

**January 8, 2014**

The Lincoln County Board of Commissioners met for a regular session on January 8, 2014. Present are Commissioner Tony Berget, Commissioner Ron Downey, Commissioner Mike Cole, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

9:00 AM: Commissioner Berget **opened the meeting** with the Pledge of Allegiance.

9:00 AM: **Litter Ordinance Decision:** Commissioner Berget stated that there have been several discussions about the ordinance and this meeting is adding to those as well as making a decision on the ordinance.

Herb Cargill said that he doesn't think that this is necessary unless it is a threat to human safety or health. He said that if it is simply "ugly" so what? He also wants the anonymous allowance stricken as he feels you should be able to face your accuser.

Donna Shkursky asked if the county is pursuing a new grant in conjunction to this new ordinance. Kathi and Commissioner Berget both assured her that there is no new grant being pursued.

Rhoda Cargill said she has 132 signatures against this ordinance and she questioned that the change has only been discussed for only a few months. She is requesting that it be put off for additional months. She said that personal property should not be subject to the ordinance; it should be up to the individual what is on their property. She also wanted to know what the criterion is for a violation specifically pertaining to time given to clean a property.

Kathi answered that every person in violation is given a time period to correct it, usually 30 days. She also said that the definition of a junk vehicle is by the state statute and not able to be changed by the county. There have been requests for changes to the ordinance for years, according to Commissioner Berget. The current ordinance and laws are vague and very hard to enforce. He explained that if the county is not involved in this will be handled by the state and the people lose any flexibility with the law.

Carol McAlister said that she has a property that has such a horrible yard next to it that she is unable to sell it or rent it and the current fine is not a deterrent to those people. She applauded the commissioners for trying to fix the problem.

Steve Curtis said that the state laws are sufficient and the potential to have this new ordinance used to harm neighbors is great. He said that in Rexford this ordinance has been passed and the two people in violation are council members. He suggests that the commissioners are elected to be the people's voice and they should listen to the people.

Scott Mattheis said that he doesn't feel that the ordinance is going to fix the problems shown in the pictures. If they can't afford to clean their property they can't afford a fine and they go to jail? He feels this will cost the county money. The commissioners and Kathi disagreed. They cited the green box sites and the hope that a large fine would help the violations.

Laura McGlasson said that her neighbor had extensive junk cars and he was contacted about them and so he put up a fence but now the fence has fallen down and he purchased more property and put more junk vehicles on the property. She commends the commissioners for trying to make the laws more enforceable and help those with neighbors that do not want to abide by the law. She stated that there is an emotional scar to living next to such an eyesore.

Jim Johnson said that he feels that people live in Lincoln County for more freedoms. He said if someone has a junk vehicle in their yard so what. Since when can the county tell people what they can do with their property? He declared it's his property and he can do what he wants with it. He suggested that the "visual" aspect of the ordinance should be removed.

Bob Enjenis wants to know how many people are for this ordinance. He said the petitions against are great and wants to know if there are as many for it. Commissioner Berget said that he receives calls in favor very often.

Tom Wood said he understands all of the comments and he knows that the violators are making the town unappealing to tourists. He said that the violations are complaints driven and he knows that tickets will not be given without a valid reason. He also stated that he takes offence to a comment earlier that if the fire department can't get to it let it burn. He sees lawsuits going through all the time against fire departments that couldn't get to a property because of garbage. He applauds the sanitation department for their efforts to fix this problem.

Alvin Benitz said that he has a neighbor that is a hoarder and when he was approached about his property by the law, he became violent and refused to clean it up. He feels his rights are not being protected. He said it is a sad thing that corporations come through Libby and see the junk lying in properties and have no desire to stop here.

Ron Brown said that there is no end to the laws. He feels this is a money issue.

Linda Babb said she understands both sides. She wants to know why this couldn't be on a ballot.

Commissioner Berget ended the comment period and commended Kathi for her work on this project.

Commissioner Downey stated that these laws have been in effect for years and if something is wrong with the new one, we are able to change it. We have had no problems with it so far except that there are no teeth in it, so this ordinance gives it "teeth". Commissioner Cole said that it is obvious that there is opposition to this ordinance and also people in favor. He feels that maybe this is not a good time to make a decision until more information is heard.

Commissioner Berget said that he feels that every good comment has been taken into consideration on this ordinance. However, agreed to extend the decision and have a working meeting on the ordinance in Troy and then they will make a decision. Commissioner Cole suggested that people come to that meeting with suggestions for improving the ordinance and leave the ideology at home.

10:00 AM: **EPA Update:** Rebecca Thomas, EPA and Christina Progress, EPA, are on the conference phone and Mike Cirian is here today to talk to the commissioners. Rebecca talked about the feasibility studies being presented to the City of Libby Council and the TAG and CAG groups in December. They message they received from the participants is a concern about the way the community will be left when the EPA leaves the area. She said they continue to work through those issues. They will have a planning meeting with DEQ and discussed the O & M transition Plan and the Risk

Assessment Status. Nick Raines will be attending a MDEQ meeting on January 14, 2014 about the transition. Rebecca said that the ERS transition to the ARP is going very well and moving smoothly. Mike agreed and reiterated that the ERS will not be going away yet. Commissioner Berget talked about a shift in how clean ups are being done. He would like to see uniformity on all clean ups. Rebecca agreed and said they are doing them with intent to not have to come back for additional clean up. Mike talked about the construction, which are now just some interior removals. Christina Progress talked about the Mine site. There is a data report now available for the 2007 – 2011 time periods. The commercial logging study will be in full swing in the summer of 2014. There will also be a report on the ecological risk assessment in early 2014. Commissioner Berget asked when it will be available to see and was told it will be viewable by spring.

11:00 AM: **MFWP and USFW:** Gael Bissell, Wildlife Biologist for the Montana Fish and Game, Wayne Kasworm, USFG, Kim Annis, Montana Fish and Game are present today. Kim asked if there is an interest in creating another Bear Resistant Green box site because the grants are due soon. The group discussed the sites that may be candidates. Kim talked about self-maintaining sites and Commissioner Berget asked her to send him some information. Gael said that there was a public meeting in Troy about the Albert Lake project that was presented to the Commissioners in December. They had about 40 people at the meeting. The meeting consisted of the history of the plan and maps about the plan. Gael talked about some of the discussions and how this project will move forward. The group discussed the lakeshore regulations as they apply to vegetation management and fish management.

1:30 PM: **Paul Bradford, KNF Supervisor:** Paul talked about the vacancies in the Forest Service and stated that the Forest Supervisor will be Pam Gardner beginning February 9, 2014, until a permanent replacement for Paul can be found. Dan Rose will replace Charlie Webster as the Forest Fire Management Officer. The Libby Ranger is being discussed now. The Forest Plan Revision work continues with the Washington Office and the Regional Office on the objections process. Paul talked about the Montanore mine and told that the Biological Opinion was received in December. The Rock Creek Project has issues that will be included in a Supplemental Environmental Impact Statement to respond to the Missoula District Court. The Forest Service has complaints on the Young Dodge and Pilgrim projects. Both large projects, they are being challenged due to Grizzly Bears, lynx and bull trout. The commissioners thanked Paul for his service and said that he has been wonderful to work with. Cami Winslow echoed that sentiment.

2:30 PM: **Montanore Mine Update:** Eric Klepfer and Jessica Swenson are here to give the commissioners an update of the status of the mine. They are very encouraged by the Biological Opinion for the terrestrial species from the USFWS in late December. The next step will be the aquatics portion of the BO and the EIS from the Forest Service. Eric feels that this is a huge advancement for the mine. They are very excited about 2014 and the way it looks for the project.

3:00 PM: **Administrative Issues:**

The commissioners read the **minutes of the December 11, December 13, December 18, December 24 and December 30<sup>th</sup> meetings**. Commissioner Downey moved to approve the minutes for the 5 meetings as amended and it carried.

3:15 PM: **Judge Jay Sheffield, Justice of the Peace:** Judge Sheffield is here for a decision on replacing the clerk that retired in his office. In December the commissioners told him to advertise and interview but not hire until the final decision was made on the elimination of the Justice of the Peace in Eureka. Judge Sheffield explained to the commissioners the duties of that clerk in his office and the urgency to replace her. Judge Sheffield told that he had 6 or 7 very good applicants. He said even if he weren't taking on the Eureka court work load he would need three clerks. Commissioner Cole spoke about attrition and that it is critical that the plan for combining Eureka and Libby is in place before anything else takes place. Judge Sheffield said he understands but today they had a jury trial and they had to borrow someone from another office to answer the phones because then needed both clerks for the trial. Commissioner Berget said that he felt that even though the plan isn't in place he feels there is a partial plan and he also understands that Judge Sheffield needs to run his office now, not later. Judge Sheffield stated that the plan will be a long term process because he knows that a lot of information needs to be compiled first. Commissioner Downey stated that he agrees with Commissioner Cole but he also sees that there are problems with all of the cuts being made and we do need to staff our offices to run efficiently. Judge said that the tasks that will suffer for a lack of a third clerk will be the monitoring of who is paying, attending the classes, attending anger management and collecting the fines. Commissioner Downey moved to approve the hiring of the clerk for the Justice office, Commissioner Berget seconded, and said that he would like to set February 19 as the first planning meeting of the elimination of the Justice Court in Eureka. The motion carried with Commissioner Downey and Commissioner Berget for and Commissioner Cole against.

3:50 PM: **Administrative Issues:**

The commissioners signed **letters to Eagle Scouts** who have completed projects for the community thanking them for their service. The scouts are Austin Nagle, Adam Kirchenman, Lance Ehmann, Colin Maloney and Patrick Faulkner. The commissioners were presented with the Task Order from the Department of Public Health and Human Services for **the Immunization Program for the County Health Nurse**. Commissioner Cole moved to approve the contract and it carried.

The **Em Kayan Water District Board** wrote a letter requesting the reappointment of Wendy Chopyak and Chris Erickson to the board for another term. They also had a correction of the expiration dates for the other board members. Commissioner Downey moved to approve the reappointments to the EmKayan Water District and it carried.

The **Trego Fortine Stryker Fire Service Area** sent a copy of their minutes requesting that Michael McMahon, Tom Johnson, Dawain Burgess and John Mee be reappointed as board members for another term. Commissioner Cole moved to approve the reappointments and it carried.

The **WIC program** has been discontinued under the county and will be taken over by the Northwest Community Health Center as of February 1, 2014. The commissioners have the contract in hand for the first five months of this fiscal year and will sign that and return it to DPHHS for payment.

**Henry LaSala**, Troy resident, wrote a letter to the commissioners concerning the Troy Dispatch District. Hank also compiled a spreadsheet of his taxes paid to the District. Hank is questioning the need for Dispatching in Troy. He cited the process to eliminate the Troy Dispatch District and what he would like to see happen.

**Cheryl Mote of C & S Cleaning Service** is submitting a contract for the cleaning of the Eureka Annex for the remainder of the fiscal year. Commissioner Cole moved to approve the contract which does not change her fees for the past year, and it carried.

The commissioners talked about **meetings for January and February**. There will be a meeting on January 10, 2014 at 9 about the District Budgets. There will be meeting about the Budget on February 6 in the morning and the Justice of the Peace office in the afternoon. The commissioners will be meeting with the Health Insurance representatives in Kalispell on January 15, 2014, so there will be no regular meeting that day. The Eureka meeting will be moved to January 22, 2014. The next regular meeting in Libby will be January 29, 2014.

4:45 PM: Nick Raines stopped by the commissioner's office to talk about the **DEQ meeting next week in Helena**. He was told by the commissioners that it is imperative that he attend that meeting to represent Lincoln County.

4:51 PM: The **meeting was adjourned**.

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

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Anthony Berget, Chairman

**ATTEST:** \_\_\_\_\_  
Tammy D. Lauer, Clerk of the Board