from Flathead is Dan Lapan and he may be doing assessments for several counties.

Bert stated what really needs to take place is someone who knows the demographics of this town to get accurate values. Jan commented she does not mind paying fair share, but does not understand how the DOR comes up with their figures.

Dave Guild provided a handout of his research on Glen Lake properties and referenced three legislative bills regarding Montana property assessments; one being 414 pages in length and very confusing.

Dave Guild provided copies of his research on Glen Lake similar to the research already conducted on Dickey Lake. Dave said the research is for 115 lots on Glen Lake that are touching water, stating the research is about land assessments; we are not talking about houses. The research shows 2016 and 2017 assessment comparisons, assessed value amount for each property and type of fronting. Dave expressed the same property value confusions similar to properties on Dickey Lake. Dave said there is unfairness on properties around Glen Lake, indicating severe increases and decreases in values. Dave expressed the only thing property owners are asking for is to be treated fairly, same as everyone else. Dave said he received a call from a Canadian regarding his value that increased over \$200,000 on Glen Lake. Canada has high taxes and the property owner did not think anything about it until he saw the article in the Daily Interlake newspaper regarding county assessments.

Commissioner Cole said he sent the first study of Dickey Lake to Helena and will send this new study of Glen Lake to Helena also. Commissioner Cole said Helena is conducting an administrative review, so the more information we can send is good for that purpose. Mr. Guild thanked Commissioner Cole for his help and assistance.

Mike Gamblin commented that he has owned his home on Dickey Lake for 30 years and his property taxes has gone up \$4,200 dollars in that timeframe; in past 10 years, property taxes increased \$1,800 and this last year increased \$1,200 in one year. Mr. Gamblin stated this could literally drive him off his land.

Commissioner Bennett commented that he will be visiting Senator Keith Regier to discuss appraisals and a possible legislative bill that would regulate property values to help with some resolution to this process, saying this is ludicrous what has been done here.

Brad said he lives in a cabin that belonged to his mother on Dickey Lake, the family still owns it. Brad said six adjacent properties increased 60% and six properties decreased in value.

Patrick said he lives in a subdivision that has mostly 20 acre lots that are taxed as agricultural, and wants to have someone explain this, saying it is not used as agricultural property. Commissioner Bennett said he would look into that, but feels this is again a state issue. Commissioner Bennett explained that Montana historically was an agricultural state,

and the problem is that as Mr. Guild said, he read three legislative bills; there is special interest that plays a role in agricultural lands.

Chris commented that his concern is people being taxed out of their homes; people cannot afford this. Chris said he is finishing up his home and will be on a fixed income down the road and sees potential to slowly being taxed out of his home.

Rich commented that we need to look at this with some foresight, noting there is an exodus from the Flathead flow into Lincoln County. Rich conveyed this conversation needs to go to the next level at the Governor's office with a close look at the demographic issue.

Commissioner Bennett explained that Montana is one of 23 states that allows for citizen initiatives that do not require a governor's signature.

Bert stated we also need to look at assessor competency, saying there are properties not even on the tax rolls.

Commissioner Cole said the county is talking with its legislatures which is the next step in the process and thanked everyone for their attendance and input.

1:30 PM Planning Department: Present were William Carl and May Hammond, Don Shanklin, Robert Brown, and Olaf Ervin. Also present were Jake Mertes, Kristin Smith, Maranda Davis, and Brett McCully, Libby via VisionNet.

Olaf submitted the noxious weed plan signed by Weed Director Dan Williams and the property owners. Jake said at this time, the developers have satisfied all those conditions and requirements of the county subdivision regulations except for providing an engineer's certification that the driveway and turnarounds have been constructed to county standards. (driveway surface of 8" compacted pit run) The planning staff recommends the commission deny final plat approval of Hammond Subdivision until the remaining road standards have been met or the developers enter in a Subdivision Improvement Agreement (SIA).

Kristin clarified that since a driveway exists, it certainly contains an 8" pit way, the county just needs a qualified person to certify that statement from a professional engineer that the road meets minimum standard by county subdivision road standards, a standard condition every subdivision is required to provide.

Bennett asked the developer if they have contacted an engineer. William Hammond said the road has been there 20 years or more and he personally built part of the road himself; none is fill and all is original solid ground. William clarified the road is solid, plenty wide for owner and buyer, and a lot of heavy equipment has been on the road and does not make a tract during summer or winter. William noted that right now due to snow, an engineer could not see the road.

Don commented that as the buyer, he is content with the road and has been living there the past two years.

Commissioner Cole said that is not necessarily the issue, it's the folks after you. When you sell, the next owners come in and if we do not have our documentation then that is when it becomes an issue. Commissioner Bennett said we need to have the guarantee of the money for the road certification work to be completed in the spring. Kristin said if expediency is the issue, then a check or letter of credit from the bank or lender is an option to move forward; there are simple ways to do this, it just has to be guaranteed the road certification will be done.

Olaf stated he would issue a check for \$2,000 to be deposited for an engineer to do the work in the spring, allowing owner to record the plat and close on the property purchase with the buyer. Kristin said we could have this prepared and ready to go for next weeks meeting. **Motion** by Commissioner Bennett to proceed with the Subdivision Improvement Agreement for Hammond Subdivision and a check from Mr. Ervin will be deposited for \$2,000 to be returned when inspection is completed with a satisfactory inspection result. Second by Commissioner Cole, motion carried. **Motion** by Commissioner Bennett to approve final plat for the Hammond Subdivision subject to planning staff recommendations. All conditions have been met. Second by Commissioner Cole, motion carried.

2:00 PM Ernie Anderson, VOIP Discussion: Cancelled

2:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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