

June 7, 2017

The Lincoln County Board of Commissioners met for a regular session on June 7, 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**.

9:00 AM **USFS Monthly Meeting:** Present were Chris Savage and Nikki Meyer, Eureka via VisionNet.

- Chris commented on the Montanore opinions that came out from Judge Malloy. Chris said he read through both opinions and we were upheld on many issues. Chris said he will be having a meeting with HECLA later today and will know more about options after those discussions take place.
- Chris submitted Schedule "A" Agreements for commission to review for signature. Chris said the only change is adding Leigh Lake Road. Commissioner Peck commented that the county is considering cost of snow removal up Leigh Lake Road.
- There was a brief discussion about the use of a landscape architect to look at the scenic byway along Hwy 37 between Eureka and Libby.

10:00 AM **Administrative Issues:** Present were Nikki Meyer, Eureka via VisionNet.

- Darren informed the commission that administrative issues and public comment were the only items scheduled on next week's agenda. The commission agreed to cancel commissioner meeting next Wednesday.
- Darren submitted the annual access agreement for Black Butte Communication Site between Lincoln County and the Forest Service for commission review.
- Darren submitted Consulting Agreement between Lincoln County and Land Solutions, LLC for land planning services for commission review.
- Darren informed the commission that an individual is requesting a refund for back refuse tax payments because there has only been one (1) house on the property for the past seven years. The individual did not inform the county that he removed a building 7 years ago. Commissioner Peck questioned why the Department of Revenue did not adjust it during its assessment. Commissioner Peck said the individual needs to come in and be put on the agenda.
- Darren discussed the Comp Time and FOIA Policies and the UI Deputy County Attorney request that is on the agenda later today at 2:15 PM. Darren said he would be absent from the meeting and wanted to brief the commission and answer any questions.
- The Commissioners read the minutes for May 30 and 31, 2017. **Motion** by Commissioner Peck to accept the minutes as written. Second by Commissioner Bennett, motion carried unanimously.

10:15 AM **Eureka Airport Update/Bid Award:** Present were Tim Orthmeyer representing Morrison Maierle, Inc., Bill Caldwell, Martha Hendrickson, Paige Bothman, Sindy Filler, Elka Wood and Nikki Meyer, Eureka via VisionNet.

Tim submitted a recommendation to the Commission for the Taxiway Edge Lighting Project at the Eureka Airport. Three bids were received and reviewed for conformance with project documents. Boundary Electric Company of Bonners Ferry, ID was the low bidder at \$285,525. The bid was lower than the Engineer's estimate of \$319,000.

Darren commented that as a budget manager he appreciates improvements and pursuing of grants, but is alarmed by the amount of money for grant matches that is for a small percentage of the public. Bill said the airport needs both, grant projects for improvements and operational budgets. Commissioner Peck commented the commission needs to sit down with the airport board and start looking at how we are doing business; right now a grant match of \$35,000 is a lot of money. Commissioner Peck said he understands the importance of the emergency side of airports, but we need to be able to justify it and agreed there is a lot of money going to support something for a small percentage of the public.

Commissioner Peck said we need to have those conversations; maybe a CIP fund would be beneficial and questioned if we are maximizing revenue sources. Bill thanked the commission stating the county has been fair and very good to work with. Bill said he agrees that we should sit down and prioritize projects; looking ahead.

Motion by Commissioner Peck to approve the recommendation of the grant award to Boundary Electric. Second by Commissioner Bennett, motion carried unanimously.

10:30 AM **DUI Task Force Annual Plan Approval:** Present were DUI Coordinator Sindy Filler.

Sindy gave a brief history of the DUI Task Force stating the board currently has 13 members. Sindy clarified that she is the DUI Task Force Coordinator and is not associated with law enforcement or the county. The goals of the DUI Task Force is to reduce incidents of traffic-related alcohol and drug event crashes, engage in community education and awareness about the dangers of alcohol and drug impaired driving and to support local law enforcement through training and funding DUI/IUD patrol during high risk events. Commissioner Peck asked if there was any discussion on prevention; offering rides instead of only focusing on the arrest side of it. Sindy said a portion of the budget potentially is to fund transportation for people who choose not to drive but need rides home from establishments and community events that serve alcohol.

Sindy is requesting approval of the DUI Task Force Annual Plan. The plan is submitted annually to DOT which does require a commission signature that shows how the task force plans to spend money. Sindy briefed the commission on DUI projects and student involvement. Sindy said the newly formed DUI Task Force is committed and excited to get going. Commissioner Peck asked if there is room for more people on the board. Sindy said board membership is not limited. **Motion** by Commissioner Peck to approve the DUI Task Force Annual Plan as submitted. Second by Commissioner Bennett, motion carried unanimously.

10:45 AM **Public Comment Time:** There were no public comments.

11:00 AM **Libby Asbestos Site Update:** Present were Christina Proggess, Mike Cirian, Dania Zinner, Tony Penfold, Lisa DeWitt, Deborah McKean, Katherine Jenkins, Nick Raines, Whitney Bavsch, and Jennifer Harrison via phone conference.

Mr. Cirian said the last call went out for residential and commercial properties and 225 previous refusals have responded to allow investigation. Many are already scheduled for this year's construction season. Mr. Cirian commented that during construction season, EPA is receiving many compliments now, which was not the norm in earlier years; homeowners are happy and we expect it to continue to go well. There are 200 investigations and 140 clean ups scheduled this year. Not sure how many investigations from the last call efforts will move toward clean up but expecting approximately 50 to move to clean up.

Mr. Cirian stated that O & M and IC Controls are making headway, the IC group involves EPA, DEQ, LCARP and the City/County Board of Health. The IC Group will bring their ideas to EPA and the effort will continue to move forward. Commissioner Cole stated that it appears to be good communication and that is good to see.

Mr. Cirian said the ARP Agreement in contract with EPA is moving forward. Nick said he has to finalize the last details of the FY 17/18 budget and will be bringing it to the Finance Department and Commission when complete.

Dania said she met with the Port Authority Board and other stakeholders on April 6 for a long-term visioning event. Dania said EPA can offer contract support to help plan for a follow up event in August. All stakeholders were in attendance. Dania and Mr. Cirian will be attending the Port Authority Board meeting. Jennifer said EPA is looking to identify experts; anyone with redevelopment expertise to attend the next event. Dania said she met with the Port and has drafted an O & M Plan and will send the draft to the commissioners and is hoping to have this all worked out by fall.

Christina said she has been at work on a joint action with U.S. Forest Service on wildfire preparedness on OU3/former mine site. There is a Libby Asbestos Response Plan exercise planned for June 7 and 8, 2017. The exercise will test out the response plan and how agencies will coordinate with each other and identify responsibilities if a fire were to occur.

Tony informed the commission that W.R. Grace will have a Multiple Accounts Analysis (MAA) workshop regarding tailings dam on June 14 and 15, 2017. All agencies are involved to provide perspectives and to evaluate alternatives. MAA will assess all approaches to environmental issues, community and engineering alternatives and options to mitigate any concerns of the spillway. Discussion will include interim or short term action and a long-term fix.

1:00 PM **Auditor Bid Recommendation:** Darren said the county received only one bid from the 10 letters that were sent out to auditing firms. Denning, Downing and Associates was the only firm that responded by the deadline. Commissioners will take a couple of weeks to review and take the information under advisement.

1:15 PM **Lincoln County Child Advocacy Group/Els O'Rourke:**

Els introduced herself and gave a brief history of her employment. Els is a physical therapist, currently employed by the school district. Els said she is looking at trauma and at risk kids and feels Lincoln County organizations/agencies are duplicating services and not communicating efficiently. Els said she is working to coordinate services for children that have been sexually or physically abused. Els explained she is working towards an interagency agreement and to locate an office at McGrade School. Els is asking if the forensic video system for interviews can be placed under the county insurance. The equipment cost \$23,000 and was funded through a grant. Darren asked if the equipment may be insured under the School System. Commissioner Peck supported potentially tying into the county public health program. Els said she would contact the Superintendent's Office about insuring the video equipment.

1:30 PM **Planning Department Update:** Present were Kristin Smith and Jake Mertes.

- There was a brief discussion on the **NorthStar Public Hearing** location due to the anticipation of a large public attendance. The Public Hearing is scheduled for June 28, 2017 at 6 PM tentatively at the county annex. Location may be changed to accommodate for a larger crowd.
- **Osler Family Transfer:** Kristin said the total parcel is 40 acres and Mr. Osler wants to transfer 5 acres to his wife. Kristin said Mr. Osler's request is authorized under state law. Recommendation of Planning Staff is to approve the Osler Family Transfer. **Motion** by Commissioner Bennett to approve the Osler Family Transfer subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.

2:00 PM **Callahan Creek:** Canceled

2:15 PM **FOIA, Compensatory Time Policies, UI Deputy County Attorney:** Present were County Attorney Bernard Cassidy. County Administrator Darren Coldwell has a 2:00 PM appointment and asked Robin Benson to present on his behalf.

- Robin submitted copies of the draft Lincoln County Public Information Policy to the commission for approval. Mr. Cassidy said he would like to review the policy before approval. Robin said she would work alongside Mr. Cassidy and have it placed on the commissioner's agenda after it is finalized.
- Robin submitted copies of the changes Darren is requesting approval regarding employee compensatory time. The commission made suggestions and Robin said she will confer with Darren to finalize the changes to the Employee Handbook regarding compensatory time.
- Mr. Cassidy discussed a Resolution that he would like to be approved by the commission. The Department of Labor and Industry has advised the County Attorney's Office that it is investigating and wants to prosecute cases in Lincoln County and requested appointment of one of their attorney's as a Special Deputy County Attorney to assist the Lincoln County Attorney's Office by handling labor-related criminal cases. No decisions were made at this time.

Meeting adjourned at 3:00 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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