

April 3, 2024

The Lincoln County Board of Commissioners met for a regular session on April 3, 2024 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Letcher, Commissioner Teske, Commissioner Hammons, Administrative Assistant Jennifer Brown and Clerk and Recorder Corrina Brown.

Meeting did not allow for zoom participation as the internet was down.

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

09:30 AM **2nd Reading of County Ordinances:** Present were Veronica Bovee-Anderson and Scott Shindledecker.

Commissioner Letcher read the public notice regarding a second reading of county ordinances, adopting Ordinance 2024-01 through 2024-06 by reference as read. Commissioner Teske read Ordinance 2024-01. **Motion** by Commissioner Teske to approve ordinance 2024-01. Second Commissioner Hammons. Clerk and Recorder Corrina Brown received confirmation the motion includes ordinances 2024-01 through 2024-06. No public comments. Motion carried.

2018-01 adopted 5/16/2018	Recodification of Lincoln County Ordinances	2024-01 adopted 4/3/2024
2018-02 adopted 5/16/2018	Litter Control	2024-02 adopted 4/3/2024
2018-03 adopted 5/16/2018	Dog Control	2024-03 adopted 4/3/2024
2018-04 adopted 5/16/2018	Parks/Lands Rules of Conduct	2024-04 adopted 4/3/2024
2018-05 adopted 12/12/2018	Community Decay	2024-05 adopted 4/3/2024
2019-01 adopted 12/04/2019	Silver Butte Road Speed Limit	2024-06 adopted 4/3/2024

09:45 AM **Employee Salary Decision:** Present were Veronica Bovee-Anderson, Darren Short, Brent Faulkner, Jesse Haag and Scott Shindledecker.

Commissioner Teske mentioned a prior meeting where a 1.5% salary increase for elected officials was decided. Now a salary increase for 144 non-grant funded employees is to be determined for the 2024-25 budget forecasts. Commissioner Hammons recommended 1.5% or \$46,502. Commissioner Teske concurred with that recommendation. **Motion** by Commissioner Hammons to increase employee wages by 1.5% for the 2024/25 fiscal year. Second by Commissioner Teske. There was a discussion regarding budget concerns, including a \$247,000 increase in levy taxes over the previous year. Sheriff Darren Short mentioned the necessity for the state to rectify their allocation to counties. Veronica expressed a desire for an increase in line with a 2.7% inflation rate. No further comments. Motion carried.

10:00 AM **USFS:** Present were Chad Benson, Veronica Bovee-Anderson and Scott Shindledecker.

Chad Benson from the US Forest Service provided the following updates. Significant progress has been made by the committee in collaboration with the county forester in producing a map for a project located on the north side of the river. This collaboration marks a fresh initiative with the county, with state funding. The Forest Service is preparing for changes in its non-fire seasonal workforce, intending to hire only half the usual personnel while offering benefits. Chad has a scheduled meeting with a national research team to explore methods for monitoring systems across multiple forests. He highlighted the allocation of \$150 million for pending contracts awaiting authorization for harvesting and associated work. Chad expects progress on Mitchel Jackson around OU3 in the coming month and requests county participation in a public meeting. Regarding the Granite Snowshoe NEPA analysis, Chad mentioned its involvement in a third-party fuels reduction contract, indicating it cannot be altered. However, he is endeavoring to garner regional support for Tony Petrusha's trail request. There was discussion about collaborating with a landowner regarding Granite Lake Road, particularly in addressing issues related to the misuse of an old gravel pit. Commissioner Letcher shared insights from a conversation with Congressman Zinke regarding the inadequate recreational facilities on Lake Kooconusa. He advised Congressman Zinke expressed optimism about securing appropriations through Congress for additional facilities. Commissioner Letcher mentioned the approval of a boat ramp at Poverty Creek in the Rexford district in 2012, which went through NEPA prior to running out of funding. Chad also mentioned congressional interest in a landowner's proposal for developing public recreational access, with ongoing work on a prospectus.

10:30 AM **Administrative Issues/Old Business: Approve Minutes / Election Acclamation-Melanie Howell / MACo Request for Action-State Marijuana Tax / Troy Powerline Utility Easement Agreement:** Present were Veronica Bovee-Anderson, Scott Shindledecker, Melanie Howell and Ray Stout.

- Review of March 27, 2024 minutes for approval: **Motion** to approve the March 27, 2024, regular commissioner meeting minutes by Commissioner Hammons. Second by Commissioner Teske. No comments. Motion carried.
- Commissioner Teske read the letter announcing the election win by acclamation for the primary election from Election Administrator, Melanie Howell. **Motion** by Commissioner Teske to approve the win by acclamation for primary election as presented. Second by Commissioner Hammons. Melanie noted precinct 2 and 16 will be on the primary ballot. No public comment. Motion carried.
- Commissioner Teske read a message from MACo requesting counties to advocate for legislators to vote in accordance with constituent needs, as SB 442 state marijuana tax, in their view, is good policy for Montana. Commissioner Letcher stated he reached out to a legislature who felt the court was not meant to tell him how to do his job and felt the best avenue was a special session. Commissioner Teske advised he understands hesitation yet without action the Governor's veto stands, he supports a special session discussion. **Motion** by Commissioner Teske to sign the letter from MACo. Second by Commissioner Hammons. No comments. Motion carried.

- Commissioner Hammons reported Troy power company has concerns of the vulnerability of a transmission line from their substation above the hill that spans over the highway and creek, especially due to the lack of equipment able to restring the line over the creek. They propose rerouting it straight down and along the highway toward Lake Creek, crossing a jagged piece of county property situated between Highway 2 and Burlington Northern rights-of-way. They seek a utility easement agreement to route this transmission line straight down the hill, across the creek and then across the highway with a shorter span as presented. Commissioner Teske confirmed the entire setup would be overhead. **Motion** by Commissioner Hammons to approve a utility easement for Troy Power and Lights. Second by Commissioner Teske. No comments. Motion carried.

10:45 AM **Public Comment Time- Non-Agenda Items:** Present were Veronica Bovee-Anderson, Ray Stout, Scott Shindledecker, Cole Spencer, Nathan Gonzalez and John Chott.

No public comment.

11:00 AM **Panoramic View Subdivision Road Maintenance Discussion – Cole Spencer:** Present were Ray Stout, Scott Shindledecker, Cole Spencer, Nathan Gonzalez, Jesse Haag and John Chott.

Cole's objective is establishing a special improvement district to address road issues and dust control. He introduced Nathan, the road maintenance manager. He presented an former abatement order from the county to pave or oil the initial 7/10th mile of the road, along with a court ruling from 2019. Cole advised this is a private road which the county took initiative to chip seal. Cole advised they don't have funds to repair it. He stated in the past it was a dirt road and they had funds to blade it, yearly. Cole is looking for solutions to this mess. He advised the 1st portion of the road belongs to White Pine Subdivision, followed by a Stimson-owned section and then Panoramic. Cole mentioned the court ruled that the owners of property in the easement are responsible for dust. Commissioner Letcher summarized the history of the Panoramic View and White pine subdivision easements, noting quite a few things were never completed by the developer to include fire suppression infrastructure, yet the bond was released. He added the chip seal was a compromise for dust abatement. Cole inquired of the process for creating a special improvement district. Commissioner Teske advised of defining the district's boundaries and ensuring it meets the criteria of a special district. This would involve White Pine subdivision, Stimpson and Panoramic View Estates. Commissioner Teske will research special districts and provided copies of statute regarding creation of a county road.

11:15 AM **South Yaak Subdivision Fire Suppression Cistern – Lower Yaak Zoning District Discussion – Brett McCully:** Present were Ray Stout, Scott Shindledecker, Jesse Haag, Owen Baisden, Brett McCully, Jeff Smith (phone), Boyd White, Chris Bache, Zach Schad, Chris Noble, Bob Bittner, Matt Franke, Paul Johnson and John Chott.

Jeff Smith, Attorney for the South Yaak subdivision developer, announced they previously received preliminary subdivision approval with conditions. He emailed a letter yesterday and plans to resubmit it to lcplanning@libby.org today. He emphasized that according to the law, additional conditions cannot be imposed on a developer after preliminary approval. Another concern was raised regarding a statement from the fire department indicating that no approval could be given and the fire department intends to meet with the planning department again. This could potentially lead to additional arbitrary conditions despite prior correspondence with the chief regarding design and location. Jeff mentioned the proposed zoning language might affect developers of two other preliminarily approved subdivisions. Owen expressed concerns over the fire department's hesitation regarding a 30,000-gallon cistern with a well and pump, and the fire departments perceived hesitation and lack of timely response. Owen suggested either having the option to make the payment in lieu or obtain approval from an alternate fire department. Commissioner Letcher requested time to investigate this process further. John Chott, a McCormick Fire Department Trustee, advised it took the department this long to review, research and respond. He expressed concerns about the adequacy of serving the subdivision's service area solely with a cistern. Brett highlighted the uniqueness of the cistern with a pump rather than draw. Jesse reviewed a March 29th letter from the McCormick Fire District Board of Directors, detailing equipment specifications without mentioning additional conditions or expressing disapproval. Commissioners agreed correspondence is to be sent to the Lincoln County Planning Department as the developer had not received the standards Jesse outlined. Jeff emphasized their vested property rights and raised concerns about non-conforming uses in the proposed zoning language. Jesse noted that McCormick is a volunteer fire district with limited development in their area, and zoning does not alter the approval conditions.

11:53 AM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____

Corrina Brown, Clerk of the Board