

December 14, 2022

The Lincoln County Board of Commissioners met for a regular session on December 14, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson. Meeting allows for teleconferencing and VisionNet availability. Commissioner Bennett opened the meeting with the **Pledge of Allegiance and Prayer**.

9:30 AM Crystal Lake HOA Road Concerns: Present were Cheryl Allen, Noah Pyle, Scott Shindledecker, Rebecca Nelson, Solomon Alcaín, Jerry Regh, Ray Stout, Tony Petrusha, Marc McCully, and Veronica Bovee-Anderson. Cheryl said she is a resident of Crystal Lake Subdivision and is on the HOA Board. Cheryl expressed confusion that roads are not county roads but the HOA has been operating as if they were county roads. Looking for a document to determine if they are county roads or not county roads.

Commissioner Bennett explained there is no resolution or minutes indicating commissioners adopted the road as a county road. Roads can be dedicated to the public, but there is no designation to the county, they are simply open to the public. We can keep looking, but not able to find a resolution or minutes designating roads to the county so far. All the language reads are the lots were held as bond until roads were completed to standard, but the roads were not dedicated as county roads.

Commissioner Letcher agreed, saying that is common procedure, and explained the process for bonds and how roads must be built to county standard.

Cheryl expressed there was confusion in the clerk office; staff not being able to locate a resolution.

Robin explained the resolution filing system in Laserfiche Software and there are paper copies filed as well. Clerk staff is well versed and fluent performing resolution searches.

Commissioner Letcher clarified that it could change if there was a resolution designating roads in the subdivision to the county, but without that resolution, it is a private road open to the public.

9:45 AM Tony Petrusha, South Flower-Old Snowshoe Recreation Plan: Present were Tony Petrusha, Bill Pepper, Scott Shindledecker, Rebecca Nelson, Solomon Alcaín, Jerry Regh, Ray Stout, Tina Oliphant, Marc McCully, and Veronica Bovee-Anderson.

Tony Petrusha, representing the Libby Outdoor Recreation Association (LORA), gave an overview of the South Flower Creek Recreation Development Plan. The purpose of LORA is to promote outdoor recreation opportunities, enhance community lifestyle and to stimulate growth of the local economy. The South Flower Creek/Old Snowshoe Recreation Plan was grant funded by Glacier Bank. Tony gave a brief history of the plan and what is needed to move forward; we are here today to review and adopt South Flower Creek Recreation Development Plan.

Commissioner Bennett suggested setting up a work meeting to further discuss what are next steps and how to move forward.

Commissioner Teske commented a work session would be appropriate, and potentially draft a resolution to adopt the South Flower Creek/Old Snowshoe Recreation Plan.

Tina commented that we have an out-of-town developer who has put his own real money into this, being an incredible, significant gift, indicating the value of this plan. This project is an asset for this community.

10:00 AM Health Department: Present were Kathi Hooper, Bryan Alkire, Jennifer McCully, Veronica Bovee-Anderson, Ray Stout, Rebecca Nelson, and Scott Shindledecker.

Air Quality: EPA proposed rule that would redesignate the Libby air quality district as attainment for the 1997 Annual PM2.5 standard. This is great news and long time coming. Comments are accepted by EPA through January 5, 2023.

Septic Permits: Fourteen septic permit applications received in November.

Food Safety: Wrapping up 2022 inspections. Dustin Webb taught ServSafe Classes at Troy Schools, approximately 13 students attended.

IT Issues: Still having problems at the landfill, but at least the phones and internet are working; ongoing.

Green Box Sites: Happy's Inn green box site has a fence now.

Commissioner Letcher requested a small box at the North Annex Building.

Landfill: 49,561 cubic yards from October 2021-October 2022. Approximately 2000 cubic yard reduction from 2021 survey. Bryan provided a map and gave an update on the drilling that is required for the expansion project. The expansion project will provide space through 2053.

Teen Mental Health First Aid: Jennifer said the program is moving forward; hoping for training this spring and starting the program next school year.

Flu Update: Lincoln County has up to 47 confirmed cases with 2 hospitalizations. Jennifer noted there are concerns during holiday season with people gathering and hospital space.

Jennifer explained that every 3 years the Health Department partners with Northwest Community Health Center and Cabinet Peaks to complete a countywide community health needs assessment; starting that process.

10:30 AM Administrative Issues-Old Business: Present were Veronica Bovee-Anderson, Scott Shindledecker, Rebecca Nelson, and DC Orr.

Robin submitted the minutes for December 7, 2022 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.

- Robin commented the Board Vacancy Public Notices were posted in the Tobacco Valley News, Western News, County Website, Courthouse Public Bulletin Boards and the North Annex Public Bulletin Board. Robin submitted Board Vacancies/Applications as follows:
 - Board of Health: Robin said the BOH is not meeting in December and that appointment has been postponed until January 11, 2023.
 - Em-Kayan W/S Board: Two vacancies, two applications received from Angelica Pankey and Jay Forsyth. Recommendation received from Em-Kay Board to reappoint Angela Pankey and appoint Jay Forsyth. Board is requesting to extend John Hopkins term through 2024, converting board members to 4-year terms.

- Eureka Cemetery Board: Two vacancies, two applications received from Teresa Torres and Janis Neuman.
- Lincoln County Fair Board: Three vacancies, three applications received from Wes D'Aponti, Guy Johnson and Rick Weldon. Recommendation received from fair board to reappoint Wes D'Aponti and Guy Johnson and to appoint Rick Weldon.
- Lincoln County Weed Board: Three vacancies, one application received from Samantha McCurry.
- Lincoln County Planning Board: Two vacancies, two applications received from Scott Mattheis and James Rodich. Recommendation received to reappoint Scott Mattheis and James Rodich.
- Tobacco Valley Industrial Board: Five vacancies, one application received from Jason Moothart.
- Wilderness Plateau W/S Board: Two vacancies, two applications received from Brady Selle and Bill Lingel. Recommendation received to reappoint Brady Selle and Bill Lingel.
- Tax Appeal Board: Two vacancies, one application received from Corrina Brown.
- Lincoln County Rural Fire Board: One vacancy (unexpired term), one application received from Tom Erickson. Recommendation received to appoint Tom Erickson to fill unexpired term.

Robin noted there were not more applications received than vacancies open for any board, except the BOH which will be discussed during the January 11, 2023 commissioner meeting.

Motion Teske to appoint all applicants as presented. Second by Commissioner Letcher, motion carried unanimously.

- Robin submitted Resolution 2022-28 Intent for Annexation into Troy Rural Fire District. Public Notice published pursuant to 7-1-2121 MCA. The public hearing is scheduled for January 4, 2023 at 11:00am. Commissioner Letcher read Resolution 2022-28 in its entirety. **Motion** by Commissioner Teske to approve Resolution 2022-28 as submitted. Second by Commissioner Letcher, motion was unanimous.
- Commissioner Bennett submitted Agreement for Professional Services with WGM Group to provide professional services related to the Libby Creek Community water/wastewater improvement project. **Motion** by Commissioner Letcher to approve the Agreement for Professional Services with WGM Group as submitted. Second by Commissioner Teske, motion was unanimous.
- Commissioner Letcher submitted a Lease Agreement with Community Action Partnership of Northwest Montana (CAPNM) to rent space at the North Annex Building. CAPNM agrees to pay \$295/mo. for a portion of building and parking designated for office purposes. **Motion** by Commissioner Letcher to approve Lease Agreement as submitted. Second by Commissioner Teske, motion was unanimous.

10:45 AM AM **Public Comment Time:** Present were DC Orr, Veronica Bovee-Anderson, Scott Shindledecker, Ray Stout, and Rebecca Nelson.

Veronica spoke on behalf of the Lincoln County Women's Republican Group thanking Commissioner Bennett for his service and to wish him the best in his retirement.

DC Orr said he has found out the city police force is in shambles, lost 3 officers and nobody will say why. The Chief is on administrative leave, nobody will say why. If there are crimes, that should be disclosed. DC spoke about being acquitted and the crimes that were committed against him and he has filed reports but has not received a response from Sheriff Short. DC said he is requesting to be placed on the commissioners agenda to discuss bringing in the State DOJ to investigate and he is asking the commission to request the State Attorney General to investigate Lincoln County's justice system. DC informed the commission that he is being told they need a request from the governmental agencies. Commissioner Teske commented that he has never heard that governmental agencies need to make a formal request and asked Mr. Orr to provide information of who he has spoken to. Commissioner Teske said he wants to confirm a request is required from the commission.

11:00 AM **DUI Task Force Claims:** Present were Sindy Filler, Finance Officer Wendy Drake, Veronca Bovee-Anderson, Scott Shindledecker, Rebecca Nelson, and Ray Stout.

Sindy said she is the Coordinator for the DUI Task Force and is here requesting approval of two claims wanting paid out of the budget for last FY 21/22. Sindy provided budget reports for commissioner review. The DUI Task Force has slowed down since covid, which is a common trend across the state. There are still funds from last fiscal year yet to be spent. Sindy said claims were submitted before end of June and expressed confusion and frustration regarding the claim/budgeting process, specifically coding of fund numbers. Sindy said it has been difficult attaining administrative direction but would like to have guidance for budgeting that is correct and efficient for everyone. Sindy said these are simple things and she is happy to do what is required but needs direction.

Wendy said the claims cannot be paid out of last fiscal year because the problem is the dates of service on the invoices are from last fiscal year.

Commissioner Teske suggested asking the auditor how to legally pay claims dated last fiscal year; we do not want vendors not getting paid.

11:15 AM **Planning / Final Plat Montana Lakes II:** Present were County Planner Jesse Haag, Scott Shindledecker and Ray Stout.

Jesse said preliminary approval was granted with 13 conditions, and all conditions have been met. Planning staff recommends final plat approval for Montana Lakes II Subdivision. **Motion** by Commissioner Teske to approve final plat to Montana Lakes II Subdivision based on planning staff recommendation. Second by Commissioner Letcher, motion was unanimous.

11:30 PM **Adjourned**

1:00 PM **Retirement Party for Commissioner Jerry Bennett.**

LINCOLN COUNTY BOARD OF COMMISSIONERS

ATTEST:

Jerry Bennett, Chairman

Robin Benson, Clerk of the Board