

January 13, 2021

The Lincoln County Board of Commissioners met for a regular session on January 13, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Peck, Commissioner Letcher, County Administrator Patrick McFadden and Clerk and Recorder Robin Benson.

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

10:00 AM **Health Department and ARP Updates:** Present were Kathi Hooper, Jennifer McCully, Virginia Kocieda, Judge Cuffe, Joseph Miller and Derrick Perkins. Present via phone were Ray Stout and Nikki Meyer.

Public Health:

Jennifer gave an update on the Covid-19 Vaccine Distribution Plan. The process of distributing vaccines will be conducted in four phases. The distribution plan can be viewed on the Lincoln County Website under Health Department or <https://lincolnmCovid.com/vaccinations/>

Commissioner Letcher talked about some inconsistencies and confusion in regard to the Lincoln County Covid Website and asked for clarity regarding cases and test dates. Commissioner Letcher commented that we are putting information out that people base life decisions on. According to some of the graphs it appears there are more cases some weeks than there were positives tests. Jennifer explained that this is because tests are counted at the time of the test, but cases are counted at the time of the result. Commissioner Letcher also questioned why a positive test was counted in the week the test was taken, but the positive case was counted in the week the lab sent the results back. Commissioner Letcher questioned why they are not counted the same week.

Environmental Health:

Kathi submitted the invoice for the Junk Vehicle Program grant. The Junk Vehicle Program is 100% grant funded. Kathi requested a letter of support for allowing a portion of the Junk Vehicle Program grant to pay for removal of mobilehomes/trailers.

Licensed establishment inspections have been completed.

ServSafe Food Protection Manager Training was held on December 15, 2020.

Solid Waste & Recycling:

Kathi said she has received some complaints about the dumpsters at the West Kootenai green box site. They are bear resistant, so the lids are heavy, and the openings are small. Kathi explained that bear resistant dumpsters are not required now that the site is fenced, so we are working on replacing the lids.

Commissioner Bennett said he does have a site selected for the Kootenai Falls area, but is waiting for weather conditions to improve.

Courtroom/Jury Trials Update:

Judge Cuffe thanked the commissioners for all their work and efforts recognizing safety, but also keeping the court system working. These trials are constitutionally mandated. Judge Cuffe talked about jury trials having been relocated to other locations, currently the Memorial Center to allow for larger space, recognizing distancing mandates and safety. There are some jurisdictions that are not having jury trials. Judge Cuffe said he will continue to have the same restrictions, but the primary issue is that for a jury trial, about 100 people are called, 50-70 people show up, and his responsibility is to ensure safety. With the county support, this will continue. Judge Cuffe commented this conversation is about felony criminal charges/cases that are held offsite. There is an added expense and cost for all associated with jury trials, including the sheriff's department and it is important to continue with the process. Judge Cuffe expressed that he feels it is not appropriate to stop criminal jury trials.

Commissioner Bennett said he supports the efforts of continuing jury trials and is open to conversations with the Memorial Center for continued support and coordination.

Commissioner Peck agreed saying he supports the efforts to continue trials, these are constitutional issues, but we need to have bigger conversations with the supreme court, and legislators. Commissioner Peck questioned if there are reimbursement funds available under Title 10. As a declared emergency, there should be reimbursement avenues other than Care Act Funds.

Judge Cuffe said if this continues through the summer, then there are further conversations that will need to take place.

ARP Update:

Virginia talked about the Property Evaluation Notification (PEN) Regulation that will become effective February 1st and will be presented at tonight's Board of Health's meeting.

Virginia gave a summary about the status of current investigative sampling and abatements occurring on properties being remodeled and renovated in Libby and Troy. ARP is working with property owners and contractors to ensure best management practices are being used during all activities dealing with vermiculite.

10:30 AM **Administrative Issues:** Present was Derrick Perkins. Ray Stout and Nikki Meyer present via phone.

- Commissioner Bennett explained an amendment to a DNRC grant that helps with loans to repair septic tanks. Commissioner Peck asked if the grant was being utilized. Commissioner Bennett expressed that it was not well advertised, so we may need to take steps to get it out to the public. **Motion** by Commissioner Peck to approve the amendment for the DNRC Grant No. RRG-19-1694. Second by Commissioner Letcher, motion carried unanimously.
- Robin submitted the minutes for January 6, 2021 for approval. **Motion** by Commissioner Peck to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.

- The commissioners signed a corrected Certificate of Nomination for Markay Brown who was elected by acclamation for special district election for the Troy Rural Fire District scheduled to be held May 5, 2020. The certificate says *Ms. Brown*, and Markay Brown is male, therefore requesting a corrected certificate. **Motion** by Commissioner Peck to approve signing a corrected Certificate of Nomination as submitted. Second by Commissioner Letcher, motion carried unanimously.

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

11:00 AM **District Board Appointments:** Present was Derrick Perkins. Ray Stout and Nikki Meyer present via phone. Board Appointments were as follows:

Lincoln County Fair Board: Four applications received. The Fair Board is recommending commissioners to appoint Josh Coleman, Wes D'Aponti, and Steve Eckels and reappoint Guy Johnson to serve on the Lincoln County Fair Board.

Eureka Area District Dispatch Board: One application received. The Eureka Area Dispatch Board is recommending commissioners to appoint Yvonne Letien to serve on the Eureka Area Dispatch Board.

Robin said no other boards received applications.

Motion by Commissioner Peck to appoint all applicants as recommended to serve on the Lincoln County Fair and Eureka Area Dispatch Boards. Second by Commissioner Letcher, motion carried unanimously.

11:15 AM **Public Hearing / Slauson Road Abandonment:** Present were Scott Slauson, Marc McCully, John Damon, Bill Bender, Isabella Bender, Tina Oliphant and Derrick Perkins. Present via phone were Ray Stout and Nikki Meyer. Marc said the viewers appointed were himself and Commissioner Peck. Marc gave a brief viewer's report recommending moving forward with the Slauson abandonment. Marc clarified that what is needed now is the county to approve the abandonment across the Slauson property and Slauson will grant a temporary public easement.

John commented the plat has been modified to show the easement.

Scott talked about having a buy/sell on his property and explained his reasons why he is requesting this to be done.

Robin commented that usually road abandonments go to the Department of Revenue and questioned if this abandonment and temporary easement would need to go to the Department of Revenue. Commissioner Peck said this is temporary and would not need to go to the Department of Revenue at this time.

Motion by Commissioner Peck to approve the permanent abandonment with the temporary easement to expire on July 31, 2021 across the Slauson property on 5th Street Extension. Second by Commissioner Letcher, motion carried unanimously.

11:30 AM **LCPA Tina Oliphant / Funding grants for Rehab of J Neil's Trails:** Present were Tina Oliphant, Brett McCully, Marc McCully and Derrick Perkins.

Tina discussed two grant requirements and funding opportunities for two projects that are focused on rehabilitation of about 50% of the J Neils Trail system and Old Haul Road Trail. Tina submitted a map showing the trail improvement areas for commissioner review. Tina said that today she is looking for county support and in-kind work/labor as the county has time. Tina said she will draw up the support letter.

Commissioner Peck gave some thoughts and expressed concern about a different type of gate system for safety issues and questioned if that can that be built into the grant.

11:45 AM **Tim Orthmeyer / FAA Grants:** Present were Jake Mertes, Byron Sanderson, Bill Avants and Derrick Perkins. Tim Orthmeyer was present via phone.

Tim talked about the projects for the Libby and Eureka airport projects. Applied for \$300,000 for a rehabilitation project at the Libby airport, but was awarded 100,000 for runway, 50,000 for the taxiway, about half of what was planned. Tim said we can plan for new surface on the runway with money already granted. Tim said he recommends moving forward with the projects and submitted applications for the county to sign for FAA consideration.

Tim said the Eureka project planned is for pavement rehabilitation on the runway. It would not be a problem to defer this for a year, but still wants to apply for the grant opportunity.

Tim said that as we move forward, the commitment comes after the grant is approved and after knowing the funding resources, the county can say no. Commissioner Bennett commented to move forward with the grant applications; there is no commitment now, the county can deny the grant agreement at that time.

12:00 PM **Avants Subdivision:** Present were County Planner Jake Mertes, Kootenai Surveyors, Inc. Byron Sanderson, Developer Bill Avants and Derrick Perkins.

Jake explained the proposed minor subdivision of parcel B is located just west of Libby on Parmenter Creek. Access is currently from Parmenter Drive. The developers intend to create 5 lots from this 17.57-acre parcel. Each lot will be served by individual septic systems and individual wells. Planning staff recommends granting preliminary approval to Avants Subdivision, subject to conditions and based on the findings in the staff report. This is a minor subdivision and does not require planning board review. Jake gave an overview of the Findings of Fact, Recommendations and 14 Conditions. **Motion** by Commissioner Peck to approve preliminary plat for Avants Subdivision based on planning staff recommendation and subject to 14 conditions. Second by Commissioner Letcher, motion carried unanimously.

12:25 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

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