

March 6, 2019

The Lincoln County Board of Commissioners met for a regular session on March 6, 2019, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Peck and Clerk and Recorder Robin Benson. County Administrator Darren Coldwell was absent.

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

**9:30 AM Forest Supervisors Office Update:** Present were Acting Forest Supervisor KNF Cheryl Probert, Alan Gerstenecker, and Ben Kibbey. Also present was Nikki Meyer, Eureka via VisionNet.

Cheryl introduced herself and gave a history of her forest and timber management experience. Cheryl said that during the government shutdown, the emphasis was to keep as much going as possible. The forest service continued working on sale packages and the NEPA environmental analysis.

Cheryl expressed there are real opportunities in Lincoln County, but would like to evaluate and become more strategic, especially utilizing the Good Neighbor Authority Program. We need to think ahead on how to train and develop people so that in a few years we can be at full implementation of our forest plan with a common goal.

Cheryl said the statistics indicate that from October through January there was 24 mmbf of salvage that came off the forest and 11mmbf of green timber. We need to focus on a solid plan moving forward and make some shifts that benefit all our resources. Commissioner Bennett talked about finding that balance and moving forward with a targeted goal that is based on science. Cheryl said a vibrant timber program can evolve from a well-planned strategic plan with the forest service, stakeholders and community involvement.

Cheryl commented she would like to visit with the commission to discuss the Young Growth Project and potential stewardship agreements and other forest management ideas; our priorities line up well, its what the resource and community needs. Cheryl said there is a lot of work to do here and wants to hear priority focus areas from the commission.

Commissioner Peck talked about the significant issues with the Wildland Urban Interface (WUI). The county wants to play a key role in helping with this issue. There is a lot of concern here for wildlife and encroachment is a huge issue.

Commissioner Peck discussed the issue with the old snowshoe mine road along the face of the Cabinets. The road was petitioned in the 1890's and the county has all the paperwork showing it as a county road. Now, the forest service states it is not a county road although nobody has been able to prove the contrary. Commissioner Peck said our desire is to make it a non-motorized trail. This is a big issue and we need to solve it.

**10:15 AM Troy Rural Fire District (TRFD) Intent for Annexation:** Present were Election Administrator Leigh Riggelman, Wendy Drake, Jake Mertes, Alan Gerstenecker, Ben Kibbey and DC Orr. Also present were Nikki Meyer, Eureka via VisionNet.

Leigh submitted a petition for annexation to the Troy Rural Fire District (TRFD) and Resolution 2019-05 Intent for Annexation for commission approval. Property is one parcel owned by Bryan and Carrie Pope containing 9.07 acres. The same petition and resolution were presented last week, but the commission requested the issue be tabled to clarify the meaning of "adjacent property".

The commission talked about the meaning of the word "adjacent" for future annexations. Commissioner Bennett commented that in planning, adjacent means sharing a common boundary. Leigh said after conferring with the county attorney, adjacent, for this purpose could mean "nearby" or "close to" and the county attorney expressed the annexation could be approved. Commissioner Bennett said they need to establish the process for non-touching properties moving forward for future annexations.

**Motion** by Commissioner Bennett to approve **Resolution 2019-05** Intent for Annexation. Second by Commissioner Letcher, motion carried unanimously.

Commissioner Bennett would like to know why some adjacent properties are not annexed in the fire district and if there is any federal or state land showing properties potentially that should be in the district. Jake said he would do some research on this. Robin said she will public notice the March 27, 2019 Public Hearing for TRFD Annexation.

**10:30 AM Administrative Issues:** Present were Wendy Drake, Jake Mertes, Alan Gerstenecker, Ben Kibbey and DC Orr. Also present were Nikki Meyer, Eureka via VisionNet.

- Jake submitted two letters of support requested last week for commissioner approval.  
RE: Request for redesignation of Libby PM10 nonattainment area to attainment and proposed attainment area maintenance plan.  
RE: Request to exclude certain ambient air monitoring data from regulatory review.  
**Motion** by Commissioner Bennett to approve both letters of support as submitted. Second by Commissioner Letcher, motion carried unanimously. Both letters are being sent to the **MT DEQ, Air Quality Bureau**.  
*Letters are available in their entirety from the Clerk and Recorder's Office.*
- Robin presented the minutes for February 27, 2019 for Commissioner approval. **Motion** by Commissioner Bennett to approve minutes as presented. Second by Commissioner Letcher, motion carried unanimously.
- Wendy submitted an invoice from the Montana Coalition of Forest Counties. Commissioner Peck requested to calendar this for discussion.

**10:45 AM Public Comment Time:** Present were District 1 Senator Mike Cuffe, Alan Gerstenecker, Ben Kibbey and DC Orr. Also present were Nikki Meyer, Eureka via VisionNet.

Mr. Orr stated he was here to talk about government secrecy, saying the health board was disbanded with claims of secrecy and has been restructured with new board members. Mr. Orr said he is being treated badly from the board and they do not want to hear from the public; they are not transparent and are closing meetings for contemplated litigation

strategies. Mr. Orr said that they cannot close meetings for litigation strategies that is contemplated, and he has been trying to raise this issue. Mr. Orr commented that he has sent a letter to the county attorney and has not received a response. Mr. Orr commented that a city council member was ejected from the closed section of the health board meeting. Mr. Orr said the health board is keeping information from the public and expressed that it is unacceptable. Mr. Orr said the city does have a health board liaison, but that person is reporting limited information. Mr. Orr stated that if the health board continues to withhold information from the city, then the city cannot make decisions regarding negotiations with International Paper. Mr. Orr told the commissioners that the county needs to get control of the health board.

Senator Cuffe talked about the Columbia River Treaty; the process may continue for a couple more years. Senator Cuffe invited the commission to attend a Columbia River Treaty Townhall meeting on March 20<sup>th</sup> at the Red Lion Hotel in Kalispell. Senator Cuffe commented that the Commissioners did meet with the lead negotiator last July. The townhall meeting should include an update of the process and projection moving forward and any potential delays. There is a federal election in Canada that may cause a delay. Senator Cuffe said he is hopeful to have good representation at the meeting from Lincoln County.

**11:00 AM Department of Transportation (DOT):** Present were Justin Juelfs, Shane Stack, Ben Nunnallee, Ed Toavs, Donny Pfeifer, Alan Gerstenecker, and Ben Kibbey.

Ben shared a map showing a layout of projects with reference points, various routes and project names.

Ben explained each project describing the work to be done. Projects are scheduled in 2019/2020, and beyond 2023 for bridgework along Hwy 37; approximately 10 bridges will be repaired. Some projects include bridge rehab, shoulder widening, signing, guard railing, roadway surfacing, and foundation grading.

Justin talked about pavement preservation projects from Graves Creek to Eureka and portions of Hwy 37 from Eureka, 3 miles towards Rexford.

Ben shared a safety project below the dam between mile markers 10.6 to 11.2. Work involves curve siding/guard railing. Donny shared about work along Swamp Creek to include foundation grading, bridge work and roadway surfacing. There will be outreach efforts for public communication, DOT will send out informational flyers and mailers.

Commissioner Bennett suggested portable toilets along construction sites that may have longer wait times.

Commissioner Bennett talked about steel posts instead of wood on the Yaak Highway; from a cost perspective the wood posts do not last for more than a few years.

**1:30 PM Planning Department Update:** There were no Planning agenda items for discussion.

**2:00 PM Leavett Group:** Present were Pete Shatwell, Dallas Bowe, Alan Gerstenecker, and Ben Kibbey. Also present was Sarah Harne via phone conference.

Pete talked about reference-based pricing, and provided a handout showing the ratio medical facilities bill in contrast with Medicare costs. The commission talked about the need for procedure costs to be explained to patients at healthcare facilities, so they are aware of costs. Pete commented that Cabinet Peaks Medical Center is reasonable in comparison.

Pete talked about American Fidelity to help with employee education and to help employees understand options and answer questions that may include sensitive information. Pete said he would like to conduct an employee group session and then launch individual employee conversations. There was a brief conversation about the difficulty attaining census information (health applications) from employees and retirees. The census allows the county to shop for insurance options to help keep costs down. Dallas said it is amazing the county pays 100% of employee insurance costs and expressed employees need incentivized if they are not going to participate in the census. Pete explained the health application does include employee names and some medical questions that may be sensitive which does raise employee concerns about confidential/private information. **Motion** by Commissioner Bennett to approve the Service Exchange Agreement with **American Fidelity**. Second by Commissioner Letcher, motion carried unanimously.

**2:45 PM Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

**ATTEST:** \_\_\_\_\_  
Robin A. Benson, Clerk of the Board