

November 10, 2021

The Lincoln County Board of Commissioners met for a regular session on November 10, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Teske, Commissioner Letcher, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

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

9:45 AM Kimberly Mole / Troy Dispatch Discussion: Present were Tony Penfold, Derrick Perkins, Sheriff Darren Short, Kate Witt, Evan Comella, Tom Lane, Nikki Meyer, and Ray Stout.

Kimberly reminded the commission that she first approached them over 2 years ago regarding the safety issues of 911 calls to Troy Dispatch being transferred to the Sheriff's Dispatch in Libby. Those minutes/seconds can cause injury or death and the Commissioners, Troy Council and Sheriff's Office should be concerned with response time. Kimberly asked why Troy residents are paying for 2 dispatches when the Troy Dispatch does not even serve them and may cause harm with transfers.

Commissioner Bennett commented that he has met with the Troy district folks regarding a 3-to-5 year plan to go to one dispatch center for the entire county. Commissioner Bennett said taxpayers are spending approximately \$400,000 annually that is not necessary. Commissioner Bennett clarified that adding 2 additional towers would cover the whole county and we are working towards that being done. Commissioner Bennett said he believes Troy Dispatch did put in a new server to help with the delay in the dispatch but will follow up on that. Commissioner Bennett said that personally as a commissioner, we don't need to be over taxing citizens. When the county goes to one dispatch, there is no destination at this time, it could be set up in Libby, Troy, or Eureka, and we may still be looking at two years out.

10:00 AM Health Department Update: Present were Kathi Hooper, Nick Raines, Tom Lane, Ray Stout, Bryan Alkire, Dustin Webb, Kate Witt, Evan Comella, Derrick Perkins, Tony Penfold and Nikki Meyer.

Kathi talked about the landfill expansion phases and costs based on tonnage and growth rate predictions. Kathi said refuse assessments could be raised as an option to increase funds and those monies could be put into the cell development fund. Operating costs has increased and though we try not to ever raise fees, fees have not been raised since 2008. The \$900,000 ARPA funds the county has contributed will be used for landfill expansion.

Commissioner Bennett commented there may be another round of competitive ARPA grants.

The group talked about the expansion phases and the estimated costs, refuse assessments and possible refuse fee increases, potential fund/grant opportunities, recycling, free green box site service and costs associated, Commissioner Letcher talked about the Department of Revenue missing assessments on new builds, sometimes for years, and we need to come up with a way to track new builds, maybe through the septic permit process.

Kathi commented the landfill and green box sites provide a great service, but it is a very expensive service.

Kathi said they are wrapping up management burns and looking at offering online burn permits in the spring.

Kathi asked about next steps to get other ARPA fund requests approved and explained the benefits of the Electronic Health Records System for \$20,000. Decrease paper volume, old technology is being used and we need to move to a more efficient software. The system would work with state reporting sites and would increase billing revenues. Kathi talked about the Online Inspection System to streamline the inspection process for both staff and the operators of establishments. The system is being used by numerous counties and can be used for septic permits and inspections at daycares, congregate living facilities, etc. Cost is \$10,000 to purchase and approximately \$400/month.

Commissioner Bennett commented they are waiting to know how the restrictions of ARPA fund uses may change, and how the county potentially could use funds to help balance the budget over the next couple of years.

Motion by Commissioner Letcher to approve the Electronic Health Records System for \$20,000 and the Online Inspection System purchase of \$10,000 through ARPA funds. Second by Commissioner Teske, motion carried unanimously.

10:30 AM Administrative Issues / Planning Grant Signature-Libby Creek Water/Wastewater System Evaluation:

Present were Tony Penfold, Tom Lane, Ray Stout, Nick Raines, Kate Witt, Evan Comella, Nikki Meyer, and Derrick Perkins.

- Robin submitted the minutes for November 3, 2021 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried.
- The commissioners signed the Libby Creek Water and Wastewater System Evaluation Planning Grant for \$15,000 as the pass-through agent, project previously approved. **Motion** by Commissioner Teske to approve the County as being the pass-through agent for the Libby Creek Water and Wastewater System Evaluation Planning Grant. Second by Commissioner Letcher, motion carried unanimously. There is no cost to the County.

10:45 AM Public Comment Time: Present were Evan Comella, Kate Witt, Tony Penfold, Tom Lane, Ray Stout, Derrick Perkins, Diane Watson, and Nikki Meyer.

Evan referred to HB 102 and thanked the commissioners for having firearm decals removed on the courthouse signage. Commissioner Bennett commented that new signs should be posted shortly stating firearms are not allowed on the 3rd floor of the courthouse.

Diane asked about speed limit signs for the Trego area. Commissioner Letcher offered to help follow-up and have further conversation.

Diane asked about the Board of Health meeting and the conversation regarding vaccinated vs nonvaccinated people, categorizing them. Diane discussed the narratives the BOH is pushing and expressed frustration that statistical information is no longer being published. Diane expressed concern that the vaccine is now being pushed towards children ages 5-11. Diane said we need transparency, and we need to know what is being pushed and what the statistics are currently according to public health.

Commissioner Bennett asked Diane to put her questions in writing.

Diane expressed concern in charging people to use dumpsters and commented about abuse at the Trego green box site. Diane said the cost of everything is on the rise and suggested getting information/options to the public that could help keep the cost low. Diane said she feels if the green box sites are fee based, then people will just dump their garbage in the woods.

11:15 AM Final Plat Approval, Skibba Subdivision: Present were Brett McCully, County Planner Nick Raines, Derrick Perkins, Byron Sanders, Evan Comella, Kate Witt, Tom Lane, and Ray Stout.

Brett said he is presenting today for Planning Consultant Kristin Smith. Preliminary plat for Skibba Subdivision was approved in June with 5 conditions. Skibba Subdivision is a 2-Lot minor subdivision outside of Troy and all conditions have been met. Brett said Kristin has approved final plat and planning staff recommends final plat approval. **Motion** by Commissioner Letcher to approve final plat for Skibba Subdivision based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

11:30 AM Public Hearing: Rainy Creek Road Discussion and Public Comment: Present were Evan Comella, Kate Witt, Tony Penfold, Derrick Perkins, Tom Lane, Marc McCully, Mark Peck, Pamela Baltz, Mark Petersen and Ray Stout.

Commissioner Bennett commented the public hearing was advertised

Tony said there has been previous communication about Rainy Creek Road with the county and that WR Grace did receive a letter from the county stating it would be good if WR Grace could take over management of the road and requested WR Grace to put forward a proposal. Tony explained it would be good to have the county relinquish a portion of Rainy Creek Road and the public would be able to use the road as it wants, and the proposal would keep the public from going onto Grace property. Tony explained boundaries of the road, public access to public lands, yet no access to Grace lands. Proposal would include language that if the forest service required administrative access, Grace would allow that. Tony commented that if there are any other needs for access across Grace lands, we would be willing to look at that. The agreement would be for WR Grace to provide all maintenance service for 25 years and the agreement can be renewable. The road would be public up to the Grace property line. The agreement is to provide what the community wants and removes maintenance to the county. If the forest service needs access, we have provided a draft agreement that would not impede the forest service of any duties they may have.

Mark Peck expressed the need for the county to be able to close that road in emergencies, commenting on the certain fire level and heightened threat in that area, suggesting language to acknowledge that. The advantage is the road is in OU3 and the agreement eliminates the County Road Department from having to do maintenance within a superfund site.

Mark Petersen commented that right now the public does have access and it is a national forest system behind the area being discussed. Mark talked about prior rights, easements, but that the forest service chooses to close it right now due to emergency. Mark suggested to permit Grace to do maintenance on the County portion and would like to see it stay the same. The forest service prefers to allow Grace to do the work, commenting that Grace has no rights on the forest service piece of road. The forest service would support an option allowing public access, and for the forest service to maintain portions of road per the Schedule A Agreement. Need to think about travel management in the future.

Commissioner Bennett pointed out it is different than other properties; it is a superfund site, and closure would limit liability to the County and Grace.

Mark Peck agreed, expressing the potential risk of harm from the local public. Look at what the public has been through over 20 years and the amount of protection in place, and not look at the epic center of it; this does remove liability and that is my thought process from a litigation standpoint. Leaving it open to public access is a higher bar than normal.

Commissioner Teske talked about potential fires, less exposure, less risk.

Commissioner Bennett said that if we look at liability, not only human fire starts, but asked if the forest service and Grace could work this out.

Mark Petersen stated that we can agree on something, but the forest service is thinking long term for the public to be able to access again someday, is the forest service preference.

Tony pointed out that he is not understanding why the public needs to travel though Grace property to access public land when there are other means to access those areas. Grace lands has no trails or recreational sites; we would have to fence the entire road.

Commissioner Bennett commented he would like more time to research and not make a decision today but will place it back on the agenda in two weeks.

Commissioner Teske commented he would like to know more about the agreement between Grace and the forest service.

12:00 PM Break

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

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