

July 11, 2018

The Lincoln County Board of Commissioners met for a regular session on July 11, 2018, 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**.

9:30 AM **Mike Cuffe/Pacific NW Economic Region/Columbia River Treaty (PNWER/CRT):** Present were Alan Gerstenecker, John Blodgett, and Josh Letcher, Eureka via VisionNet.

In preparation for the PNWER Annual Summit Meeting in Spokane July 22-25, 2018, Cuffe submitted a list of talking points to the commission for review. All Commissioners plan to attend and will have opportunity to speak about Lincoln County concerns. There is also a time set aside on the meeting agenda for discussion regarding the Columbia River Treaty. Cuffe went over the meeting agenda and talking points with the commissioners.

The talking points handout submitted by Cuffe can be obtained in its entirety from the Clerk and Recorder's Office.

10:00 AM **Health Department Update:** Present were Kathi Hooper, Jennifer McCully, Noah Pyle, Alan Gerstenecker, John Blodgett, Josh Letcher, and Nikki Meyer Eureka via ViisionNet. Commissioner Peck left for a meeting with DNRC.

Jennifer announced the county nurse has been advertised and will be a part-time position. The nurse spends one day a week in Eureka, one day in Libby/Troy and one day in the local schools.

Kathi said the City of Troy is planning to install cameras at the green box site located at St. Regis Haul Road allowing for law enforcement to write tickets for violations.

Kathi will be attending a meeting in West Kootenai for discussion regarding green box relocation options.

Commissioner Bennett commented that he is waiting for FWP approval to establish a green box site at the top of Yaak Hill.

Kathi informed the commission she will be meeting with Ed Levert about the value of timber at the landfill and will include that revenue in the landfill budget. Kathi said there are mechanical issues with the compactor at the landfill. Kathi has received a quote for \$131,0000 to rebuild; the compactor is approximately 10 years old. Lake county will have a compactor available in a couple of years. Kathi is conducting research regarding purchase or leasing. Commissioner Bennett suggested calling Jeff Koskela as part of the research.

Kathi said environmental health is looking at allowing for more fall management burns and is communicating with the state. There will be public meetings to help prioritize needs.

Collecting E-Waste at the landfill through August 21.

10:30 AM **Administrative Issues:** Present were Alan Gerstenecker, John Blodgett, and Josh Letcher, Eureka via VisionNet.

Em-Kayan Board Appointment: Robin informed the commission that she received a request to advertise a vacancy on the Em-Kayan Water/Sewer District Board to fill an unexpired term through December 2018. Deadline for submitting an application was July 6 and one application was received from Arnold Gleason. **Motion** by Commissioner Bennett to appoint Arnold Gleason to the Em-Kayan W/S District Board through December 2018. Second by Commissioner Cole, motion carried.

June Minutes: Robin said that due to no meeting on June 20 or July 4 and there was no administrative time on July 11, most of June minutes need to be approved today. Robin submitted minutes as follows:

June 7-EPA

June 12-Finance

June 13-Regular

June 14-Election Canvass

June 15-Flathead Valley Community College/Lincoln County Campus

June 18-Ambulance/Hospital Discussion

June 26-Finance

June 27-Regular

Motion by Commissioner Bennett to approve all June minutes as submitted. Second by Commissioner Cole, motion carried.

June 25-LIV Golf Cars/Closed Meeting

Motion by Commissioner Bennett to approve the June 25 LIV Golf Cars Closed Meeting minutes as submitted. Second by Commissioner Peck, motion carried.

All approved minutes can be viewed on the Lincoln County Website at: www.lincolncountymt.us

Robin submitted a **Hangar Lease Agreement** between Lincoln County Airport Board and the Eureka Land and Cattle LLC to the commission as informational only.

Darren informed the commission he received an email from Tim Orthhemeyer regarding a grant application for the **Libby Airport Runway and Taxiway Rehabilitation Project for FY 18/19** because Supplemental Discretionary funding is available. Darren will contact Tim to get more information and will put it on the commissioner's agenda for discussion.

Darren submitted the **Lincoln County Pinkham Mountain and the Lincoln County Blue Mountain Building/Tower Lease Agreements** for commissioner approval. Lease agreements are between Lincoln County and MDOT. **Motion** by Commissioner Bennett to approve **annual lease agreements** as submitted. Second by Commissioner Cole, motion carried. Contracts are renewed annually. **Agreements can be obtained in their entirety from the Clerk and Recorder's Office.**

10:45 AM **Public Comment Time:** Present were Alan Gerstenecker, John Blodgett, Marc Liechei, Ron Denowh, Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Marc Liechei of APEC Engineering Inc. asked to discuss an extension for Montana Wild Subdivision. Darren informed Marc the discussion will need to be placed on the commissioner's agenda for further discussion.

11:00 AM **Bids/Legal Advertising & Display Ads:** Present were Dallas Bowe, Lee Bothman, Alan Gerstenecker, Suzanne Resch, John Blodgett, Josh Letcher and Nikki Meyer, Eureka via VisionNet. Dallas presented bids from The Western News and Kootenai Valley Record. The commission reviewed and read the bids to everyone in attendance. Lee questioned when the county found out the Montanian was not qualified why it did not go to the next lowest bidder. Commissioner Bennett said it was a county error and he felt the best and fair process was to re-bid.

Commissioner Cole commented once the error was found, a new bid process was a fair and open way to proceed. **Motion** by Commissioner Bennett to accept the The Western News bid as the lowest bid. Second by Commissioner Cole, motion carried. Darren clarified the new MCA went into effect in 2017, that you have to be a paid circulation; The Montanian is a free paper. Dallas will send out a county wide email informing the departments that The Western News is the county paper of record. **Bids can be obtained in their entirety from the H.R. Department.**

11:15 PM **Asbestos Liaison Discussion:** Present were Noah Pyle, Kathi Hooper, Alan Gerstenecker, John Blodgett, Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Noah informed the commission that the liaison position was advertised for a second time and 12 applications were received. Noah expressed one applicant that ARP staff feels is very qualified and knows and understands the history which is very important, but the pay would need to be increased for this applicant. The state said they cannot reclassify the position and increase the pay rate.

Darren commented that this is a state /DEQ required position. If the position becomes a county employee, then the county benefits would apply.

Commissioner Bennett suggested contracting the position for two years, waiting for legislation and putting in a 2-year review of the position for evaluation.

Commissioner Peck commented there are separation issues to consider; the position cannot be operationally under DEQ or ARP. Noah said for the position to come through the county would take legislation.

Commissioner Cole said the bottom line is that we are \$10,000 off the pay scale for the standards of what the county is wanting. Commissioner Peck explained this person will be briefing the governor and requires senior level of executive leadership. Commissioner Peck stated the only fix is legislative at this time and asked if the county would even consider the position as a county employee. Darren said yes, if the grant pays for all expenses including wages and benefits. The position would work under the Asbestos Advisory Board.

11:30 AM **RAC Appointment Discussion / Approval of RAC Project (Southfork Yaak Road):** Present were Alan Gerstenecker, John Blodgett, Josh Letcher and Nikki Meyer, Eureka via VisionNet.

Motion by Commissioner Peck to appoint Commissioner Bennett to be the county representative on the RAC board. Second by Commissioner Bennett, motion carried unanimously

Motion by Commissioner Bennett to approve the South Fork Yaak Road 68-Three Rivers-RAC Project. Second by Commissioner Peck, motion carried unanimously. The Road Project Agreement is between Lincoln County and the USDA FS, KNF. Project Title: Maintenance of South Fork Yaak Road. The county shall bill the forest service for actual costs incurred, not to exceed \$11,500 annually.

11:45 PM **Western Montana Area in Aging Agreement / Schedule A Roads / Resolution 2018-06 Amendment:**

Motion by Commissioner Bennett to approve the annual **Western Montana Area on Aging Contract** as submitted. Second by Commissioner Peck, motion carried unanimously. The contract is between Lincoln County and Western Montana Area VI on Aging. Sources of funding is through a USDA Grant.

Motion by Commissioner Peck to approve **Lincoln County-Kootenai National Forest Schedule A**, revised 2018. Second by Commissioner Bennett, motion carried unanimously.

Motion by Commissioner Bennett to approve **Resolution 2018-06A**. Second by Commissioner Peck, motion carried unanimously. Resolution 2018-06A replaces Resolution 2018-06 to add Deputy County Coroner salary to be set at 30% of coroner's salary.

1:30 PM **Discussion and review of PILT Class Action Law Suit / Discussion on USFS Special Use Permit For Airspace above the airport / Discussion of Liability Insurance for Drone / Modification to Commodities Contract**
Present were Alan Gerstenecker, John Blodgett, Josh Letcher and Nikki Meyer, Eureka via VisionNet.

PILT Class Action Lawsuit:

Darren asked the commissioners if Lincoln County would be joining other counties and if the commissioners are willing to move forward. Darren explained that each county was underpaid. The contact person would be Darren and authorized signer will be a commissioner. There is no fee to join the suit. **Motion** by Commissioner Peck to join the **class action lawsuit Kane County, Utah v. United States** Case No. 17-739C and 17-1991C (Consolidate). Second by Commissioner Bennett, motion carried unanimously. Commissioner Bennett commented that it sets a precedence, the federal government cannot just break contracts. Commissioner Cole said he appreciates opportunity to support other counties. Commissioner Peck said it tells the government that we do have expectations. Lincoln County was shorted \$26,000.

USFS Special Use Permit for airspace above the airport: The commissioners deferred until further clarity is provided.

Liability Insurance for Drone Use: Darren informed the commission the insurance annual cost is \$850.00 per Kevin Peck. **Motion** by Commissioner Peck to approve the insurance for county drone use as recommended by Kevin Peck for \$850.00 per year. Second by Commissioner Bennett, motion carried unanimously.

Modification to Commodities Contract: Darren explained the modification to Section 5 of the Western Montana Area VI on Aging Agreement. **Motion** by Commissioner Bennett to approve **Modification to Commodities Contract No. 18-027-21010-30** as amended. Second by Commissioner Peck, motion carried unanimously.

Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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