

January 25, 2023

The Lincoln County Board of Commissioners met for a regular session on January 25, 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**.

9:30 AM Angel Island Concerns: Present were David Jones, Tom Thompson, Chris Noble, Kerry Finley, Scott Shindledecker, Ray Stout and Veronica Bovee-Anderson.

Tom Thompson spoke on behalf of residents on Angel Island, commenting he does not represent the Homeowners Association. Flyers in mailboxes are not the best way to notify residents, improved contacts to road departments and internet feedback options were suggested. Tom expressed concerns regarding culvert and road maintenance and requested a speed limit change on the island; there is no speed limit signage and Tom suggested 25mph. Tom expressed that he appreciates snow removal service but is asking for respect and courtesy when snow is being removed to ensure mailboxes are not damaged.

Commissioner Letcher commented he does not think the speed limit can be 15mph unless the road is in a school zone.

David Jones said he is a resident on Angel Island and a Bull Lake Fire Department board member. David also expressed concerns regarding bridge issues, culvert & road maintenance and snow removal. David asked for better service for resident notification.

Commissioner Hammons said he will talk with the road foreman, and county engineer to schedule a time to come out for a site visit. Commissioner Hammons will contact Tom Thompson and David Jones to attend the site visit.

10:00 AM Library Board / Resolution 2023-08 Depreciation Fund: Present were Library Director Alyssa Ramirez, Michelle Bianco, Barb Hvizdak, Annie Gassman, Kerri Teisberg, Ken Rayome Sr., Chris Noble, Dianne Hansen, Kerry Finley, Scott Shindledecker, Tony Petrusha, Ray Stout and Veronica Bovee-Anderson.

Barb commented that Lincoln County has an opportunity to establish a depreciation fund for the Library Department. Barb explained that it is an advantage to keep money allocated by commissioners within the library fund. Depreciation funds have less restrictions than a Capital Improvement Plan; the library can pull from the depreciation fund to fix a computer as one example, or if necessary computers can be replaced all at once, potentially at the Troy Library that has the oldest computers. Barb said there is not a lot of IT support because we have one person covering the entire county. Barb said the Library Board thinks it is wiser, and better planning of the taxpayer money.

Michelle Bianco expressed support commenting that she has worked with a similar concept; and the system tells you what needs to be saved for different reasons in advance. It helps with thinking ahead instead of reacting to emergency situations.

Commissioner Teske asked who has discretionary authority on expending the funding.

Barb said the library director or the library board; we will have a discussion with Finance Director Wendy Drake to clarify process.

Alyssa expressed that we would have discussion and work that out.

Commissioner Teske read Resolution 2023-08 Library Depreciation Fund in its entirety. **Motion** by Commissioner Hammons to approve Resolution 2023-08 as submitted. Second by Commissioner Teske, motion carried unanimously. Commissioner Teske said he would like to see the management or spending policy clearly outlined.

Commissioner Letcher commented that we are creating a fund with extra money, but the library has far exceeded its authorized mills. Commissioner Letcher asked about the library going to the voters for increased mill levy.

Barb commented that the Library Board is continually having conversations about the mill levy but has not determined when that will be considered.

All resolutions are posted on the county website in their entirety. www.lincolncountymt.us Departments/Clerk & Recorder.

10:15 AM ARP Updates: Cancelled

10:30 AM Administrative Issues-Old Business / Adoption of Flower Creek Snowshoe Recreation Plan / Library Board Appointment / David Thompson Search and Rescue Request: Present were Library Director Alyssa Ramirez, Kerry Finley, Barb Hvizdak, Annie Gassmann, Kerri Teisberg, Michelle Bianco, Tony Petrusha, Veronica Bovee-Anderson, Dianne Hansen, Ray Stout and Scott Shindledecker.

- Commissioner Teske read a letter from the Library Board recommending commissioners to appoint Laura Finley or Michelle Giesy. Alyssa submitted an email to commissioners explaining that in the By-Laws, the Library Board is to be

represented countywide and is currently lacking Troy representation. Applications were received from Jennifer Seifert, Michelle Giesey, Laura Finley, and Kerry Finley. Commissioner Hammons nominated Laura Finley to serve on the Library Board. Commissioner Teske agreed to the nomination of Laura Finley.

Kerry Finley talked about the public notice and said she contacted the Clerk and Recorder and Library Director that if nobody from Troy applied other applicants may be considered. Kerry expressed that she applied because she does have experience and asked for her qualifications to be considered.

Commissioner Teske read the by-laws specific to countywide representation on the Library Board.

Commissioner Letcher suggested to table the motion until next week because the decision is based on by-laws. The by-laws submitted do not have signatures, so it is unclear if they were approved, adopted and signed.

Barb said she would locate a signed copy of the by-laws, that do require representation from Troy, otherwise, we will be in violation.

Michelle talked about library board legal responsibility and expressed there should be very careful review of the resumes put before us, perhaps more time to interview. **Motion** by Commissioner Letcher to table any decision until signed by-laws are presented. Second by Commissioner Teske.

Motion by Commissioner Hammons to amend the motion to appoint Laura Finley to serve on the Library Board, contingent on signed by-laws from the Library Board. Second by Commissioner Teske, motion carried. Commissioner Letcher voted nay.

Commissioner Letcher said four applicants were received and Kerry Finley was one of them, and she is here today. Support letters were received and she was well recommended. Commissioner Letcher expressed appreciation that Kerry came to Libby and has shown interest in serving on the Library Board.

- Tony said the South Flower Creek/Old Snowshoe Recreation Plan has been adopted by the City of Libby. **Motion** by Commissioner Teske to approve the South Flower Creek/Old Snowshoe Recreation Plan as submitted. Second by Commissioner Hammons, motion carried unanimously.
Tony explained that the plan has been adopted and encouraged the commissioners to reference the plan as recreational opportunities are discussed. Use the plan for other recreational areas; this template will help in other recreational plans/projects.
- Commissioner Teske said he received a letter from David Thompson Search and Rescue (DTSAR) for a snowmobile to replace a 19 year old machine that can no longer get to areas necessary. DTSAR is requesting \$5,000 to help cover that cost. **Motion** by Commissioner Teske to donate \$5,000 to DTSAR from PILT. Second by Commissioner Hammons, motion carried unanimously. Tony Petrusa expressed his support to help DTSAR.
- Commissioner Letcher presented a letter of support for the Montana Department of Transportation's application for Rebuilding American Infrastructure with Sustainability and Equity discretionary grant program funding to expediate the repair of 11 bridge decks along MT Hwy 37 between Libby and Eureka in Lincoln County. Commissioner Letcher commented that MT Hwy 37 is the only route between Libby and Eureka, expressing how important it is to us. **Motion** by Commissioner Teske to sign letter of support as presented. Second by Commissioner Hammons, motion carried unanimously.
- Robin submitted the minutes for January 11, 2023 regular meeting for approval. **Motion** by Commissioner Hammons to approve minutes as submitted. Second by Commissioner Teske, motion was unanimous.
- Robin commented that the last countywide board training was in the spring of 2021 and asked commissioners if they want her to coordinate board training for this year. In 2021 board training was held in Libby and Eureka, both well attended. Commissioners expressed the importance to offer training and to move forward coordinating the training with Dan Clark, Director MSU Local Government Center.

10:45 AM AM **Public Comment Time:** Present were Dianne Hansen, Larry Miller, Gary Isaacson, Scott Shindledecker, and Ray Stout.

Dianne Hansen said she sent a letter to the commissioners requesting consideration to modernize notification to the public. Dianne clarified that it is hard to navigate the county website and suggested videos of each department on the county website, explaining the public are not researchers. Commissioner Teske said the county IT person has been working on updating the county website.

Larry Miller said he lives in the Yaak and expressed safety concerns about large boulders in the ditches and asked when those boulders are going to be cleaned out of the ditches. Commissioner Hammons commented that he would look into it.

Gary Isaacson said he lives on Crystal Lake and asked when the welcome signs would be completed, noting that other county welcome signs are completed. Commissioner Teske discussed an issue with the state whether those signs were actually permitted and he is waiting to hear from the state if we are even permitted to have them.

11:00 AM **Public Hearing / 1. Tamaracks at ACM, Middle Thompson. 2. Dirty Shame RV Park:** Present were County Planner Jesse Haag, Planning Consultant Kristin Smith, Calen Williamson, Mark Henser, Becki Brashear, Anthony South, Byron Sanderson, Seth Moore, Darren Smith, Levi Thompson, Sharon Sullivan, Bill Sullivan, Brett McCully, Mike Zwiebel, Scott Shindledecker, and Ray Stout.

Dirty Shame RV Park: Located directly in Yaak at the junction of MT Hwy 508 (Yaak River Road) and South Fork Road where the Yaak Mercantile and Dirty Same Bar & Grill are located, also owned by the developer. The proposal is to create 18 RV sites, 6 tent sites and 10 cabins. The project will be served by new public water and wastewater systems. Planning Consultant Kristin Smith gave an overview of potential impacts and 15 conditions as outlined in the subdivision report. The Lincoln County Planning Department has reviewed this proposal under criteria established in the Montana Subdivision and Platting Act, the Montana Code Annotated, Lincoln County Subdivision Regulations, and the Lincoln County Growth Policy. Based on the information provided, the proposed subdivision is not expected to have any potentially significant adverse impacts. The Lincoln County Planning Department recommends approval of the Dirty Shame RV Park with 15 conditions for final plat approval.

Commissioner Letcher opened the hearing for public comment.

Darren Smith said he is a partner in the project and is owner of the Dirty Shame and Mercantile, and he is happy to hear comments and work through those. Darren expressed that it makes sense to accommodate RV's and camping, it is an opportunity to bring people and offer recreation as well as a better way to manage a recreational visit to the Yaak. There are benefits to the public and as business owners. Darren said there is responsibility to the public and safety, this helps control the atmosphere in a safe fashion. Truly a transient experience, not permanent location, there is a seasonality to it, and he is willing to adjust to the interest to the community.

Commissioner Teske said he received public comments regarding solid waste issue, but that has been acknowledged in the subdivision report.

Commissioner Letcher asked if there is a seasonal condition not to have RV's in winter.

Darren Smith said he is not interested in having permanent structures or RV's, but nothing official established. Trying to learn what the seasonality is; no set plan at this time, but we are not looking for anything permanent. We want businesses to do well, and we are more interested in making this work for everyone.

Sandy Beatermiller said she lives walking distance of the proposed park and she moved to the Yaak for peace and quiet and is not interested in a resort community. Sandy expressed her concern is garbage, and she disagrees about fire danger, saying that people who come and recreate do not understand the fire danger. There will be increased bear activity; people also do not understand food left out is an attractant. There will be more drunk and disorderly criminal behavior. Sandy questioned if this project is going to have a campground host, the sheriff is an hour away; are we endangering people. Private landowners do have a right to manage their land however, this is downtown Yaak.

Mike Sanders commented that he is not totally against the development, but suggested no campfires, extra waste containment, and a year around pump for fire department, as well as proper room for safety turnarounds. Enforced fines for violation of fire restrictions, with designated smoking area during stage 2 fire restrictions. Mike said he understands how Yaakers feel about where they live and questioned moving the proposed park to the Overdale Lodge location. It would fit in with natural features and not be an eyesore on downtown Yaak.

Larry Miller said he is a strong supporter of private property rights, but suggested the park needs to have a plan regarding illegal fires, not the fire department. Larry expressed concerns about noise, and chose the Yaak because it is quiet. The sheriff's department will need to be prepared to deal with increased calls. Larry talked about light pollution; security lights, transportation increase, and installing bear boxes.

Mike Zwiebel commented the proposed RV park is a good idea. People in campgrounds do not follow rules; shooting, fireworks, graffiti, ATV's and off road vehicles causing road damage, littering, drunk partying. The RV Park will be controlled, managed, and safer.

Ashley South expressed concerns about the spread of noxious weed, explaining the river is very close to this property and the highway. The toxins in weed control use might flow into the river. People do not understand what attracts Bears such as firepit, cooking and the smell of food. Ashley talked about Search & Rescue; people do not understand the river and forest safety. Ashley said high use trails could be shutdown according to the forest service causing problems for local access.

Commissioner Teske commented that some of these concerns are addressed in the FWP comment.

Rick Bass commented this is a Lincoln County issue. Rick said it us unbelievable to locate 34 sites in the very center, heart of the Yaak. Rick urged commissioners to take a serious look at it and the developer to reconsider location.

Seth Moore said he cares/maintains Overdale Lodge in the Yaak. Seth said he understands fire concerns; we find a fair number of campers parked at gates in other locations regardless of fire season where nobody is monitoring those locations. There are no black water receptacle sites at campsites. Seth said his opinion is that a more centralized location where trash and fire can be monitored is safer; we do not want people camping here, there, and everywhere not being monitored.

Commissioner Teske asked Darren Smith if he would like to address the campfires concerns.

Darren said as far as campfire concern, we are as concerned as anyone in this room. Trust that I do not want to destroy my own property. It is one location, we will have oversight and management, camp hosts, and additional employees. Fire, noise, unruly behavior would be cause to request people to leave; there will be rules. Darren said he understands the argument and concern, but it will not be an unmanaged RV park. Putting people in one location is safer for the Yaak from a fire danger perspective. Darren said he wants to be respectful to community and people recreating in the Yaak. Fire pump was a good comment, and that would be available not only to the RV park, but to anyone, resident or community member. Darren said he appreciates all comments, respects everyone's positions, and will do everything to mitigate concerns.

Commissioner Teske explained that this is preliminary approval there is still a long ways to go.

Commissioner Letcher clarified the preliminary and final plat approval processes that must be met.

Kristin commented that commissioners could add a condition regarding bear boxes for food.

Commissioner Teske noted that would be a good recommendation to apply with statute 87-6-216 MCA, addressing the FWP comment.

Kristin suggested language that re-vegetation shall be done in accordance with FWP recommendation in letter dated January 10, 2023.

Jesse Haag clarified the condition of hauling garbage to the landfill.

There was a brief discussion on weed mitigation. Commissioner Teske gave the weed department contact information out for further clarification or questions.

Motion by Commissioner Teske to approve preliminary plat to Dirty Shame RV Park with 2 additional conditions, requiring bear boxes and re-vegetation in accordance with FWP recommendation. Motion is also subject to all 15 conditions in the subdivision report and based on planning staff recommendation. Second by Commissioner Hammons, motion was unanimous.

Tamaracks at ACM: Located on the west side of Middle Thompson Lake off ACM Road South. The proposal is to create 20 residential lots with each lot having its own well and septic system. Davis Creek Road as proposed exceeds the length limit at 1700 feet established by our design standards (1000 feet) and the developer is requesting a variance. Planning Consultant Kristin Smith gave an overview of potential impacts and 21 conditions as outlined in the subdivision report. The Lincoln County Planning Department has reviewed this proposal and recommends granting the variance request with conditions and grant preliminary approval to Tamaracks at ACM Subdivision, subject to conditions and based on the findings in the staff report.

Commissioner Letcher opened the hearing for public comment.

Byron Sanderson commented the subdivision is pretty straight forward and is asking commissioners to take another look at paving a portion of ACM road, but we will control dust abatement. Byron expressed that paving is overreach, and it should be the standard dust control required in subdivision regulations. There are no other problems with conditions.

Gary Isaacson talked about options of pavement and dust abatement. Dust abatement should be at least twice and year and chemical used should not be hazardous to environment. Gary expressed concern about the proposal being an uncontrolled RV Park.

Byron said those concerns can be specifically addressed in covenants about use and RV's; specific language for residential purposes, and timeframe for temporary housing/camper while in construction of home.

Commissioner Teske commented that most all public concerns and emails were about dust abatement and is also identified by FWP and the Thompson Chain of Lakes.

Byron said we are open to anything except paving. Current paving request would be approximately \$260,000.

Kristin commented a consideration for commissioners to think about would be to scale back paving requirement to lot 5 only.

Byron explained the long-term maintenance on a paved road, if neglected would deteriorate. Dust abatement is easier long term than paving.

Tom Hill commented that maintenance has been done by him over the past 15 years; other neighbors do not help. There has been zero help by developer and very little by FWP. Residential traffic will significantly increase and supports paving extension. The road has no drainage, opens up potholes in the winter. The idea of more maintenance for paving, would actually be less maintenance in the long run.

Andy Evenson commented that in terms of additional traffic it would be about 1/7th of what is there now, not a real major impact to the road. Dust abatement varies with probably 2 to 3 times per season.

Tom Hill explained the most damage comes from the off season, ice, snow, freeze, thaw. That will increase as homes are built, and the road will incur more damage than just the dust.

Gary Isaacson said he would like to see more teeth on the single-family residence requirement.

Jesse Haag clarified statutes regarding what substantiates an RV park. Rules are in place against that, although there is a big problem with that in the county.

Kristin said a whole section in the covenants without governing body approval acknowledges lot use/permanent space.

Tom Hill asked who is going to enforce it?

Kristin commented that is the hard part, and suggested educating the Clerk & Recorder's Office to be well versed to check with planner when updated covenants come in.

Commissioner Letcher expressed that it is too excessive to require developer to pave the road. Chip seal options have also created problems in prior developments and feels dust abatement is a better condition. Each lot in the HOA should share dust abatement responsibility.

Kristin said the county could require a bond for long term dust abatement.

Byron said it is not out of line to have a road maintenance/users association to ensure maintenance of roads.

Byron explained mailbox location needs to be coordinated with postal service requirements.

Commissioner Letcher suggested to change language to Condition #20, stating cluster mailboxes to be in conformance with USPS standards.

Commissioner Teske suggested written language for long term maintenance of roads, clearing for right-of-way.

Byron said that would be an easy clause to add to road conditions.

No decisions were made at this time. **Motion** by Commissioner Teske to postpone until next week for further discussion. Second by Commissioner Hammons, motion was unanimous.

11:10 AM **District 2 Road Department Dump Truck:** Cancelled

12:00 PM **Break**

1:30 PM **Sophie Lake Montana FLAP Project:** Present were Jerry Regh, Aaron Eklund, and Telina Adams.

Aaron said he is here to discuss the Sophie Lake Project and give an overview of the project as it stands.

Aaron said he has almost finalized the capability assessment, once that is done, it will need state approval. Aaron explained the standard grant agreement process, saying that he is an advocate on behalf of county.

Project has been ongoing since 2016, scope has been changed, and the original application of project has had amendments.

Telina Adams said she is the new program manager utilizing FLAP funds that do not require match and recommends counties to consider reapplying for a project to help get the project delivered. Telina explained options for cancelling the project and reapplying for a new project, match requirements, cutting scope to fit the budget and providing services.

Commissioner Letcher expressed frustration of changes, and administration of the project, requiring cash instead of in-kind work. Commissioner Letcher questioned who administers an application of a new project.

Telina said when dealing with federal funds, there are more requirements. The benefit to reapply is the project would not need matching funds and would not require a capability assessment. Inflation would increase cost of a new project is the ongoing challenge. We are looking for bigger projects in 2023. Telina explained that Lincoln County may get awarded for a bigger project and recommends commissioners to put in a new application using information from original submittal but adding more for an improved project and opportunity.

Aaron wants commissioners to be aware that if county gets selected for new project, award would be in 2026.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Robin Benson, Clerk of the Board