

October 6, 2021

The Lincoln County Board of Commissioners met for a regular session on October 6, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Letcher, Commissioner Teske, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson. Commissioner Bennett was excused.

Meeting allows for teleconferencing and VisionNet availability.

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

9:15 AM **Sheriff's Office Discussion on Radio System:** Present were Sheriff Short, Undersheriff Faulkner, Martin Dunbar, Derrick Perkins and Nikki Meyer.

Darren talked about requesting this meeting to have an opportunity to clarify and explain the Motorola contract and radio system upgrade regarding the \$31,248 change order #1 invoice. The original fix worked for a while, but once the new system was installed the Motorola link no longer worked. Darren commented he is not sure why the invoice was delayed; the system was installed April or May. The change order was an unforeseen expense that should be shared throughout emergency services.

Commissioner Teske said the invoice took Commissioner Bennett by surprise because it was not in the initial agreement. Darren said the change order is the solution Motorola could come up with and it is not necessarily fair that it is absorbed by the sheriff's budget since it is used and benefits all emergency services.

Darren expressed that he should have been a part of the conversation during the September 15 commissioner meeting when the invoice was discussed then to learn of the discussion by phone calls from the public due to a newspaper article. Darren said he would have appreciated the opportunity to come up and explain the change order invoice. Darren noted that the upgrade was an \$840,000 project and this is the first and only change order of an unforeseen cost.

Darren requested to be notified whenever there is any discussion involving the Sheriff's Office moving forward.

Commissioner Teske said he will reach out to Commissioner Bennett to find how he would prefer the additional invoice to be paid.

9:30 AM **Interbel / ARPA Discussion:** Present were Kevin Hodic, Brett Damaskos, and Jason Moothart representing Interbel. Also present were Finance Officer Wendy Drake, Derrick Perkins, Martin Dunbar and Nikki Meyer.

Jason talked about Eureka and surrounding areas, expressing that Interbel is largely a fiber provider in North Lincoln County. Interbel is requesting to extend its buildout in Eureka and Rexford. The cost is estimated at \$600,000 to finish the fiber network. Jason said they are looking at all funding resources, but are here reaching out to the county for support, through ARPA resources.

Kevin commented that ARPA funds will help Interbel to keep improvements moving forward to the community and any matching funds helps continue improved services. Investing in fiber now prepares for 20-30 years into the future.

Commissioner Letcher asked about other state funding opportunities. Jason said the rules are still coming, as soon as we get that, we will know what we would qualify to apply for.

Kevin asked about timing on ARPA funding. Commissioner Letcher said the funds will be allocated by end of December, but the county has several years to spend it.

Commissioner Letcher talked about using county ARPA funds as a match with state ARPA funds and the need to take advantage of some of the state programs.

10:00 AM **USFS Update:** Present were Chad Benson, Martin Dunbar, Derrick Perkins, Nikki Meyer and Will Langhorne.

Chad said he is pleased about the 52mmbf reached; target was 65mmbf which included 6200 acres of treatment and is hopeful to keep moving that pace and scale. Still putting out pretty good numbers, next year hoping for 65mmbf.

Chad said Black Ram is not signed yet and expressed frustration that the project is at Department of Agriculture due to all the conflict and misinformation delaying the project. Chad said he is hoping to sign soon.

Ripley Project has been served with a lawsuit, working through that. The State is involved as well.

Fire season is mostly wrapped up and the salvage work includes approximately 600 acres.

Chad spoke briefly about the Infrastructure Bill that is still moving through its process. The forest service will compete for that money and will keep commission informed as that plays out.

Pinkham Meadows Project is currently working through the GNA process.

10:30 AM **Administrative Issues / Tax Appeal Board Appointments:** Present were Martin Dunbar, Will Langhorne and Nikki Meyer.

- Robin submitted the minutes for September 22, 2021 regular meeting and September 30, 2021 special session for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried.
- Robin received one application from Paul Henry to serve on the Tax Appeal Board. Robin said the minimum for board members is 3 and would like to see another member just to have an alternate. **Motion** by Commissioner Teske to appoint Paul Henry to serve on the Lincoln County Tax Appeal Board. Second by Commissioner Letcher, motion carried.

10:45 AM **Public Comment Time:** Present were Martin Dunbar, Kaitlyn O'Neill, Kristin Smith, Marc Liechti, Tamara Tawnberg, Mark Tollefson, Byron Sanderson, Will Langhorne and Nikki Meyer.

Martin talked about Resolution 2021-06 regarding carrying firearms in county buildings that was approved on March 31 but was not specifically itemized on the commissioner' agenda. Martin commented that Commissioner Bennett stated

during the meeting that resolutions do not have to be on the agenda to pass. Martin said the resolution was signed on March 30th, but not passed until the 31st. Martin questioned once a resolution is passed, who enforces it and if not signed or passed legally, does it even hold water.

Commissioner Teske said he will look into it and talk with the county attorney.

Kaitlyn O'Neil inquired about a project on Education Way and expressed concerns about a pond in the flood zone and the potential for water flowing into her backyard and is wanting to know if there has been any follow up, nobody has talked with adjacent homeowners recently.

Brett commented that DEQ and DNRC have jurisdiction over the floodplain.

Commissioner Teske will reach out to Commissioner Bennett and DNRC, Marc Pitman.

Kristin commented that nothing has been submitted to the county and anything having to do with surface water will require a permit.

11:00 AM Planning / MT Lakes II Preliminary Plat Amendment / Tollefson Lakeshore Permit (Savage Lake), Lopez Subdivision Final Plat Approval / David Family Transfer: Present were Planning Consultant Kristin Smith, Brett McCully, Marc Liechti, Tamara Tanberg, Byron Sanderson, Mark Tollefson, Will Langhorne and Nikki Meyer.

MT Lakes II Land Use Amendment: Kristin gave a brief history of the subdivision that received preliminary plat approval on July 28, 2021 for 14 rural residential lots. Subdivision is located along US Highway 2, east of Happy's Inn. According to the Planning Staff report, the request is to change the approved land use for Lots 1 and 2 based on the Thompson Chain of Lakes Neighborhood Plan Land Use Recommendation and new demand for commercial property in the Happy's Inn area. There is a 25% increase in anticipated traffic from 14 residential lots to 12 residential lots and 2 commercial lots. The increase does not trigger a different road design for the impacted roads.

Kristin said planning staff recommends approval with two conditions. Condition #1 from the preliminary plat approval requires some form of dust suppression, but it gives the developer the choice. The commissioners may want to consider specifying a treatment for the stretch of ACM and West Camp Road that will see the increase in traffic adjacent to the commercial uses. Condition #2 is the applicants will need to make their sanitation submittal to DEQ align with the proposed changes should the commission approve them.

Motion by Commissioner Teske to approve proposed land use change for Lots 1 and 2 of MT Lakes II subdivision from residential to small scale commercial. Lots 1 and 2 may only be used for the uses (or like uses) described in the amended materials from September 10, 2021. No use requiring heavy truck traffic is permitted with this approval, subject to 2 conditions and based on planning staff recommendation. Second by Commissioner Letcher, motion carried.

Tollefson Lakeshore Request: The property owner is proposing to install a T-shaped floating dock extending 50' into the lake. The request was reviewed by the planning board on September 21, 2021. The planning board recommends approval with 5 conditions. **Motion** by Commissioner Teske to approve the Tollefson Lakeshore Request as presented subject to 5 conditions and based on planning staff recommendation. Second by Commissioner Letcher, motion carried.

Lopez Final Plat: Located in T36N, R27W Section 2, Eureka. Kristin informed the commission that preliminary approval was May 19, 2021 and all conditions have been met; planning staff recommends final approval. **Motion** by Commissioner Teske to approve final plat for Lopez Subdivision based on planning staff recommendation. Second by Commissioner Letcher, motion carried.

David Family Transfer: The Planning Department received a request from Kootenai Surveyors on behalf of their client to transfer a 6.8-acre portion of their property to their son and retain the remaining 6.8-acre portion for themselves. Kristin informed the commission that planning staff reviewed the request to use the exemption and there is no evidence of evasion of the Montana Subdivision & Platting Act. Planning staff recommends approval to use family transfer exemption. **Motion** by Commissioner Teske to approve the David Family Transfer as presented based on planning staff recommendation. Second by Commissioner Letcher, motion carried.

11:30 AM Kootenai River Development Council (KRDC) Request for County CDBG ED Application: Present were Tina Oliphant, Gerald Fritts, Will Langhorne and Nikki Meyer.

Tina Oliphant, representing KRDC introduced Gerald Friss as the lead coordinator for Cedar Meadows, an assisted living and memory care facility. The project proposal is to build a 52 unit assisted living and memory care facility to be located at 121 Education Way in Libby. The facility will employ over 30 full time employees. The project qualifies for a Community Development Block Grant (CDBG Economic Development); grant application will be for \$400,000. CDBG funds are granted to local government, but typically managed by a subrecipient, KRDC. Tina said KRDC is requesting approval of submission of CDBG Grant for the Cedar Meadows Project. Tina outlined the project financing and said the grant is job creation based. Tina noted this is one of the few projects where the money stays in Lincoln County and is reinvested back into the community. Tina said this is a high quality multimillion dollar project.

Gerald commented that he is hoping to begin end of this year dependent on weather.

Tina clarified the administration of the grant will be managed by KRDC and that the funding is sound.

Commissioner Teske read Resolution 2021-35 to Authorize CDBG-ED Application. **Motion** by Commissioner Teske to approve Resolution 2021-35 in support of Cedar Meadows Assisted Living grant application. Second by Commissioner Letcher, motion carried.

12:00 PM **Meeting Adjourned.**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Acting Chairman

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