

July 8, 2020

The Lincoln County Board of Commissioners met for a regular session on July 8, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, Commissioner Letcher, County Administrator Patrick McFadden and Clerk and Recorder Robin Benson. Commissioner Bennett was excused.

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

10:00 AM **Health Department Update:** Present were Kathi Hooper, Jennifer McCully, Ron Catlett representing Senator Daines Office, Will Langhorne, and Derrick Perkins. Also present was Nikki Meyer, Eureka via VisionNet.

Kathi Hooper submitted the following Health Department Update:

Health Department Update — July 8, 2020

Public Health

- COVID-19 & Central Testing Update
- FY21 Tobacco Contract

Environmental Health

- Dustin passed Sanitarian exam!
- PMIO redesignation
 - Classified as likely to violate in 1987, designated nonattainment in 1991
 - DEQ requested redesignation in February 2019
 - Libby met standard from 1992 through 2017 (26 years)
 - New designation is "Limited Maintenance Area"
- PM2.5 redesignation
 - Request was sent to EPA in June 2020
 - EPA has 6 months to review and additional 12 months to act
- DPHHS Cooperative Agreement Amendment
 - DPHHS offered amendment to ensure that counties receive full payment for inspections
 - Waives requirement for 90% completion of traditional inspections

Solid Waste & Recycling

- Ron Thatcher retired July 1st
- Greenbox sites
 - Glen Lake bear trapped, fence repaired
 - Fortine fence repaired
 - West Kootenai fence install scheduled for mid-August
 - Continued problems at Libby Creek
- E-waste recycling
 - Offered at Libby and Eureka Landfills until August

Jennifer gave a Covid-19 Update. The Center for Asbestos Related Disease (CARD) fully took over central testing for Covid-19 in Lincoln County. Other facilities testing for Covid-19 in Lincoln County are the Northwest Community Health Center (CHC), Cabinet Peaks Medical Center and Eureka Healthcare Primary Care.

Lincoln County has had a total of 9 confirmed cases with 1 death. Two of those cases are still active.

Jennifer submitted the Annual Tobacco Grant Contract with DPHHS for tobacco prevention and education in Lincoln County. Grant award is \$34,560. **Motion** by Commissioner Letcher to approve the annual Tobacco Grant Contract as presented. Second by Commissioner Peck, motion carried.

There was a brief discussion regarding bear activity, vandalism, and security cameras at county green box sites.

Kathi requested reclassification for the health nurse position from a grade 12 to a grade 13. Cost increase is \$3,600 annually. Kathi explained the current budget can absorb that cost and there is no request for a budget increase. Kathi talked about the increased duties of this position. Patrick said he reviewed the request and is in concurrence. **Motion** by Commissioner Letcher to increase the health nurse position wage from a grade 12 to a grade 13. Second by Commissioner Peck, motion carried.

10:30 AM **Administrative Issues:** Present were Ron Catlett representing Senator Daines Office, Will Langhorne, and Derrick Perkins. Also present was Nikki Meyer, Eureka via VisionNet.

- Patrick submitted the annual Hospital Provider Agreement between Lincoln County and Pathways in Kalispell. The county attorney has reviewed it and approved the annual agreement. **Motion** by Commissioner Letcher to approve the annual Pathways Detention Contract as submitted. Second by Commissioner Peck, motion carried.
- Robin presented the minutes for July 1, 2020 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Peck, motion carried.
- Commissioner Peck talked about the U-Serve Tennis Club Agreement with the county, city, and schools to pay \$1,000 annually to help with routine maintenance costs. Commissioner Peck commented that we need to review what is due by the county and make sure the payments are received to help with costs associated with routine maintenance. Patrick will follow up.

10:45 AM **Public Comment Time:** Present were Ron Catlett representing Senator Daines Office, and Derrick Perkins. Also present was Nikki Meyer, Eureka via VisionNet.

There were no public comments.

11:00 AM DUI Task Force: Present were Kathleen Sheffield, Sindy Filler, Ron Catlett representing Senator Daines Office and Derrick Perkins. Also present was Nikki Meyer, Eureka via VisionNet.

Sindy and Kathleen are here to answer any questions regarding the DUI Task Force Annual Plan that was approved last week. Goals of the DUI Task Force are:

- To reduce incidents of traffic-related alcohol and drug events and crashes.
- To actively engage in community education and awareness about the dangers of alcohol and drug impaired driving, through community events and training.
- To support local law enforcement through trainings and funding DUI/UAD patrols during high risk periods to actively pursue detection and apprehension of impaired drivers.

Sindy shared Montana and Lincoln County statistics regarding drug and alcohol related crashes with injuries and fatalities. In spite of the small population, Lincoln County continues to be in the top 15 counties in Montana where alcohol and drugs were a factor in fatal and serious injury crashes. Data is compiled by the Department of Transportation. There was a total of 205 DUI cases filed in 2016, 146 in 2017, and 166 in 2018 throughout Lincoln County. Underage drinking and impaired driving by youth are serious concerns. Binge drinking, underage drinking, and drugged driving continue to be problematic in Lincoln County. Drugged driving or driving impaired by a combination of drugs and alcohol are also concerns. Sindy said drugs such as marijuana and opioids or prescription drugs are contributing factors.

Montana across the board in the whole country, came up first as highest blood alcohol level in vehicle accident fatalities. Sindy commented that DUI cases in Lincoln County shows the blood alcohol levels at 3.8 times higher than the legal limit; a binge drinking pattern.

Sindy shared about the youth/student prevention program in partnership with Western Montana Mental Health in support of staying sober.

Sindy said there is a strong education campaign to reach the younger, but legal age drinkers and the DUI Task Force wants to strengthen relationships with local taverns.

Commissioner Peck asked if the local taxi service has had impact on the number of DUI's. Sindy said we have not noticed any significant changes.

Sindy reminded the commission that the task force is not funded by the county, but fees that come from when someone has their license suspended. In FY 16/17 the budget was \$8,052, this year it is still at \$8,100 which tells us the number of cases is steady.

1:30 PM Planning Department / Public Hearing on Updated Subdivision Regulations: Present were County Planner Jake Mertes, Kristin Smith, Steve Lauer, and Jennifer Nelson.

Kristin gave a PPT Presentation showing history and background of the subdivision regulations and explained changes to the commissioners.

Jake submitted Resolution 2020-13, a Resolution to Amend the Lincoln County Subdivision Regulations for approval.

Jake said the updates to the Lincoln County Subdivision Regulations are recommended by the planning board.

Administrative Changes:

- Changed any reference of Director/Administrator to Planning Staff
- And updated some definitions to reflect what is in the subdivision regulations
- Updated references to MCA to match current law

Reviewable Changes:

- Made clarification in the review procedure for exempt divisions
- Major changes to the fire protection section per recommendations of the Lincoln County Fire Council

Commissioner Letcher said he was happy to see language change to the easement section and talked about the 30% sloping rule. Kristin explained that a geotechnical analysis would be conducted in those situations.

Commissioner Letcher talked about the language regarding "natural land" condition vs. "current land" condition.

Commissioner Letcher expressed it is misleading to say "natural land", when there are roads and other development.

Commissioner Letcher clarified that the word "natural" to him means, land untouched by man. **Motion** by Commissioner Letcher to change the word "natural" in Section III-A-3 /Construction, Subsection B under Enforcement to the word "undeveloped". Second by Commissioner Peck, motion carried. The word change is on page 18 of the subdivision regulations.

Jennifer questioned the one-way road surface width must be at least 16 feet wide mentioned on page 60 under VI-S-2 Mobile/Manufactured Streets Subsection C. Jennifer said the fire council recommended 20 feet for one-way traffic. Steve commented that 20' is minimum fire code and questioned if it is public or private road. Jake said it's an oversight, and it is reflected correctly in the RV section. **Motion** by Commissioner Letcher to change "16 feet" to "20 feet" under VI-S-2 Mobile/Manufactured Streets Subsection C. Second by Commissioner Peck, motion carried. The word change is on page 60 of the subdivision regulations.

Steve questioned the language referring to water supply, and asked for a description of what payment in lieu of water supply amount is and who makes that determination? Kristin explained it is considered an impact fee. Steve asked about establishing a specific dollar amount per size of subdivision or a set dollar amount for a minor subdivision and a set dollar amount for a major subdivision. Commissioner Peck agrees it should be a set formula for continuity. Steve said he will talk to the fire council for recommendations.

Motion by Commissioner Letcher to approve Resolution 2020-13 Amending the Lincoln County Subdivision Regulations. Second by Commissioner Peck, motion carried.

Lincoln County Subdivision Regulations can be viewed in its entirety on the Lincoln County's Official Website:
www.lincolncountymt.us/planning-home (Planning Department)

11:30 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

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