

**March 8, 2023**

The Lincoln County Board of Commissioners met for a regular session on March 8, 2023 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Hammons, and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

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

**9:15 AM District #2 Road Crew Hire:** Present were DJ Welch, HR Director Dallas Bowe, Dianne Hansen and Ray Stout. DJ said he is here to request hiring a 7<sup>th</sup> man for his crew and explained the difficulty for his crew to take vacation or schedule time off, and employees are stacking up OT trying to cover work. DJ pointed out that both Eureka and Libby Road Departments have 7-man crews.

Dallas commented about difficulties with having the crew short-handed, the crew has maxed on their comp hours, and budgets do not support overtime.

Commissioner Letcher questioned if there is a resolution about not creating new positions. Dallas said she is aware there was a hiring freeze in 2016.

No decisions were made at this time. It will be placed on next weeks agenda to give time to look at the minutes and any resolutions.

**9:30 AM Clerk of Courts Discussion:** Present were Clerk of Court Tricia Brooks, Jennifer Brown, Rebecca Nelson, Dianne Hansen, and Ray Stout.

Tricia said she is here to ask commissioners for pay increases for three of her staff. Tricia provided a 10-year comparison in the Clerk of Court's Office, for example, in 2012 there were 9 jury trials pulled and 5 of those went to trial compared to 33 jury trials pulled and 24 of those went to trial in 2022. The comparison showed similar increases in jury questionnaires, case load, and staffing. Tricia commended her staff and explained court is backed up and there is a huge amount of extra workload and stress.

Tricia is asking for a 2 grade pay increase for 3 staff, for a \$17,050 annual increase in budget. Tricia provided new job descriptions and talked about the budget and the reimbursement received from the State on jury trials.

Commissioner Teske asked Dallas to review the job descriptions to ensure the titles/positions match the job descriptions.

Dallas discussed how the pay matrix works based on titles and that this should be reviewed.

No decisions were made at this time. Tricia said she will reschedule to meet with commissioners after further review with Dallas.

**10:00 AM Health Department:** Rescheduled to March 22, 2023

**10:30 AM Administrative Issues/Old Business:** Present were Kristan Martin, Ray Stout, Dianne Hansen, Noah Pyle, Jesse Haag, Shawn Smith, Michelle Byrd, and Kathi Hooper.

- Robin submitted the minutes for March 1, 2023 for approval. Commissioner Letcher requested to add to the last sentence in the minutes to state that Robin and *two members of the public* requested a copy of the information documents in question from Commissioner Letcher. **Motion** by Commissioner Teske to approve minutes with addition. Second by Commissioner Hammons, motion carried unanimously.  
Commissioner Teske commented that he did talk with Robin about money received from ARP for the administrative duties she does for Libby Asbestos Superfund Oversight Committee and determined that \$1500 is adequate for those services.  
Robin commented that in last week's minutes Commissioner Letcher said Pat King received a letter from Paula Buff removing her from working in the elections and there was one other. Robin said that she has reviewed Pat Kings claim for working 18 hours during the General Election and she was paid for that service. Commissioner Letcher thanked Robin for clarifying that.
- Commissioner Teske commented he is working with Dallas on who all is paid/covered by planning funds.
- Commissioner Letcher explained that ARPA funds were received for the Port Authority, Fairgrounds and Glen Lake Irrigation District

**10:45 AM Public Comment Time:** Present were Kristan Martin, Ray Stout, Dianne Hansen, Noah Pyle, Jesse Haag, Shawn Smith, Michelle Byrd, and Kathi Hooper.

There were no public comments.

**11:00 AM Loss Control Specialist and Commercial Insurance Discussion:** Present were DR Director Dallas Bowe, Kris Feroen, Jay LeProwse, Pete Shatwell, Rebecca Nelson and Ray Stout.

Pete introduced Kris Feroen and Jay LeProwse representing the Leavitt Group. Discussion focused on customer service and support for the county and efforts to help bring down cost of commercial insurance. Been working with Dallas about capabilities and innovative solutions as we look towards next fiscal year.

Chris talked about the commercial service, claims process, and asked what the county needs help or assistance with.

Jay talked about the online risk management, and how the program can be used to streamline the process for employees time and allows for tracking. Jay said he could help set up the system to have Department Supervisors choose monthly safety topics that are more suited to their department.

Commissioner Teske talked about the county safety program and that there is training available through the Montana State Fund.

Dallas explained that she has no system right now, any incident or claims are handled by calling the correct agency and is a long process.

Robin discussed how the safety committee functions, countywide safety topics, and her efforts to keep a continued safety culture in all departments. Robin said most of her work for the safety committee is administrative and she does not feel she is adequate or has the knowledge to determine what high risk department needs are and how best to serve them.

Jay talked about Travelers Insurance, options, costs, claim process, and gave an overview of their Risk Management Center and how it is a great tool and very beneficial for counties.

Chris said he would like to come back for further discussion with representatives from Travelers Insurance.

Dallas asked if there was someone to come in and do walkthroughs or risk assessments to help departments determine potential safety hazards and then to help departments fix or find solutions to potential safety hazards. Dallas said it would be good to have a more streamlined service and to be able to contact one agency for assistance and to help with creating individual departments safety policies or programs.

12:00 PM **Break**

1:30 PM **Planning Update / Tamaracks at ACM (Middle Thomson) / Butler Subdivision Application:** Present were County Planner Jesse Haag, Planning Consultant Kristin Smith, Byron Sanderson, Calen Williamson, Gary Isaacson, Pat Hanley, Michael A. Munro, Thomas Hill, Jim Stroh, Sharel Stroh, and Ray Stout.

- Butler Subdivision: Located in the Pinkham Creek Area, Rexford. Project is a 1-lot subdivision to lift the agricultural covenant previously placed on the property thru the use of an agricultural exemption. There is already a dwelling on the property. The owner is unable to obtain a septic permit until the agricultural covenant is lifted. Kristin gave an overview of the subdivision report, impacts, and recommended conditions for approval. Planning staff recommends to remove the agricultural covenant and grant preliminary approval to Butler Subdivision, subject to conditions and based on the findings in the staff report. **Motion** by Commissioner Teske to remove agricultural covenant and grant preliminary approval to Butler Subdivision subject to 12 conditions and based on planning staff recommendation. Second by Commissioner Hammons, motion was unanimous.
- Kristin said the public hearing on Tamaracks at ACM Subdivision was held on January 25, 2023 and there was significant discussion about maintenance on a portion of ACM Road. Kristin submitted a Road Users Association agreement to acknowledge a plan for dust abatement and maintenance. Commissioner Teske asked who would be responsible for ensuring the road users agreement while there is no established board. Byron commented that he believes responsibility would be on the developer. Commissioner Letcher suggested language added to #13 in the road users agreement that they cannot abandon the association without first coming to the commissioners for approval. Commissioner Teske suggested adding a condition that the developer has responsibility for road maintenance for 5 years, and this language needs to be added to the road users agreement as well. Kristin said there is also the opportunity to require a bond from the developer as a condition. Commissioner Teske agreed to add a bond as a condition. Commissioner Teske met with residents, and agrees it is a heavily traveled road, and we need to take some extreme stance since it affects so many entities. We need a long-term permanent solution; all entities need to be involved in the conversation, including FWP. Mike Munro expressed concerns about dust abatement and long-term responsibility. Mike talked about how the county needs to create a standard for roads countywide ensuring a good county road system into the future. Byron commented that we can only go as far as we can go, it is too micro-detailed and he cannot create a document for that, but the attempt is to make it sufficient for everyone. Commissioners agreed to strike Condition #1 to remove a clause that states paving requirement.

Kristin clarified new conditions to the Road Users Association Agreement as follows.

1. Developer has responsibility for road maintenance until 25% of lots are sold.
2. Add provision to #13 in the road users agreement that amendments to 4, 6, & 7 shall not be amended without approval by the governing body.
3. Developer will post a Performance Bond for maintenance for a 5-year period with a review prior to release of bond at 125% of value.
4. Add a condition to road users agreement that specifically addresses a plan for shared maintenance of the ACM Road.

**Motion** by Commissioners Teske to add 4 conditions to the Road Users Association Agreement. Second by Commissioner Hammons, motion was unanimous. Kristin will draw up a new staff report detailing the new conditions for commissioner review.

**Motion** by Commissioner Teske to add stated 4 conditions to Tamaracks at ACM Subdivision preliminary plat for approval. Second by Commissioner Hammons, motion was unanimous.

**Motion** by Commissioner Hammons to approve variance request with conditions and approve preliminary plat to Tamaracks at ACM Subdivision subject to conditions and based on planning staff recommendation. Second by Commissioner Teske, motion was unanimous.

2:30 PM **Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Josh Letcher, Chairman

**ATTEST:** \_\_\_\_\_  
Robin Benson, Clerk of the Board