

October 18, 2023

The Lincoln County Board of Commissioners met for a regular session on October 18, 2023, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Teske, Commissioner Hammons, Commissioner Letcher, and Clerk and Recorder Corrina Brown.

Meeting allows for Zoom participation. Present online were Scott Shindledecker, Melanie Howell, Tom Lane, Darren Short, Jesse Haag, Jennifer Brown, Ray Stout, Michelle Byrd and Chanel Geer.

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

10:00 AM **Planning: Fish Subdivision Final Plat / Family Transfer Exemption in Platted Subdivision Discussion:**  
Present were none.

Jesse Haag, Planning Director, presented (via Zoom) final plat of Fish subdivision. **Motion** to approve the final plat of the Fish Subdivision per Planning Staff recommendations by Commissioner Hammons. Second by Commissioner Teske. No comments. Motion carried.

Jesse presented the Planning Department policy for processing family transfers in subdivisions as shown below.



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**DATE:** October 12, 2023  
**TO:** Lincoln County Commissioners  
**FROM:** Jesse Haag, Planning Director  
**RE:** Policy for processing Family Transfers in Subdivisions

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In the 2023 Legislative session, SB158 was passed authorizing property owners to divide their property in a recorded subdivision in order to gift it to family members – a radical change to the previous subdivision exemption process (MCA 76-3-207.2.b) and has the potential to create a significant change in the expectations of subdivision homeowners.

We have consulted with MACO on the appropriate manner in which to review such applications. Because the language of the new law is quite muddled, use of the “exemption” in an existing subdivision amounts to a subsequent subdivision. As such, we present the following procedure we will adopt to process these applications in conformance with the new legislation as well as with our own subdivision regulations:

- It will be reviewed in consideration of the original subdivision conditions of approvals and subject to any covenants, conditions and restrictions as well as road maintenance agreements.
- DEQ approval will be required prior to filing/recording the amended plat.
- Taxes must be paid prior to filing the final plat.
- A 2-year hold on transfers of ownership following the original gifting of the newly created parcel will be imposed pursuant to the new law. Such language will be added to deeds.
- We will notify adjacent property owners of the proposed division.
- Commissioners will now be the decision makers on use of the exemption.
- Review fees will increase to \$400 as allowed by the new law. However, this still amounts to a loss in relation to the amount of effort expended.

Commissioner Teske inquired whether the inclusion of the bullet points will serve as an amendment of the policy until it can be formally incorporated into the subdivision policy, and Jesse confirmed this clearly defines the policy. Commissioner Letcher expressed appreciation for providing more structure.

10:15 AM **Election Administrator: Troy Ballot Box Location Change:** Present were none.

Melanie Howell, Election Administrator (via Zoom) expressed a desire to relocate the ballot kiosk from the dispatch lobby to Troy City Hall, proposing access from 7am to 6pm, Monday through Friday. Sheriff Darren Short advised he has coordinated with Troy Police Department, and this lobby can be opened and monitored electronically at Libby Dispatch.

Commissioner Teske inquired about a long-term plan for this space, to which Sheriff Short stated Troy PD may occupy the former dispatch area, ensuring continuous accessibility to the kiosk while maintaining security measures.

**10:30 AM Administrative Issues/Old Business: Approve Minutes / Inmate Excess Medical Insurance and/or Claims Administration Management / Resolution 2023-37 Authorize MACO to Represent LC Seeking Declaratory Judgement Regarding Statewide Mills:** Present was Rebecca Nelson.

- Minutes of October 11, 2023, regular meeting for approval. **Motion** to approve the October 11, 2023 minutes by Commissioner Teske. Second by Commissioner Letcher. Commissioner Hammons recused himself due to his absence during the meeting. No comments. Motion carried.
- Inmate Excess Medical Insurance and/or Claims Administration Management: Commissioner Teske reviewed this with Sheriff Short, reviewed the form and is now seeking signature approval. **Motion** to approve the inmate excess medical insurance and/or claims administration management by Commissioner Teske. Second Hammons. No comments. Motion carried.
- Commissioner Letcher read Resolution 2023-37 A resolution authorizing MACO to represent the interests of Lincoln County in seeking a declaratory judgement from the Montana Supreme Court regarding statewide mills. **Motion** by Commissioner Hammons to approve Resolution 2023-37. Second by Commissioner Teske. Commissioner Teske addressed the action taken by the majority of the counties, which was to levy 77.9 mills, in contrast to the state's claim of 95 mills. He indicated following the Education Coalition's filing of a writ with the Supreme Court, it became evident counties needed to pursue a judgement from the Supreme Court, as the Attorney General declined to provide an opinion on the matter. This action seeks a decisive ruling from the court. Commissioner Letcher stated this will lead to the swiftest resolution. No public comments. Motion carried.
- Commissioner Teske addressed the letter sent to the Forest Service inquiring about the Montanore Mining permit status. In response, a schedule of activities was provided, detailing some as completed and some in progress. According to this schedule, all tasks are projected to be concluded by the end of June 2024. Commissioner Teske advised he will mark this date on his calendar for a follow-up.
- Commissioner Letcher mentioned a couple ARPA projects at the fairgrounds, Glen Lake Irrigation District, and meetings with State Representatives next week of which he will have updates soon.

**10:45 AM Public Comment Time:** Present was Rebecca Nelson.

Tracy McNew from ZT Properties (via Zoom) advised of recently purchasing the old Pioneer Junction Hotel and plans to begin construction. She advised they are blocking access to an apartment due to an abandoned alley behind the hotel. She had purchased land on both sides of the alley used as a driveway, saying the alley was abandoned and technically is not an alley anymore and we are closing it off. She added there is another alley one block back, closer to McGrade, that can be used because that alley hasn't been abandoned for this duplex. Commissioner Teske together with Road Supervisor, Jerry Regh, traveled to and reviewed this, stating the second alley has never been developed for use as a driveway or thoroughfare; it serves as a utility way. Opening it up would entail substantial leveling, grading, and excavation, which the county deems impractical due to associated costs and logistical challenges. However, if the developer wishes to pursue this option for the affected parties, we are open to considering it. The other option to discuss is going alongside that Pioneer Junction and for that property owner and the ones adjacent to them that you didn't purchase, that would be a much better access point if you give them an easement as it wouldn't be a loss of that much developable land. Tracy agreed that is probably the best bet, but the actual property stakes won't be done until November. She is more worried about where this ends up, saying the long skinny building goes out a long way. Tracy questioned whether it may be the responsibility of the residents in question to address this issue. She advised they understand the county's reluctance to undertake this project due to its cost, and share the sentiment, as it is not our property that necessitates access. Commissioner Teske suggested that this matter could be subject to a court ruling, and he acknowledged the need to investigate potential easement access to the other lots. Tracy mentioned that they have already commenced clearing work. Commissioner Teske inquired whether they had engaged in discussions with the property owner at the opposite end of the road to explore the possibility of granting access. Tracy affirmed that this would be their next step. Commissioner Teske emphasized that, from the perspective of both the county and taxpayers, this substantial construction project for a property owner's driveway would not be considered beneficial or prudent.

**11:00 AM Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Josh Letcher, Chairman

**ATTEST:** \_\_\_\_\_  
Corrina Brown, Clerk of the Board