

January 12, 2022

The Lincoln County Board of Commissioners met for a regular session on January 12, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Teske, 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**.

**9:45 AM Steve Schnackenberg / Deputy Coroner:** Present were Tom Lane, Derrick Perkins, Ray Stout, and Rebecca Nelson.

Steve is requesting funds to hire a fourth deputy coroner. In 2019, the average death calls were 230 in Lincoln County. This does not include families in north Lincoln County traveling to the Flathead and choosing services outside our county. In 2020 that count went to 282 and 2021 to 315. An extra deputy would give the extra coverage needed. **Motion** by Commissioner Teske to approve request to hire a deputy coroner as presented beginning February 1, 2022. Second by Commissioner Letcher, motion carried unanimously.

**10:00 AM Health Department:** Present were Kathi Hooper, Jennifer McCully, Bryan Alkire, Tom Lane, Derrick Perkins, Ray Stout, and Rebecca Nelson.

**Solid Waste & Recycling:**

- Draft O&M for Class IV Asbestos Cell emailed to commissioners 12/7/2021; no comments received. Draft O&M was reviewed by ARP and the Board of Health.
- Expansion Update: Kathi commented the start-up materials for the ARPA Competitive Grant is completed. Received Statement of Qualifications from three engineering/consulting firms and they are currently being reviewed. The goal is to have the application to DEQ by November.
- Kathi said bids are due February 1, 2022 for the air curtain burner /destructor and she is waiting to hear from the commissioners regarding the ARPA funds request of \$135,000.

**Environmental Health:**

- Kathi said 2021 inspections are completed and currently mailing out 2022 licenses to establishments.
- Nick talked about reviewing and updating the septic applications, regulations and permitting process.
- Nick said demo's and cost proposals have been received from software providers for the Online Inspection System (ARPA funding) and there is a wide range of tracking for inspections. Nick discussed the benefits for the county as well as the public for complete housing in one system. Nick said he is also working on getting information and applications available online.

**Public Health:**

- Jennifer informed the commission that the new administrative assistant funded through the Public Health Preparedness Grant begins working next week.
- Jennifer gave an update on the Online Resource Guide, EHR, and the Performance Management System.

**10:30 AM Administrative Issues:** Present were Tom Lane, Mark Peterson, Joe Purdy, Mike Devers, Derrick Perkins, Tony Penfold, Ray Stout, Rebecca Nelson and DC Orr.

- Robin submitted the minutes for January 5, 2022 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Bennett, motion carried unanimously.
- The commissioners signed two letters of support for the Glen Lake Irrigation District and the Libby Creek Community Water and Wastewater Improvements Project. Commissioner Bennett said the commissioners will be reviewing the remaining ARPA funds and there should be some funds available. **Motion** by Commissioner Letcher to approve GLID and Libby Creek ARPA grant application letter of support. Second by Commissioner Teske, motion carried unanimously. DC Orr commented, the Libby Creek Community has ownership in the property, but they are still a burden to the taxpayers asking for more assistance.
- Commissioner Bennett explained about a recent gentleman who passed away with nobody to take care of his affairs. Currently the county does not have an elected or appointed Public Administrator. There is \$4,700.00 in an account for this purpose, so there is funding to pay those costs.

**10:45 AM Public Comment Time:** Present were DC Orr, Barbie Turner, Serah Parker, Zach McNew, Jim Mitchell, Derrick Perkins, Ray Stout, Tom Lane, and Rebecca Nelson.

DC said he has talked about being the victim of several crimes before the commissioners and city council detailing crimes and has called 293-4112 and they do take his report but there has been no contact about investigation. Crime is theft of property and trailer, and in both cases, the stolen property was delivered to the county landfill. DC said the County Attorney wants to destroy the evidence of those crimes, yet those crimes have not been investigated yet. DC stated the county attorney has said that calling 293-4112 is not reporting a crime, and he is not sure how to do it, and the sheriff's office is not responsive, probably due to complaints regarding an officer. DC said he wants to see an investigation also on the threats on his life, which is not being investigated. DC said the commissioners are operating similar to fascism, violating the oath unless they take action to get some investigations going, but any investigation leads back to county attorney's office. DC said he may request to be placed on the agenda and request the commissioners go over the sheriff's head and go directly to the attorney general to request investigations. DC said he will be back next week and will request to be placed on the agenda.

Commissioner Teske offered to take Mr. Orr to the sheriff's office to file a complaint.  
Commissioner Letcher asked DC if he expects the commissioners to use their political titles to influence other elected official departments.  
DC said he expects the commissioners to do their jobs to ensure offices that work under them are doing their job.

Serah Parker and Jim Mitchell asked about any progress on the highway 37 speed limit issue.  
Commissioner Bennett said he forwarded all the documentation and request for a speed limit study to the Montana Department of Transportation, Kalispell Division, and it is now in their hands. Commissioner Bennett commented that his is trying to connect with the right person to talk to and hear where the request is at but has not been able to yet. Serah talked about potentially getting a group of people to take a bus to Helena if that would help move the process faster.  
Commissioner Bennett clarified that he passed the petitions and request to MDT and it's now in the state's hands, but he will try to get a phone number as soon as he connects to the right person.

Tony Penfold informed the commissioners that WR Grace is planning work near Rainy Creek Road and there will be contractors conducting brush clearing and fuel mitigation work over the next few weeks.

Barbie Turner asked if fingerprints can be done with local services. The Medical Marijuana guidelines state that rolling out fingerprints must be done by March 1<sup>st</sup> and would like to use local services instead of going to Flathead. Commissioner Teske said he would check on that.

11:00 AM **Recreational Marijuana Discussion:** Present were DC Orr, Barbie Turner, Serah Parker, Zach McNew, Jim Mitchell, Derrick Perkins, Ray Stout, Tom Lane, and Rebecca Nelson.

Commissioner Bennett commented that he was working on a resolution earlier this week, but the way the legislation reads is if you were a medical marijuana provider, there will be no new licenses until 2023.

Barbie said there are currently 10 facilities in Lincoln County. Five in Libby (2 of those working out of their homes), three in Eureka, one in Fortine and one in Trego.

Commissioner Bennett said he views this similar to liquor licenses, so the county does not get overrun with dispensaries and growers. Missoula has over 60 facilities as an example. There can be huge issues if not managed properly. The current local providers have done a good job with management of their businesses, but we do need to track how many providers we have in the county. Another concern is when an individual grows more than they are going to use. These are just things we as a county need to look at. It is not a simple thing, and we want to do this as well as we can by looking at it locally and manage it to the best of our ability. We may implement a permit process through the Health Department. Commissioner Teske commented that we are reviewing what other counties are doing and we should be able to put something together that satisfies everybody.

Barbie commented there should be verification of zoning, supports the license/permit process and appreciates the commissioner's willingness to look at this.

Commissioner Bennett said that recreational marijuana was passed by the citizens of Montana and we are obligated to deal with that, and the commission is open to receive any public comments.

Commissioner Letcher commented about the benefit of local tracking, saying the state site can be an arduous process. Barbie said she can send links to help with that but approves the local permitting process for tracking, saying it is a great idea.

11:15 AM **FY 21 Budget Amendment Resolution:** Present were Wendy Drake, DC Orr, Derrick Perkins, Ray Stout, and Rebecca Nelson.

Wendy talked about the Year End Closing process for FY 20/21 with four funds that need to be adjusted. Commissioner Letcher read Resolution 2022-05 in its entirety. The original revenue and expenditures did not include funds that have been received from sources not known at the time of the budget approval and/or expenses not known at the time of budget approval. **Motion** by Commissioner Letcher to approve Resolution 2022-05 as submitted. Second by Commissioner Teske, motion carried unanimously.

**All resolutions can be viewed in their entirety on the County Website [www.lincolncountymt.us](http://www.lincolncountymt.us) Under the Clerk & Recorder's Department.**

11:30 AM **Mike Fraser, Fraser Management & Consulting /Angel Island Bridge, Notice to Proceed Bid Tab**

**Evaluation:** Present were Dallas Bowe, DC Orr, Derrick Perkins, Ray Stout, and Rebecca Nelson.

Mike submitted a letter and a summary of the three bids received and engineering estimate. The bids were received for the construction of a new bridge to replace the existing structure which is over 50 years old. Mike recommended the bid award go to Thompson Contracting, Inc., low bidder and requirements met. **Motion** by Commissioner Teske to award bid to Thompson Contracting, Inc as recommended. Second by Commissioner Letcher, motion carried unanimously.

11:45 AM **County Forester Update:** Present were Jennifer Nelson, Derrick Perkins, Tom Lane, Rebecca Nelson, and Ray Stout.

*County Forester Jennifer Nelson submitted the following update:*

## Commissioners Meeting Update 1/12/22

### Cost-share Grants

KFRI (Kootenai Forest River Initiative) – \$430,000

| Year | Funding \$ | # Agreements grant/agreemts | Acres Grant/agreemts/accompl | Grant \$ Allocated | Owner \$ Allocated | Grant PMT to date | Owner PMT To date | # of Contractors |
|------|------------|-----------------------------|------------------------------|--------------------|--------------------|-------------------|-------------------|------------------|
| 2022 | 296,855    | 30-40/27                    | 450/303/198+77=275           | 184,224            | 71,317             | 134,180           | 56,707            | 17               |
| 2023 | 133,145    | NA                          | NA                           |                    |                    |                   |                   |                  |
|      | \$430,000  |                             |                              | \$255,541          |                    | \$190,887         |                   |                  |

Average cost per acre \$1239

Parcel size range 5-26

**Western States – \$262,500** Will begin in earnest in Spring of 2022, several landowners in the Swede/McMillian/Farm to Market area have expressed interested and some have been contacted.

**Rabbit Tracts** – A slow start last summer due to South Yaak Fire, Stimson has accomplished some work and two KFRI contracts implemented. DNRC will be working the shaded fuelbreak along Rabbit O’Brien Rd and FS will be doing the mastication this spring/summer. NLI will be working the powerline corridor.

**J. Neils Park** – Bark beetle grant. Amy Gannon has asked that we are submitting again. Will submit this week for 16 acres unit D using wildfire mitigation prescription. Also will have the DNRC doing some work in the main section of the park again, likely along the powerline and Hwy 2 slashing and chipping

**Joint Chiefs** – not funded through the Continuing Resolution – Feb, but other funding is being considered in the meantime. Libby Surround is the #1 project.

**SkiDale** – GNA work is completed, contract closed 3 landing piles, were to be burned but now thinking of moving or curtain burning. Fuel crew has done some slashing on hillside behind the elementary school.

**Burn Permits** – NIC Montana back on the task. The focus will be getting the Air Pollution Control District online by March 1<sup>st</sup>, then the rest of the county

**CWPP** – The Cabinet GA meeting is tomorrow, then mapping and public meetings will be scheduled for spring. We are on schedule and working with the DNRC road map effort.

**MFAP (Montana Forest Action Plan) and Infrastructure bill**

Jennifer said that in the Infrastructure Bill, it is estimated that 3.3 billion will be available to the nation for fuels reduction, and that would mean several million for the State of Montana. Lincoln County should be in a good position to be competitive when those funds become available.

Jennifer talked about the need to increase capacity in her department. There are grant applications that she has not applied for yet because there is not enough time to manage and apply for grants, being a one-person department.

Commissioner Bennett asked Jennifer to look at her grants to see if there are funds within the grants to help expand for next budget cycle.

Brent talked about the new Project Management System in the Public Health Department, informing Jennifer that it may be a useful tool in tracking grants and projects.

12:00 AM Meeting Adjourned

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Jerry Bennett, Chairman

ATTEST: \_\_\_\_\_  
Robin A. Benson, Clerk of the Board