

September 9, 2020

The Lincoln County Board of Commissioners met for a regular session on September 9, 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 through 11:00 AM.

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

10:00 AM **Health Department Update / Bid Opening:** Present were Kathi Hooper, Bryan Alkire, Jennifer McCully and Derrick Perkins. Present was Nikki Meyer, Eureka via VisionNet.

Bid Opening / Landfill Roll Off Truck

Requirements & specks were reviewed / 3 Bids Received

Montana Peterbilt: Net sale \$134,151

SWS Equipment: Disqualified, bid was for the hoist only

Interstate Truck Center: Net sale \$116,401

Motion by Commissioner Letcher to award bid to Interstate Truck Center as submitted for \$116,401. Second by Commissioner Peck, motion carried.

Public Health:

Jennifer submitted the annual renewal of the Maternal Child Health Block Grant for \$15,957 for approval and signature.

Motion by Commissioner Letcher to approve the new task order for the Maternal Child Health Block Grant as presented. Second by Commissioner Peck, motion carried. Purpose of the Maternal Child Health Block Grant is to provide maternal and child health services for all residents of Lincoln County.

Jennifer submitted a DPHHS grant for 2 years funding for a Disease Intervention Specialist to assist with Covid related nursing services. **Motion** by Commissioner Letcher to accept the DPHHS grant as presented. Second by Commissioner Peck, motion carried.

Jenifer said all Covid cases are tied to other cases which is good news. Public Health is still putting out updates every Monday on Facebook.

Environmental Health:

Kathi said she is currently working on the Junk Trailer Program. There is \$9,000 is the fund. Kathi commented that she is looking at hauling options and potentially setting up a revolving loan fund.

Solid Waste & Recycling:

Kathi said she is working on a request from Fish, Wildlife, Parks to identify locations to accept carcasses. Carcasses will be accepted at the county landfills.

Bryan said he is working on an O&M update with ARP, OSHA, and the Asbestos Control Program. It's a complex process and he will keep commissioners updated.

10:30 AM **Administrative Issues:** Present were Derrick Perkins. Present was Nikki Meyer, Eureka via VisionNet. Ray Stout was present via conference call.

- Patrick submitted a contract for service at the Libby Rifle Range. Commissioner Peck will check on the contract with the Libby Rod and Gun Club. The contract is for the cement work for shooting bench pads and the benches. Commissioner Peck commented that the project has already been approved and they can tentatively approve the contract pending discussion with Rich Thompson.
- Patrick informed the commission that Joe Nagle and Sheriff Darren Short are requesting a flag raising ceremony on Veterans Day, November 11 at the courthouse. Commissioner Peck commented to be careful with the time, so we do not compete with other Veteran's Day services, but totally supports the idea
- Commissioner Peck said the Kootenai Winter Sports, Turner Ski Education Foundation is raising funds for a new groomer and he will be donating \$3,000 to help with the cost from the economic development fund. Commissioner Peck expressed that Turner Mountain is a huge draw and brings economic dollars to the community, especially restaurants and hotels.
- Robin presented the minutes for September 2, 2020 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Peck, motion carried unanimously.

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

11:00 AM **Voting Ballot Plan:** Present were Election Administrator Chris Nelson, Jake Mertes and Derrick Perkins. Present were Nikki Meyer, Bobbie Stoken, Angie Miller and Arvid Miller, Eureka via VisionNet. Present was Ray Stout via phone conference.

Chris briefed the commissioners on his General Election mail ballot plan. The mail ballot plan has been sent to the Secretary of State's Office and approved. Due to the concerns about polling places and the unknowns regarding a potential uptick in Covid cases in Lincoln County, the mail ballot plan ensures all active voters will be able to vote, the plan was implemented after speaking with commissioners individually. Mail ballots will be sent to all ACTIVE VOTERS on October 9th. Drop box locations will be at the Troy City Hall, North County Annex, Eureka Law Enforcement Center and the Lincoln County Courthouse. Potentially may have additional drop box locations at the Upper Yaak Fire Hall, Fortine/Trego/Stryker Fire Hall, and a site towards the Happy's Inn area.

Chris explained the Ballot On Demand (BOD) system which would tie into our election software to be used for the Eureka area. BOD allows for voided ballots to be reissued with correct and numbered ballots instead of having to drive to Libby, providing better access to over 4,000 voters in Eureka.

The Election Department will be mailing information letter to voters, sent out in the ballot packets. Chris talked about his public notice efforts to get information in as many places as possible.

There will be election judges at each drop site on election day only. People will take ballots to drop sites and can vote at that time if they choose.

Commissioner Bennett suggested encouraging voters to bring ballots to drop sites instead of using the mail service.

Commissioner Peck commented that it provides flexibility in case we get an uptick in Covid and restrictions may be put into place. This gives everyone the opportunity to receive a ballot, and still physically go to a site and vote or vote at home.

Bobbie said she prefers a polling place but understands the reasoning.

Commissioner Peck commended Election Administrator Chris Nelson for stepping in at the last minute and for the amount of research, coordination and time to establish a mail ballot plan that accommodates all voters.

11:15 AM Border Lane Condition Amendment: Present were County Planner Jake Mertes, Will Langhorne, Kristin Smith, and Coby Bennett. Present was Ray Stout via phone conference.

Jake said he received a request from the developer to amend Condition #5 to say Primary Lot use: Lot 1 of the subdivision shall be used for single family residential purposes only. Planning staff recommends approving the amendment to Condition #5. **Motion** by Commissioner Bennett to approve amending Condition # 5 as recommended by planning staff. Second by Commissioner Letcher, motion approved unanimously.

11:30 AM North Star Extension Request: Present were County Planner Jake Mertes, Will Langhorne, Kristin Smith and Coby Bennett. Present were Nikki Meyer and Larry Stewart Eureka, via VisionNet.

North Star Landing Subdivision was granted preliminary approval on July 12, 2017 with twenty-nine conditions of approval. This is the first request for extension of the final plat deadline. A public hearing was held on August 19, 2020. Planning staff recommends approval of the extension request for one year. Preliminary approval to expire on July 12, 2021.

Commissioner Peck commented that the purpose of placing North Star on the agenda is for a sit down with staff as a working group discussion, this is not a public hearing. This is a time for us to walk through and discuss in an open forum. The county took the unusual step to hold a public hearing. Commissioner Peck said it is not his intention to have this be the decision day but that does not preclude any commissioner to make a motion.

Commissioner Peck commented there was an accusation of fraudulent request for extension. Commissioner Peck said he spoke with DEQ this morning and was told there were no violations pending and that the administrator change is not a big issue.

Commissioner Letcher said there was a comment that he may have a conflict of interest because he is a licensed real estate agent. Commissioner Letcher said he spoke with the county attorney and there is only a conflict if there is a substantial personal economic benefit. Commissioner Letcher stated that the developer has an inhouse salesman, and he has no access or permission to sell lots in the development. Therefore, there is no substantial financial gain.

~~Commissioner Letcher~~ also talked about some of the other public comments and the email conversations he had had with the DEQ and other agencies in response to their process and review of the NorthStar Landing subdivision.

Commissioner Letcher talked about comments related to fire danger, specifically condition # 11; the developer has until final plat to get that done.

Larry said there was work done from border to border of the subdivision to mitigate fire hazard and he does have a letter from Steve Gauger, fire risk assessor. Larry said there is a fire hydrant system, and it is in the design and plan and would also serve the surrounding neighborhood.

Commissioner Letcher commented that water rights are approved by DNRC and clarified that conditions of approval are to be completed prior to final plat.

Commissioner Bennett said he knows it is a frustrating process, and realizes people are frustrated in Eureka, but the long process is why we allow 2 extensions. Our personal issues need to be dealt with, but we have a good process. The county did put 29 conditions on this development.

Commissioner Peck said he has put more effort on reading information on this subdivision, maybe as much as forestry issues and he is comfortable that due diligence has been done.

Kristin commented this subdivision has been one of the most thoroughly evaluated. Process between county and state agencies is to work through environmental and safety issues and the intent is to make sure it's done right.

Commissioner Peck commented that a lot is DEQ and DNRC processes. If those conditions are not met, this subdivision is not moving forward. Commissioner Peck said he understands the arguments, but through the process, the law, and precedence, the issue is do they meet the law and conditions. Commissioner Peck said he understands public concern on water/sewer but that is a state agency control, the commissioners have no control if approved by the state.

Commissioner Peck talked about the blowdown comments and with his knowledge and experience, does not believe that thinning out approximately 60 acres, causes wind events, but reflected there have been some weird, crazy winds in our area.

Larry said he wanted to comment on what he feels is an important part of the problem with community and the nation, and that is the ability to unsettle people with untruths. Larry said he has been very active of the environmental side all the time in this development and all his work life, but he is frustrated of untruths that creates unrest in our community. Larry said this is a process and I work very hard to be in compliance.

Commissioner Bennett and Commissioner Letcher commented they do not need more time for review.

Motion by Commissioner Bennett to approve extension for 3 years with an annual review subject to planning staff conditions and recommendation. Second by Commissioner Letcher, motion carried unanimously. Jake said planning staff does support the 3-year extension with annual review.

Commissioner Peck reiterated that it was not his intent to motion for approval today, but Commissioners expressed they do not need more time before granting extension approval.

Commissioner Letcher commented about his contact and phone calls with state agencies were numerous.

Commissioner Bennett talked about people's property rights. When someone purchases acres, it is with a purpose in mind. We need to be diligent about how we develop property and make sure every person has the right to develop property within the guidelines; the county cannot be picking and choosing.

Commissioner Peck agreed, we need to do it right and address concerns of the public, but property rights are in the constitution mentioned by our founding fathers.

Jake commented the approval of the extension is granted to July 12, 2023, with annual status reporting.

Kristin said it will come as an official approval letter.

12:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

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