

February 24, 2016

The Lincoln County Board of Commissioners met for a regular session on February 24, 2016, in the Lincoln County Courthouse, Libby, Montana. Present were, Commissioner Mark Peck, Commissioner Greg Larson, and Clerk & Recorder Robin Benson. Commissioner Mike Cole was in attendance via Vision Net; due to other commitments, Commissioner Cole excused himself at 11:15 AM for the remainder of the day.

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

8:45 AM Tom Magone/Pioneer Park: The county currently charges \$25 per night to rent the Pioneer Park Building. To help offset maintenance cost, Tom is recommending an increase to \$75 per night. Payments would be \$100 with a refundable \$25 cleaning deposit. Currently Boy Scouts have no charge, and the current church has a reduced rate. Commissioner Peck expressed concerns about people who use the facility long term and on a consistent basis not being able to afford a higher rate and suggested long term leases will pay less than people renting for one night. Commissioner Peck said he agrees that we cannot afford to keep spending more on maintenance. Approximately \$1700 in fees is received annually and cost of maintenance is approximately \$5,000. Commissioner Peck said to keep the discussion going and narrow down a plan, including investigating the option of selling the building.

9:00 AM Tim White/Road Issues: Present were County Road Supervisors, Tim White, Marc McCully and Dave Kyriss. Also present were Dennis Totten, Ovila Byrd, Stephen Monlux, Joe Lavadure, Michael Lyles, Alan Gerstenecker, and Krista Nemeroff via Vision Net, Steve shared an educational PPT presentation regarding Thin Asphalt Treatments and Spring Breakup. Steve explained the differences in structural design of traditional and thin asphalt pavements and discussed the replacement options for thin asphalt treatments. Thin asphalt treatments cracks when cold but those cracks heal in warm summer days, but chunks come loose, potholes form and large areas need to be replaced. Steve also explained pavement deterioration and maintenance, repair and recycling, and effective protection from breakup. Steve shared what he feels is a “public explanation” of why weight restrictions are necessary. Some explanation points are protecting valuable assets which are a budget driven issue; restrictions are greater than State because pavements are much thinner; restrictions occur at different times due to elevation, aspect and exposure and past weather. If restrictions or enforcement is lax, pavements will be returned to gravel due to high replacement costs. Steve shared the purpose of weight limits on thin asphalt during breakup. Commissioner Peck said the PPT presentation would be good to share with contractors as well. Steve suggested using the county website as a tool to educate the public. Steve said he holds educational workshops across the state and this is a problem for many counties. Eureka Road Supervisor Tim White discussed Resolution 930 which amended Resolution 479 (road restrictions) for roads within the Eureka Commissioner District only. Tim explained the spring breakup infractions that took place just after the new weight restrictions went into effect on February 17, 2016 and shared his concerns about roads that show signs of stress from spring hauling. Tim explained to the commission that he feels the new road restrictions are not working and are causing increased stress and maintenance on roads. Commissioner Cole asked if there was any way to enhance local law enforcement to help enforce restrictions. Michael Lyles, MDT said a state certified scale would be necessary before any local law enforcement could take place, but MDT could help with roads that have signage of weight restrictions. Mr. Byrd commended the commission for enacting prior resolution of no loaded trucks protecting county assets. Resolution No. 930 was signed March 4, 2015 and was to be in effect for 90 days and is now expired. Commissioner Peck and Commissioner Larson agreed that road restrictions should now revert back to Resolution No. 479 (county wide road restrictions). Commissioner Peck questioned if the process for communicating with contractors was uniform county wide. Commissioner Cole said the commission will come up with more discussion and revisit Resolution No. 930 and schedule another meeting in Eureka to continue discussion. Commissioner Cole will visit with Eureka Road Supervisor, Tim White on ways to communicate with contractors.

10:00 AM Nancy Higgins/Treasurer Report: Present were Wendy Drake and Donna White. Nancy presented the monthly cash reconciliation with a corresponding cash report and the county investment reports with the Raymond James Account, Smiley Trust and First Interstate Bank. Nancy advised the commission that there are 561 delinquent taxes for mobile homes. The Treasurer’s Department has sent out letters. Nancy submitted a list of mobile homes showing taxes owed that the DOR has identified as no value or the mobile has been removed. With commission approval Nancy recommends having these tax bills deleted off the county tax rolls. Commissioner Peck asked if the junk vehicle program can be an option to help with the removal of junk mobile homes. Liability issues of the county going onto people’s property to remove mobiles would need to be investigated. Commissioner Peck said he will visit with Kathi Hooper about the junk vehicle program. **Motion** by Commissioner Peck to allow the County Treasurer to remove list of mobile homes with no value off the county tax rolls. Second by Commissioner Larson and so ordered upon unanimous consent of the board. Nancy said the 2016 Lincoln County Spelling Bee was held on February 23, 2016. There were a total of 19 participants representing their school in Lincoln County. Adeline Roesler-Begalke from Morrison Elementary in Troy won 1st place, 2nd place went to Olivia Ramirez, also from Morrison Elementary and 3rd place winner was Mykayla Ledbeter from Yaak Elementary School. Adeline Roesler-Begalke will represent Lincoln County at the State Spelling Bee in Billings on March 19, 2016. The Commission will send letters of congratulations to the top three winners..

10:30 AM Administrative Issues: The Commission reviewed the minutes for February 8, February 16 and February 17, 2016. **Motion** by Commissioner Peck to approve minutes as submitted. Second by Commissioner Larson and so ordered upon unanimous consent of the board.

11:00 AM Public Comment Time: Present were Gene Ague.

Gene reported that the Troy High School/Denikka Miller in Troy can no longer coordinate the commodity food program in Troy. Gene suggested Cam Foote of the Baptist Church as a possibility to take over the Troy Commodity Distribution Program. Commissioner Larson will visit with Cam Foote and help coordinate a smooth transition.

11:30 PM **Lisa Oedewaldt/Planning Agenda:** Meeting cancelled.

1:00 PM **TEDD District on Port Authority:** Present were Janet Cornish, Lanette Windemaker, Tina Oliphant, Brett McCully, Donna White, Lisa Oedewaldt and Alan Gerstenecker.

Janet and Lanette are here to explain what a Targeted Economic Development District (TEDD) with Tax Increment Financing (TIF) for the 400 acres of land Kootenai Business Park encompasses. TIF is a state authorized, locally driven funding mechanism that allows cities and counties to direct property tax dollars that accrue from new development, within a designated district, to public community and economic development activities within that district. The laws governing TIF can be found in 7-15-4201 M.C.A. TIF does not increase property taxes; it only affects how tax dollars are distributed. Allowable uses of funds are public infrastructure, planning, marketing and analysis, public acquisition of land, rehabilitation and renovation activities, demolition and removal of structures and general redevelopment activities. TEDD is the location and retention of secondary value-adding industries in areas with infrastructure deficiencies. Steps to create a TEDD are to identify the boundary, prepare a statement of deficiency (needs), adopt a resolution by the county commission, and to prepare a Comprehensive Development Plan. A public hearing will need to be held. The Comprehensive Plan will be reviewed by the Planning Board to ensure the plan complies with the county growth policy. The plan will be submitted to the Montana DOR to seek certification of the base year. A statement of infrastructure deficiencies at the Lincoln County Port Authority/Kootenai Business Park was submitted to the commission for review. Some of the infrastructure deficiencies at the port property are: transportation (roads), water system, sewer system, utilities, safety and buildings. Commissioner Peck asked if there were any downsides to creating a TEDD. Lanette said the public perception may be that taxes have increased. Janet said there is no evidence of any negativity to the community as a whole. Commissioner Larson asked about the role of zoning in the Comprehensive Plan. Tina said the TEDD does not require only industrial business and zoning can change as it necessitates. There was a brief discussion about taxes and zoning. **Motion** by Commissioner Peck to approve Resolution No. 961 authorizing the Port Authority to move forward with the process for creation of a Targeted Economic Development District for the Kootenai Business Park. Second by Commissioner Larson and so ordered upon consent of the board.

1:45 PM **Diane Brittain/Introduction DOR/Property Assessment Division:**

Diane is here to introduce herself as the new Lincoln County and Sanders County Area Manager for the State of Montana, Department of Revenue. Diane replaced the position of Mike Noser after his retirement. Diane asked if the commission had any questions. Commissioner Peck said his concern is understanding the process and having a closer relationship to better understand the appraisal process to ensure we are giving out the right information. Diane stressed that we are all working together to provide answers that the public may have about their property assessments and encouraged the commission to call her anytime there are questions. Diane said that with a two year cycle there was confusion to be expected. Diane said the DOR is working towards innovating and changing the way they are doing things to ensure they have their pricing correct for fairness and equity in property taxes.

2:15 PM **Alpine Precision, Inc./Tax Abatement Request-Public Hearing:** Present were Gloria Lewis, Donna White, Brett McCully, and Tina Oliphant.

This public hearing is to approve a tax abatement request for Alpine Precision, Inc. The Public Hearing was noticed pursuant to 7-1-2121 M.C.A. Commissioner Larson said he would like to tour the facility in the near future. There were no public comments. Commissioner Larson read Resolution No. 956 in its entirety. **Motion** by Commissioner Peck to approve Resolution No., 956 to approve tax abatement request as submitted. Second by Commissioner Larson and so ordered upon consent of the board.

2:45 PM **Robin Benson/Election Administrator Position:** Present were Assistant Election Administrator Leigh Riggleman, Alan Gerstenecker and Bob Henline.

Robin said the purpose of this meeting is to give recognition and honor to Assistant Election Administrator Leigh Riggleman. Leigh has been the Assistant Election Administrator for 9 years and has worked in elections for 23 years. Robin said she and Leigh have been discussing this transition since January 2015 and both have visited with other counties that have appointed EA's other than the Clerk & Recorder. Robin said nothing changes as far as the budget or how we are currently conducting the Election Department. Robin said it is more like she is assisting Leigh, therefore, Leigh is deserving of the title as the County Election Administrator. Leigh has expressed her desire to move into the Election Administrator position. Robin said as the Clerk & Recorder she is in charge of managing and maintaining records and to better serve the citizens of Lincoln County, the Clerk & Recorder's Office is taking a progressive approach to updating, streamlining and maintaining the county records management system. This transition will ensure records management does not continue to fall to the wayside and Robin said she firmly believes Leigh is capable of doing a great job in this position. Robin said she and Leigh have been working alongside each other going on 12 years and they are committed to continue that effort for the citizens of Lincoln County. Robin submitted Resolution No. 957 appointing Leigh Riggleman as the new Lincoln County Election Administrator for commissioner approval. **Motion** by Commissioner Peck to approve Resolution No. 957 appointing Leigh Riggleman as the new Lincoln County Election Administrator. Second by Commissioner Larson and so ordered upon consent of the board.

Robin asked Alan Gerstenecker of the Kootenai Valley Record and Bob Henline of the Western News to do a public interest story about the transition.

3:15 PM **Chris Nelson/Bios of Commissioners:** Present were Dallas Shaw, Donna White, Dan Ackerman and Gloria Lewis.

Chris has been asked by the H.R. Department to write bios of each Commissioner to post on the new county website soon to be completed by Flathead Media. Some of the information could include boards the commission sit on, contact

information, background/history, and elected terms of office. The Commissioners will email information directly to Chris to put together and write the bios for the county website.

3:45 PM Closed Meeting/Approval of January 27 Minutes:

Commissioner Larson closed the meeting to read and discuss the closed meeting minutes dated January 27, 2016.

Commissioner Larson opened the meeting back to the public prior to the motion for approval of the minutes.

Motion by Commissioner Peck to approve minutes of closed meeting dated January 27, 2016 as submitted. Second by Commissioner Larson and so ordered upon unanimous consent of the board. The minutes will be located in the County Attorney's Office.

4:00 PM LCRFD Petition Resubmittal: Present were Steve Lauer, Kate Witt, Gloria Lewis, Bruce Witt, Robert Mast John Riso and Alan Gerstenecker.

Commissioner Larson requested Commissioner Peck to lead the discussion. Commissioner Peck stated why the LCRFD Petition was being resubmitted due to a county error and that the public hearing needed to be set at the first meeting held by the board after the petition was received. Commissioner Peck said that at the next scheduled Commissioner meeting, a Resolution of Intent will be completed and the Public Hearing date will be announced. The Public Hearing date will be no less than four weeks from today. Steve explained his process of attaining signatures and property using the State Cadastral Website. John Rios asked about the process used to validate signatures. Robin Benson said the signatures on the petition are validated within the Election Department by running assessment codes from the Department of Revenue, attaching each signature with a Parcel ID Number. **Motion** by Commissioner Peck to accept the resubmittal of the LCRFD Annexation Petition. Second by Commissioner Larson and so ordered upon unanimous consent of the board. Robert Mast asked about new signatures. Steve said he has not accepted any new signatures since the first submittal. John asked about the letter CVFSA submitted to the Commission. Commissioner Peck informed John that the letter is at the County Attorney's Office waiting on an opinion. John asked if the response time is sensitive since there is a new petition submitted. Commissioner Peck said he will visit with the County Attorney about the timeline.

4:15 PM Grizzly Bear Delisting Discussion: Present is Allan Payne, Doney Crowley P.C. via telephone conference, and Jack Conners, Doney Crowley P.C., and Alan Gerstenecker.

Commissioner Larson mentioned he had been contacted by Boundary County, Idaho, about possibly joining Lincoln County as an intervener in the Alliance for the Wild Rockies lawsuit against the USF&W Service. He stated he had talked to Allan Payne and Allan had given his ok to share his information provided to Lincoln County to Boundary County and possibly Bonner County as Boundary County Commissioners had said they may want to be interveners also in the suit. Concern was expressed about the cost of intervener status vs. Amicus and that Lincoln County would like to know what we are looking at for costs. Allan explained the intervener process vs. Amicus. His rough guesstimate of cost is between \$25,000 to \$50,000 but could double depending upon the level of intervener status and other issues. Boundary County expressed an interest having a conference a call next week to discuss this topic with the commission. It potentially could be a financial benefit to have other counties participate as interveners along with Lincoln County and it will be discussed further next meeting.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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