

September 27, 2017

The Lincoln County Board of Commissioners met for a regular session on September 27, 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 EPA Update: Present were Christina Prograss, Mike Cirian, Dania Zinner, Max Greenblum, Lisa DeWitt, Nick Raines, John Blodgett and Alan Gerstenecker. Present via phone conference were Jennifer Hanson, Jody Osterdorf, and Melanie Keller.

Construction: Mike Cirian informed the commission that construction will not be completed this year; last call efforts received a couple hundred more investigations and approximately 70 of those investigations will move into clean up. Fifty two properties are scheduled for clean up next year. Construction season will continue working this year through October.

ARP: Mike Cirian said The Cooperative Agreement for the continued Asbestos Resource Program is a grant program and is on target to be signed by the end of the month. Nick is working on the Quality Insurance Plan that is required by EPA.

IC's & O&M: Mike Cirian said there are regular monthly meetings with DEQ, Lincoln County and the Health Board for discussion on Institutional Controls and O&M. Efforts are to continue to move forward with a diverse group of people working together. Mr. Cirian commented that it is a slow process to determine what is going to happen in the future. Lisa said DEQ is working with EPA and the County to work together to maximize efforts regarding SB315.

Refusals: Mike Cirian commented that EPA is giving property owners every opportunity to participate in the investigations and clean ups. EPA will be sending out letters called Notice of Environmental Conditions to owners who are still refusals. The letter will go into county records to be attached to those properties that refuse EPA access for investigation and clean up. Dania said this has been done before and works well to show environmental conditions of a home prior to a new purchase. Commissioner Cole asked about a process or instructions for property owners to rescind. Mike Cirian said refusals can be rescinded. Commissioner Peck commented that consequences of refusals have been well communicated to the public over an extended period of time.

TASC: Jennifer explained the Technical Assistance Services for Communities (TASC) Grant Program replaces the former TAG grant. TASC is a way to provide technical assistance, without an organization to be incorporated. A kick off meeting is scheduled for November 7th at the school administrative conference room at 6pm.

OU5/Port Authority: Dania said EPA is working on an Environmental Covenant on the portion that is the Libby asbestos site, not groundwater site; trying to separate that out. Dania said she is meeting today with the Port Authority and DEQ for further discussion on the final O&M plan. Dania commented there is a Superfund Redevelopment Stakeholder meeting on November 9, 2017.

OU3/Former mine site: Christina said EPA is working with WR Grace on options for addressing tailings impoundment. Commissioner Bennett commented that boundary issues are a concern and there needs to be further discussion.

OU1 & 2/Riverfront Park: Lisa said a draft Environmental Covenant is out for Riverfront Park to maintain remedy for any future changes to the park. DEQ will conduct annual inspections. Riverfront Park is being evaluated and may receive a partial deletion.

Commissioner Peck commented that there is confusion with the Port Authority regarding restrictions for surface work and excavation. Dania said they will be discussing this at today's meeting and the conditions and restrictions are based on land use change.

10:00 AM Treasurer's Monthly Report/Nancy Higgins: Present were Alan Gerstenecker, John Blodgett, and Nikki Meyer, Eureka via VisionNet.

Nancy introduced Jesse Kyriss to the commission. Jesse is a new employee in the Treasurer/MV Departments.

Nancy submitted the Monthly Cash Reconciliation Report for August, 2017, Cash Report of all county funds, and investment reports for commission review.

Nancy said Glacier Bank has a different way of securing funds and wanted to inform the commission that Glacier Bank has a 55% pledged securities. Nancy said she may be changing that to 100% secured through CD's. Nancy will call the auditor before any changes take place. Nancy will keep the commission updated.

Nancy submitted School District Levies Report for FY 2017-2018 with adjustments to the Troy Elementary and Troy High School levies. **Motion** by Commissioner Peck to accept the School District Levies for FY 2017-2018 with adjustments as presented. Second by Commissioner Bennett, motion carried unanimously.

10:30 AM Administrative Issues:

The commission signed a support letter for the City of Libby's grant application for tourism infrastructure improvement funding from Montana Office of Tourism and Business Development.

Darren submitted a letter from the City of Libby requesting an additional \$2,500 from the original agreement of \$6,500 county match for the Balsam Sidewalk Project for a total payment of \$9,000. **Motion** by Commissioner Bennett to pay the county share of \$2,500 over original \$6,500 for the Balsam Sidewalk Project to be paid out of PILT. Commissioner Peck said the original county obligation was \$6,500, and although he does not blame the City of Libby for the increased engineering cost, he will stick to the original obligation. Motion died for lack of a second.

Ernie submitted a contract from Century Link for the purchase of a new channel bank that will hand off to Frontier for the new 911 system. **Motion** by Commissioner Peck to approve the purchase of a new channel bank from Century Link and the contract from Century Link. Second by Commissioner Bennett, motion carried unanimously.

Robin submitted the daily fire briefing minutes for September 8 - 15, 2017, the September 13 regular meeting and September 15 special session for commission approval. The commissioners reviewed the minutes as submitted. **Motion** by Commissioner Bennett to approve September 8-15 fire briefing minutes, September 13 regular meeting and September 15 special session minutes as presented. Second by Commissioner Cole, motion carried.

Upper Yaak FSA Board Appointment: Present were Alan Gerstenecker.

Robin said she received a letter from the Upper Yaak FSA board requesting to appoint George Lacy to fill the unexpired term of Jim Johnson who recently passed away. The term expires April 30, 2018. Robin submitted the board letter requesting appointment and a board application from George Lacy for commissioner review. **Motion** by Commissioner Bennett to appoint George Lacy to serve on the Upper Yaak FSA Board until April 30, 2018. Second by Commissioner Cole, motion carried. Robin said Mr. Lacy will have to re-apply at that time to remain on the board.

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

11: AM **Libby Airport Lease Agreement:** Present were Alan Gerstenecker and John Blodgett.

The Commissioners approved to lease three helicopter pads, storage, parking, water, and electricity for the Kootenai National Forest at the yearly rate of \$3,267. The new lease number is 57-0343-17-KO05. Improvements will be conducted and paid by the forest service. **Motion** by Commissioner Peck to approve the Kootenai Helispot Lease Agreement No. 57-0343-17-KO05 with the forest service. Second by Commissioner Bennett, motion carried unanimously.

11:15 AM **Right-of-Way Purchase/Boothland & Land Exchange/Watson:** Present were Alan Gerstenecker and John Blodgett.

Robin submitted Resolution No. 996 to the commissioners. Commissioner Bennett explained the road abandonment approval by the commission in 2015. Commissioner Bennett said a resolution is a follow-up document to ensure it goes to the Clerk and Records office for filing and to the Department of Revenue. **Motion** by Commissioner Peck to approve Resolution No. 996 as submitted. Second by Commissioner Bennett, motion carried unanimously.

11:45 AM **Kootenai Forest Stakeholders Coalition/MOA:** Present were Alan Gerstenecker and John Blodgett.

Darren suggested to table the discussion until the commissioners have time to review and make potential changes. Commissioner Cole tabled the discussion.

1:15 PM **Planning Department:** Present were Kelly Rooney, Tim Rooney, Kenneth E. Davis, Byron Sanderson, Jake Mertes, Kristin Smith and Alan Gerstenecker.

- **Hall Subdivision Preliminary Plat Approval:** Developer is Mark and Jennifer Hall located on West Road and Wapati Lane approximately 4 miles east of Eureka; Parcel B of CS 4384RB. Planning Staff recommendation is to grant preliminary approval subject to conditions and based on the finding in the staff report. **Motion** by Commissioner Peck to approve preliminary plat for Hall Subdivision subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.
- **Final Plat of Romans Run Subdivision:** Jake said all conditions have been met and final plat is complete; recommendation by the planning staff is to grant final plat approval. **Motion** by Commissioner Bennett to approve Romans Run Subdivision Final Plat. Second by Commissioner Peck, motion carried unanimously. Subdivision is located in Eureka near Sinclair Creek.
- **Little Country Road Phase II:** 5th request to extend preliminary approval period. Jake said planning staff recommendation is to approve 5th and Final extension for one year to expire October 6th, 2018. Commissioner Cole said he does not support this at this time; when he first became a Commissioner, there was a practice to allow 3 extensions, now we are asking for the 5th extension. Tim Rooney said the subdivision regulations do not state a maximum of extensions. Kristin said it is more of a county standard, not a policy. Tim said there are viable reasons for extensions. Kristin said applicants came in this year with intention to file. Kristin read the statutes regarding subdivision extensions of one per year. Commissioner Bennett said if the county is going to have an internal policy, it should be clearly stated or written. **Motion** by Commissioner Peck to grant an absolute, last extension to Little County Grove Subdivision Phase II for a period of 6 months from today; there will be no further extension granted. Motion passed with Commissioner Peck and Commissioner Bennett yay. Commissioner Cole voted nay.
- **Miller Family Transfer:** The property is described as Tract 1 of CS 3078. The planning staff recommends approving request to use the family transfer exemption. **Motion** by Commissioner Bennett to grant request to use exemption subject to planning staff conditions and recommendations. Second by Commissioner Peck, motion carried unanimously.
- **Parmiter/Ingram Family Transfer:** The property is described as Parcel 1 CS 1635. The planning staff recommends approving request to use the family transfer exemption. **Motion** by Commissioner Peck to grant request to use exemption subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.

2:00 PM **Callahan Creek/Mike Fraser:** Present were Alan Gerstenecker.

Mike Fraser recommended the county to wait for a verbal response from EPA regarding the Welch proposal. The commissioners unanimously agreed with Mr. Fraser's approach. Mike Fraser said there is no reason to continue with the Callahan Creek update meetings with the commissioners until there is further communication from EPA.

Mr. Fraser submitted draft Restoration Plan Outline by HDR for commission review. Mr. Fraser said he has stopped all work by HDR pending the outcome of EPA's discussions with Mr. Welch.

2:15 PM **Detention Officers Discussion:** Present were Brandon Huff, Sheriff Bowe, Deb Burrell, Jessica Vanderhoef, Dallas Bowe, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

Issues regarding the detention facility were discussed. The following document describes benefits to detention officers effective 9-27-2017.

The Detention Officers (DO) will receive a clothing allowance in the amount of no greater than \$400.00 annually. The allowance must be utilized for the purchase, maintenance, or repair of required uniform components and equipment. If an employee terminates employment prior to serving the entire twelve-month probationary period, all uniforms/equipment shall be returned in satisfactory condition.

The DO will also be encouraged to advance their training skills. The County recognizes the asset potential of employees bettering their skills for the greater good of the entire department. With formal proof of certification, the DO will be eligible for an additional \$.50 cents an hour increase in their hourly wage. Courses must be approved by Lincoln County Undersheriff to be considered eligible to participate in this incentive. DO that complete and maintain certifications in the selected disciplines will be eligible for the incentive. Certifications as an instructor in all disciplines will also require that regular in-service training be provided to the Sheriff's Office staff, in order to receive the additional compensation. Certification in the following categories that deem a DO eligible for this benefit will be, but not limited to, are the following:

1. Field Training Officer
2. Defensive Tactics Instructor
3. Firearms Instructor
4. Taser Instructor
5. Armed Transport Officer

The DO staff will now be included in the employee negotiations for the rest of the non-union staff. This includes potential COLA increases, insurance, and all incentives going forward.

The DO staff will be entitled to all incentives and guarantees that are included in the Lincoln County Personnel Policies.

DO who have received the rank of Sargent or above will be entitled to an additional \$1.00 an hour.

The following will be the schedule of pay for all DO staff:

Starting wage	\$14.63 hourly
Five years of service	\$.50 cents hourly increase
Ten years of service	\$.50 cents hourly increase

Motion by Commissioner Peck to approve the new detention officer pay matrix as amended and as a one-time increase, the current officers beyond their 1 year probation period will receive a \$1.50 pay increase. Second by Commissioner Bennett, motion carried unanimously.

Commissioner Peck commented that anyone who may question this decision can contact him for an accurate explanation of the workloads, increase in level of inmates they are dealing with, and safety issues; there are still significant issues beyond just the pay raise. There are extreme issues with the detention facility that still needs to be dealt with.

Commissioner Bennett said the money is going to be good for a short while, but those extreme issues are going to continue, so this discussion needs to continue as well. Commissioner Peck asked on the status regarding the committee to discuss options and solutions for detention issues. Brandon said Jessica just returned from vacation and requested Commissioner Bennett to serve on the committee as well.

Meeting adjourned at 2:45 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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