

March 29, 2023

The Lincoln County Board of Commissioners met for a regular session on March 29, 2023 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Hammons, and Clerk & Recorder Corrina Brown.

Meeting allows for teleconferencing and VisionNet availability.

Present online were Ray Stout, Wendy Drake, Brent Faulkner, Chanel Geer, Darren Short, Brianna Anderson, Amanda Eckart, Mandi Bird Kennerly, Shawn Smith, Nikki Meyer, Kathi Hooper, Michelle Weinberg, Alyssa Ramirez, Shannon McLaughlin, Patrick Hooper, Anthony South, Ben Palmer, John Baisden Jr, Michelle Byrd, Hayden Blackford, Kathy Fisher, Diane Watson, Joanne Schapley, Ashley Bache, Evan Comella.

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

09:45 AM **Clerk of Court Wage Increase:** Present were Veronica Bovee-Anderson, Donna Martin, Tricia Brooks, Judge Jay Sheffield, Katrina Newton, Steve Allen and Dallas Bowe.

Tricia advised she met with HR on newly revised job descriptions. Tricia reported the MACO specialist approved a grade 7 and 11. Tricia said she had provided details of the changes with staffing to the Commissioners. Commissioner Teske asked if the HR has agreed to adjust the entry grade from 6 to 7. Commissioner Hammons expressed concern with turnover and other departments having to pick up tasks and stated he is against making changes for one department when other departments are experiencing issues. Commissioner Teske agreed to look at this when the COLA and percentages are completed during the budget cycle. Tricia agreed stating she'd like to see an increase for her staff given the extra duties taken on. Commissioner Letcher acknowledged that is not what you wanted to hear yet that is where we are at and let Tricia know he appreciates all their hard work. Tricia stated MACO supports this increase given the job description updates. Commissioner Teske affirmed they will revisit this during budget time. Judge Sheffield advised as a department head, the current job descriptions fall short. Clerks are creating and interpreting legal documents, these clerks are doing more than phones and directing traffic. Judge Sheffield would like to have his head clerk get with Tricia's to take a deep dive on the job descriptions of clerks of both courts and agree on updated job descriptions. Commissioner Teske asked if they'd work together to create a consistent standard the Commissioners can review. Judge Sheffield expressed frustration of grant funded jobs putting higher paid staff working alongside county employees. Katrina advised her husband has worked for the state at his current job for over eight years and just reached \$15/hr. Katrina stated the state department heads and managers are barely making \$20/hr. Katrina advised she looks at the Troy Library Project, funded by grants, but feels the county will be on the hook and is concerned. Commissioner Teske stated they have sought public comment on the library. Commissioner Teske agreed there is a shuffle between funding of material needs and staffing needs within the county.

10:15 **Planning: Rocky Mountain Way Extension Request:** Present were Veronica Bovee-Anderson, Donna Martin, Jesse Haag and Steve Allen.

Jesse advised the board received a request from the owners of Rocky Mountain subdivision to extend their preliminary plat approval period for another two years. Jesse stated this subdivision originally received approval on April 3, 2019. Jesse advised it's a 2-lot minor south of Eureka along the Tobacco Valley Road. Jesse stated the Canadian owners were granted a 1-year extension in April 2022. Jesse advised their request letter cites ramifications due to Covid and the resulting international travel restrictions. Commissioner Teske questioned if this was in line with Planning Department Regulations. Jesse advised it is and the Planning Board recommends approving the 2-year extension request for Rocky Mountain Way; applying a new deadline date of March 29, 2025 to file their preliminary plat. **Motion** by Commissioner Hammons to approve the 2-year extension per staff recommendation. Second by Commissioner Teske. Motion carried.

10:30 AM **Administrative Issues/Old Business:** Present were Veronica Bovee-Anderson, Donna Martin, Steve Allen, Dianne Hansen, DC Orr, Suzanne Resch and Scott Rodich.

- Corrina submitted the minutes for March 22, 2023 regular meeting as well as minutes for March 27, 2023 Special Session to appoint Corrina Brown as interim Clerk and Recorder for approval. **Motion** by Commissioner Teske to approve minutes of March 22, 2023 minutes. Second by Commissioner Hammons. No public comments. Motion carried. **Motion** by Commissioner Teske to approve the March 27, 2023 Minutes. Second by Commissioner Hammons. No public comment. Motion carried.
- Corrina advised that board vacancies were advertised in the Kootenai Valley Record and Tobacco Valley News February 8 & 15, 2023 as well as posted on the county website under Public Notices, 2 courthouse public bulletin boards and the N. Annex public bulletin board. Corrina presented the applications/vacancies as follows:
 - Ambulance Board / three vacancies / two applications were received. Herb Cargill of Troy and William Myra of Eureka. **Motion** to approve the two applicants to the Ambulance Board by Commissioner Hammons. Second by Commissioner Teske. Commissioner Teske noted that both applicants meet residency requirements per their by-laws. Motion carried. Commissioner Teske commented the board still has a Libby district opening.

- Airport Board / one vacancy / Board recommends Teagen Blaz be appointed as Deborah Lampton resigned. Commissioner Teske clarified there were two applications received. **Motion** by Commissioner Teske to appoint Teagen to the Airport Board. Second by Commissioner Hammons. Commissioner Teske commented, Teagen appears very qualified, a lot of experience and the board recommended him following a resignation from the board. Motion carried.
- Planning Board / one vacancy / no applications received per Jesse Haag. Commissioner Teske confirmed with Jesse there is still one opening on the planning board.

- Adoption of ADA Self-Evaluation Inventory and Transition Plan.

Commissioner Teske stated this plan is required for a number of grants to have this in place and the County hired a contractor to conduct this evaluation for Lincoln County and this report is per county facility. **Motion** by Commissioner Hammons adopt the ADA Facility Inventory for Lincoln County. Second by Commissioner Teske. Dianne asked if this will be posted online. Commissioner Teske confirmed it will be available on the County website. Motion carried.

10:45 AM **Public Comment Time:** Present were Veronica Bovee-Anderson, Donna Martin, Steve Allen, Dianne Hansen, DC Orr, Suzanne Resch, Scott Rodich, Tony Smith, Toni Franke, Matt Franke, Paul Johnson, Earl, Scott Shindledecker, Evan Comella, Lawrence Miller, Sandra Beder-Miller, Teresa Charland, Veronica Langto, TR Langton, Terry Holmes, Marcine Holmes.

DC thanked Commissioner Letcher for maintaining integrity in local elections. DC appreciates morals and ethics. DC has concerns regarding effects of resignations resulting in appointments. DC encourages elections over appointments with transparency. Larry lives up the Yaak, he believes in voting on election-day and requests a voting place in the Yaak. Diane advised she would like an election place back in Fortine and wants a hand count. Diane commented no one is teaching civics in the schools and she'd like to see this frequently spoken of by everyone present. Evan of Troy commented she had prepared a declaration for the EA to sign as she has concerns regarding the voter registration list. Evan commented on a Western News article regarding election staff attending daily training with Secretary of States office. Evan questioned all software involved in elections. Evan urged the commissioners to appoint election officials who will be willing and able to implement elect process reforms to secure Lincoln County elections. Evan suggests, local voter lists, local election sites, on-site ballot counts and use of e-verify to confirm citizenship. Brent took a copy of Evan's comments. Terry thanked the Commissioners for their time and service. Terry would like to see a voting precinct in McCormick utilized again. Shawn commented online from Fortine, she agrees with local polling locations, paper ballots, no software and same day counting. DC wants the commission to restore public trust using transparency.

11:00 AM **Public Hearing: South Yaak Subdivision:** Present were Donna Martin, Steve Allen, Dianne Hansen, Suzanne Resch, Scott Rodich, Tony Smith, Toni Franke, Matt Franke, Paul Johnson, Owen Baisden, Glenda Orr, John Chott, Merle Chott, John Dawn, Nancy Hight, James Hight, Kristin Smith, Brett McCully. Evan Comella, Lawrence Miller, Sandra Beder-Miller, Teresa Charland, Veronica Langto, TR Langton, Terry Holmes, Marcine Holmes. Robert Bitter, Patrick Hooper, Ed Peterson, Michelle Weinberg, and Scott Shindledecker.

Jesse read the conclusion of South Yaak Subdivision proposal on a 78.39-acre parcel and stated the Developer has submitted an additional application in tandem with this one to create the West Pine Subdivision on 45-acres. Jesse advised Commissioners are to make a decision April 12 on both these subdivisions. Jesse stated Planning Department recommends approval subject to conditions and based on the findings in the staff report.

Brett advised of discussions with McCormick Fire Department who advised their biggest hurdle was not equipment but manpower. Brett talked with owners and fire folks around the state, it was decided to require a sprinkler system within each site. The water would come from the residence well. Commissioner Letcher questioned the anticipated drawdown from this sprinkler system. Patrick advised most systems are about 30-35 gallons/minute and is an economical way to provide time for evacuation. Patrick stated 1-2 sprinklers generally can put out a fire in a residential application. Patrick advised cost of stand-alone pump & tank \$5-6k. Owen advised this expense will fall on the lot purchaser. Patrick advised the State of Montana has no requirement of fire sprinklers in single family homes. Other states use this system in areas where fire protection is delayed. This system also keeps first responders from entering fully engulfed structures. Robert advised this is the first time he's heard a tank that can fit through a man door is sufficient for protection. Patrick advised the problem with reactive fire protection is a fire breaks out and a response time is 3-5 minutes, 10+ minutes in rural areas. Patrick stated a stick frame construction may reach flash over in under 5 minutes. Patrick advised the sprinkler system is designed to provide evacuation time. Robert is concerned that this is a theory and not a solution. Owen commented they are offering the best solution found for this situation. Owen says the McCormick Fire Department says they do not have the capacity to protect any additional buildings in the area. Owen stated they are offering mitigation given the situation. Patrick advised annual inspections are required and costs are similar to furnace maintenance, about \$175/year. Commissioner Letcher asked for any other subjects on the subdivision. Owen advised of animal migration concerns, specifically there is a lot of green surrounding this square mile of residential homes as it's mostly surrounded by Stimpson property. Owen stated animals have plenty of avenues to navigate outside of this square mile. Owen advised they want to find solutions that will work given the situation with the McCormick department. Commissioner Teske clarified the sprinkler system is proposed in lieu of the 30k gal/tank. Owen agreed commenting they are fine with the 30k gal/tank, however, if the McCormick fire department is not going to draft water from it then it's not a solution. Commissioner Letcher commented Montana Cadastral shows about 20 homes in the area and asked if McCormick fire department is currently servicing this area. Jesse clarified the district area.

Commissioner Letcher moved to public comment time: Matt advised Owen has a great solution to the structural home protection, but he is concerned about outdoor fires and would like to see the tank and a pump as well to handle outside fires. Matt commented FWP has a map of where the wildlife corridors are, and this property lies in it. Paul agreed with the need to address the outdoor fires, he is concerned that Stimpson could sell their property. Paul would like to see zoning addressed. Paul wants to see only residential zoning and lot 8 is not in the HOA and therefore a commercial lot. Paul advised the interior road on lot 4 is not in the designation on the application and the roads and bridge need an RMA. Paul would like to see the application resubmitted with corrected information. Paul advised the EA is lacking in substance. Paul would like a discussion on the fish in Pine Creek. Paul would like to improve the right of way in section 25. Paul is concerned that he has not seen updated covenants. Paul stated lot 4 borders Pine Creek and West Pine has a 6 acres lot along the creek. Paul believes future development is highly likely and should be considered given the strain on emergency services. Paul believes the lots should be no less than 20 acres. Paul would like to see planning subdivisions that will control of the growth in Montana for future generations. Paul commented that \$2k per lot in lieu of fire protection is ridiculous. Commissioner Letcher requested a copy of Paul's notes. Jesse advised there is a standard set-in covenants. Marcine of Pine Creek advised it's not fair to label developers of being greedy. Marcine commented on Turning Winds Academy helping youth and being active in their community. Marcine advised this is a family running a family business. Marcine advised that picking and choosing who can live whereby neighbors is of concern. Marcine does not want to micromanage a subdivision to the point no-one wants to develop. Marcine would like to see more homes and jobs to bring more people to this area. Matt advised he put up a sign regarding all subdivisions in the Yaak and feels it is protecting Montana. Matt stated he is concerned with the price of an acre, pricing is greedy. Toni commented on her family history in the area. Toni is concerned with the dumpster conditions and provide the commission a photo taken last Sunday. Toni would like to see responsible development. Toni requested the Commissioner make transparent and balanced to benefit the community as well as the developer. Toni expressed the need to consider potential negative impact on residents. Toni would like the commissioners to ensure the development uses smart growth decisions. Toni advised major subdivisions do not belong in areas such as the Yaak. Commissioner Letcher advised letters can be submitted.

Terry thanked the commissioners for their time and efforts. Terry commented on his family history in the area. Terry said Pine Creek has only two areas not subdivided. Terry stated there are needs in the communities for housing. Terry has served on the school board in Troy and is aware of the difficulty Troy has gaining teachers due to lack of housing. Terry stated he donated property for the McCormick fire department to be constructed. Terry would like to see people come to the neighborhood who can help with the fire department manpower needs. Terry would like to see the Yaak highway maintained better but feels traffic is not an issue. Terry is supportive of the development. Terry challenges the wildlife corridor. Terry stated that Baisden own about 150 acres and have not subdivided. Matt stated they knew from the start the subdivision will not be stop yet want to see the subdivision blend in with the neighborhood. Veronica is in favor of the new development as it benefits her community, bringing in needed school students, perhaps bringing in staff for her fire department and potential help for elderly neighbors. Ed is concerned with the community water supply impact and feels this subdivision will inhibit firefighting and growth of hunters negatively impact wildlife population. Scott commented on Owens idea of sprinklers for the homes is a good idea but does not think this will mitigate the problem and would like to consider the 30K gallon tank as back up and HOA training for use of the well and tank. Wyatt advised of FWP evidence of wildlife corridors and the Yaak drainage system, the impact of hunters, sportsman and conservation. Wyatt commented on the Caribou fire and the 1910 fire and would like recognition of these issues and the changes that will come if these subdivisions are not well planned. Wyatt would like the commission to get ahead of the growth coming in. Michelle advised she supplied written comments to the board. Michelle quoted from a Sanders County legal case regarding a similar situation with fire protection. Michelle cautioned the commission to not ignore the planning recommendations. Paul requested a bigger lot size and imposing covenants by the county as Owens family will have enough lots to vote to change the established covenants. Kirsten confirmed with Commissioner Letcher public comments are welcome for two more weeks.

12:45 PM **Break**

1:00 PM **Community Wildfire Protection Plan Public Hearing:** Present were Lincoln County Forester Jennifer Nelson, Jeremy Rank, Logan Sandman, Brent Cooper, Charles Ekstedt, Sam Martin, Steve Lauer, Donna Martin, Dan Rose, Steve Kimball, Peggy Williams, Jason Conway, Jodi Turk, Jacob Jeresek, Tim Dougherty, Bruce Rowland and Mark Peck.

Jennifer welcomed everyone to the public hearing and introduced key personnel. Jennifer provided a presentation containing: Background information highlighting 6.8 million acres burned in wildfires in 2000 and the decision to identify communities at risk in Lincoln County. The goals of this CWPP plan. Establishing the WUI boundary. Priority to infrastructure. Wildfire risk analysis. Dividing Lincoln County into 5 geographic areas allowing for prioritization by area. The GAs are as follows: Bull, Yaak, Tobacco, Fisher, and Cabinet. Parties who determined priority treatment areas. Priority Treatment Areas.

Steve Kimball commented the process and product were well done, utilizing tools correctly to have data behind it. Steve suggested the Commissioners declaration of an emergency in Lincoln County should be noted as it collaborates the seriousness of this situation. Tim stated this is an outstanding job with details and the County Foresters should be proud of this. Tim stated he hopes to get this through the courts. Dan commented this is a great presentation and identifying the priority areas is to get some of the needed projects done in a collaborative manner. Tim mentioned state funds for private landowners to address their fuel situation and is concerned with the community awareness of this funding being available. Logan advised of an influx of \$6 million includes funding is to make sure information is distributed. Jennifer advised outreach is always hard and welcomes ideas to get the message out.

2:00 PM **Libby Creek Water / Sewer Update:** Present were Danielle Maiden, Donna Martin, Dianne Hanson and Veronica Bovee-Anderson and John Baisden Jr.

Danielle advised the Enviro review is complete. Commissioner Teske questioned if easements were located as needed. John commented the existing easement for the water main through the county property has not been found yet and they may need a title company search while advising if it's not found, one will be put together. John stated their focus in the fall was initial mapping and survey work, boundary work and environmental work. John commented he is working with the city of Libby on a water study and updated information with existing structures. John is looking at the spring run-off and the sanitary requirements. John stated they are trying to determine if the Motorhome Park existed prior to the DEQ requirements of 1973. Danielle will provide John the contract information for the prior owner who had built the Motorhome Park. Commissioner Teske advised he is still looking into some of the easement documents.

2:15 PM **Redistricting Discussion:** Present were Donna Martin, Dianne Hanson, Katrina Newton, Veronica Bovee-Anderson, Jennifer Curtiss and Scott Shindledecker.

Ashley commented redistricting due to on statute, calling for less than 2000, and referenced the documents submitted. The only changes are to precinct boundaries.

Commissioner Teske read Resolution 2023-12 Adopting and Designating the Official Precinct Boundaries for Lincoln County for State Legislative Elections Districts for 2024-2032. **Motion** to approve by Commissioner Teske (with typo correction). Second by Commissioner Hammons. Donna requested the maps be put on the county website. Jennifer requested hard copies. Jennifer asked who produced these. Commissioner Teske advised Ashley Bache is contracted for County GIS. Motion carried.

Commissioner Teske read Resolution 2023-13 Establishing Precinct Boundaries in Lincoln County. **Motion** by Commissioner Hammons to approve Resolution 2023-13. Second by Commissioner Teske. Donna asked if this is the certification of these maps. Commission Teske confirmed it is. Motion carried

Commissioner Teske read Resolution 2023-14 Setting Lincoln County Commissioner Districts. **Motion** by Commissioner Teske to approve Resolution 2023-14. Second by Commissioner Hammons. No public comments. Motion carried. Jennifer and Scott requested copies of the boundaries. Commissioner Teske provided copies.

2:27 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board