

January 6, 2021

The Lincoln County Board of Commissioners met for a regular session on January 6, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Peck, and Clerk and Recorder Robin Benson. Commissioner Letcher present, Eureka via VisionNet. Ray Stout and Nikki Meyer present via phone.

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

9:30 AM **Appointment of Chairman and Vice Chairman:** Present were Joseph Miller and Derrick Perkins. Commissioner Bennett said that historically the commissioner with the last two years remaining on their term is appointed Chairman. The MCA's do not say anything about Vice Chair, so that is up to the county how we want to structure that. **Motion** by Commissioner Peck effective immediately, to appoint Commissioner Bennett as the Chairman of the Lincoln County Board of Commissioners and to appoint Commissioner Letcher as Vice Chair. Second by Commissioner Letcher, motion carried unanimously. Commissioner Bennett commented that it is great to be able to serve the people of Lincoln County.

9:45 AM **Court COVID Procedures:** Cancelled

10:00 AM **USFS:** Cancelled

10:30 AM **Administrative Issues:** Present were Joseph Miller, Derrick Perkins, DC Orr, Sheriff Darren Short, and Deborah Mocko. Also present was Nikki Meyer and Ray Stout via phone.

- Robin submitted the minutes for December 16, 2020 for approval. **Motion** by Commissioner Peck to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Robin presented a resolution approved by the Fisher River FSA changing assessment classes. Robin asked about the process before the resolution is forwarded to the Department of Revenue. Commissioner Peck read MCA 7-33-2401 4(a) and confirmed it will need to be public noticed and a public hearing would be scheduled. Commissioner Peck said the county needs to have a resolution prepared for commissioner approval, but he will follow up with Robin Swimley, Fisher River FSA Board Chair and inform Robin Benson when to public notice and have the resolution prepared.
- Robin submitted Resolution 2021-01 holidays, mileage and meal rates, Resolution 2021-02 establishing a location for posting public notices and Resolution 2021-03 setting commissioner meeting dates. **Motion** by Commissioner Peck to approve Resolutions 2021-01, 2021-02, and 2021-03 as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Robin said the public hearing for the Slauson road abandonment is on next week's agenda and Road Supervisor Marc McCully requested that as part of the process, viewers be appointed. **Motion** by Commissioner Peck to appoint himself and Marc McCully as viewers for the Slauson Road Abandonment. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Bennett submitted the annual contract with Western Montana Area VI Agency on Aging, agreement to establish and operate the food and nutrition services, commodity supplemental food program and to provide supplemental foods and nutrition education to eligible persons through state or local agencies. Commissioner Bennett commented on the vital services provided for many people in our communities. Commissioner Letcher agreed, saying it aids senior citizens and reaches out and educates; it is a good program. **Motion** by Commissioner Peck to approve the contract as presented. Second by Commissioner Letcher, motion carried unanimously. Commissioner Peck talked about local newspapers doing stories of these programs; these are the types of things in communities that you don't see or hear about.
- Commissioner Bennett submitted the Independent Contractor Agreement between Cabinet Country Consulting LLC / Paul (Tony) Petrusha, and Lincoln County, City of Libby and Libby Park District to provide contract services for the identification, detailed development and initial implementation of recreation projects in the Libby area. Commissioner Bennett said there is a slight increase in the hourly rate of \$45.00/hr. to cover liability insurance. **Motion** by Commissioner Peck to approve the agreement as submitted. Second by Commissioner Letcher, motion carried unanimously.

10:45 AM **Public Comment:** Present were Joseph Miller, Derrick Perkins, DC Orr, Sheriff Darren Short, Tony Petrusha and Deborah Mocko. Also present was Nikki Meyer and Ray Stout via phone.

DC talked about his request to be on the agenda regarding the education for board members on legal responsibilities, but the commissioners have refused to put it on the agenda and have refused to educate board members. DC commented that he did point out that the Board of Health (BOH) issues were becoming heated and could become violent. DC talked about recent comments from Seifert, a BOH member that he feels crossed a line against people who refuse to wear a mask. DC expressed that Seifert has no legal authority to make those statements, and that a commissioner did sit in on that meeting and no comments were made and it should have been challenged. DC expressed that Dr. Black is acting outside his authority. To lock down the economic engine of our county is ridiculous when the recovery rate is over 97%.

Joseph asked if there are any checks and balances before the BOH starts making orders and mandates; what kind of accountability do these people have.

Commissioner Peck said that what was just heard is one person's opinion. Board members have the right to make comments and the health board is not making restrictions on businesses, it's the governors mandate. Commissioner Peck expressed his personal belief against mandates that order change in human behavior. The BOH has not taken any action beyond or exceeding governor mandates. Commissioner Peck commented that there is still room for improvement on communication and public relations. Commissioner Peck explained the structure of the health board and Commissioner Bennett clarified that it is a City/County health board.

Commissioner Bennett talked about the board trainings that Robin Benson implemented in 2016. The trainings were conducted by MSU Local Government Center Dan Clark and were well attended. Commissioner Peck requested Robin to contact Dan Clark to coordinate district board training for 2021.

Commissioner Letcher clarified that Seifert asked to make a public comment, so his impression was that Siefert's comments and proposal were his personal opinion. Commissioner Letcher said there has been no action by the BOH to follow up, nor is it on the BOH agenda.

Commissioner Peck commented that he respects Seifert although he disagrees with Seifert's opinion and proposal, but Seifert still has a right to his opinion.

11:00 AM Screamin Eagle 2 Subdivision Condition Amendment Request / Armstrong RV Park Extension Request:

Present were County Planner Jake Mertes, Deborah Mocko and Derrick Perkins.

Screamin Eagle 2 Subdivision Condition Amendment Request: Jake explained there was error on his part, so developers were not able to attend the public hearing held on December 16.

Representative Deborah Mocko is here to respond to the conditions and possible amendments and thanked the commissioners for allowing this time on the agenda. Deborah said she did seek legal counsel and put the conditions before them for opinions. Deborah said her legal counsel has questioned what has changed with the road to require another certification.

Commissioner Bennett talked about the laws, road requirements and standard conditions and regulations.

Jake clarified the process for road requirements and having it certified by a qualified engineer before final plat approval.

Jake explained that he cannot pull an engineer's old certification and use it now; the engineers certification needs to be current.

Commissioner Peck explained it does not mean there is something wrong with the road, it just means we need the current certification before final plat.

Commissioner Letcher talked generally about subdivision phases and how roads are upgraded as the area grows.

Deborah talked about addressing and her responsibilities to maintenance of the road.

Jake said the conditions will stand and the address correction from West Road to Wild West Road will be done so

Condition #3 will not apply to Deborah when the address is changed.

Armstrong RV Park Extension Request: Jake explained the developers are working with DEQ and working on road improvements and this is the first extension request. Jake said he recommends granting the extension. Commissioner Bennett recused because he has family living adjacent to the park. **Motion** by Commissioner Peck to approve extension for 3 years. Second by Commissioner Letcher, motion carried. Commissioner Bennett refrained.

11:30 AM Clerk of Court Personnel: Present were Clerk of Court Tricia Brooks and Derrick Perkins. Present were Nikki Meyer and Ray Stout via phone.

Tricia submitted a letter requesting to appoint the public administrator for Lincoln County to Jennie LaFond. Jennie has expressed interest to be appointed and possibly placed on the ballot in two years since it is an elected position.

Commissioner Bennett talked about research being conducted regarding elected positions moving to appointed positions; we are looking at the MCA's to see if this type of position can be appointed and not elected.

Patrick said he has been researching this and is asking questions to MACO and the county attorney's office.

Commissioner Bennett commented about liability protection to the person who has this position. No decisions were made at this time until there is further clarity from the county attorney.

Tricia said she is requesting a wage increase for her administrative assistant position but is not requesting a budget increase. Total cost for the annual increase would be \$2,362.00. **Motion** by Commissioner Peck, to approve additional wage increase as presented for the administrative assistant position. Second by Commissioner Letcher, motion carried unanimously.

Tricia requested the 16-hour employee to increase to 24-hours. Tricia said the cost can be absorbed this year but may need a budget increase for next FY. The cost increase for next FY would be approximately \$8,956.00. Tricia talked about the increase in trials and workload. Commissioner Peck asked if the conditions change, do we have the ability to scale back down in hours and expressed concern with the permanent nature of increased hours. Tricia said there is always work to be done, such as putting boxed, stored, old files on the database instead of paying for storage. Patrick suggested putting a caveat into the hours dictated as caseloads, trials increase and decrease over time.

Motion by Commissioner Peck to approve hour increase from 16 to 24 as presented. Second by Commissioner Letcher, motion carried unanimously.

1:30 ARP Structure Discussion: Present were ARP Director Virginia Kocieda, George Jamison, and Will Langhorne. Commissioner Peck discussed moving ARP officially under the commissioners and to approve the volunteer position for a citizen advisor that reports to the commissioners. The purpose of the citizen advisor is to assist and support the commissioners in matters relating to the superfund sites in Lincoln County, specifically the Libby Asbestos Superfund Site and the Libby Groundwater Site. Commissioner Peck explained that the reasoning behind it is all the contracts come through the commissioners. The Board of Health (BOH) still maintains authority over institutional controls, but there is a lot of work involving citizens and homes. There is a heavy citizen involvement with issues that are outside the health board, although there is still a connection to the health board to be briefed. Commissioner Peck added that the BOH does not need this added workload.

George commented about the Libby Asbestos Oversight Committee (LASOC), challenges that are being dealt with and it would help to consolidate the decision making; it is not traditional for the BOH.

George suggested the advisory position to be for both superfund sites. The city and the port authority are involved, and it would be beneficial to plan long term.

Commissioner Bennett agreed, saying the structure change would create a clearer picture going forward.

Virginia commented that the issues that come to ARP are very complex and need authority from the commissioner level. There can be confusion going to the board of health and commissioners and this would streamline the process.

Motion by Commissioner Peck to approve officially moving ARP to report directly to the commissioners and to appoint George Jamison as the citizen advisor. Second by Commissioner Letcher, motion carried unanimously.

Commissioner Peck commented there was concurrence and agreement from the board of health and suggested ARP to update and communicate monthly.

2:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

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