

October 23, 2024

The Lincoln County Board of Commissioners met for a regular session on October 23, 2024, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Letcher, Commissioner Hammons, Commissioner Teske, Administrative Assistant Jennifer Brown and Clerk and Recorder Corrina Brown.

Zoom Participation: Brian Phillips, Dallas Bowe, Danielle Maiden, Ernie Anderson, Hanna Tester, Jesse Haag, Kristie Eggebrotten, Maria Stephenson, Ray Stout and Scott Shindledecker.

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

10:00 AM **Meyer Court Order Split**: Present were Jesse Haag, Kenneth Davis, Lizann Anderson and Noel Duram.

Jesse Haag, Planning Director, presented a request for commissioner comments on a court-ordered split to create two lots, evenly divided among the five children in the Meyer will. He noted the review committee found no attempt to evade the provisions and determined the request is consistent with the use of the court-ordered split exemption. **Motion** by Commissioner Teske to comment in support of the Forrest R. Meyer family trust. Second by Commissioner Hammons. No comments. Motion carried. Jesse will provide the letter.

10:15 AM **Pluger Court Order Split**: Present were Kenneth Davis, Lizann Anderson and Noel Duram.

Jesse Haag, Planning Director, presented a request for commissioner comments on a court-ordered split of the 108-acre estate of Edwin A. Pluger. He advised the parties associated with the Pluger Living Trust have agreed to the terms of property disbursement held in the trust. He advised the review committee found no attempt to evade the provisions of 76-3 MCA and determined the request is consistent with the use of the court-ordered split exemption. **Motion** by Commissioner Teske to submit a letter of support for the Edwin A. Pluger estate. Second by Commissioner Hammons. No comments. Motion carried. Jesse will provide the letter. Lizann was advised this will now be reviewed by the court.

10:30 AM **Administrative Issues/Old Business: Approve Minutes/Resolution 2024-28 Resolution Authorizing Submission of CDBG Grant Application Trego Community Hall/Barnaby Lake HOA Well Agreement/Resolution 2024-29 Resolution Authorizing Submission of CDBG Grant Application TLOC/Resolution 2024-30 Resolution to Affirmatively Participate in the Montana Community Reinvestment Plan by Identifying and Approving a Community Reinvestment Organization/Lincoln Electric Grant Pass-Through Memorandum**: Present were Cathleen Disney, Harry Disney, Jesse Haag, Noel Duram and Tony Wickham.

- Minutes of October 16, 2024, for approval: **Motion** to approve the October 16, 2024, meeting minutes by Commissioner Teske. Seconded by Commissioner Hammons. No comments. Motion carried.
- Resolution 2024-28 Authorizing submission of CDBG grant application – Trego Community Hall: Commissioner Letcher read the resolution. **Motion** by Commissioner Hammons to approve Resolution 2024-28. Second by Commissioner Teske, correcting emergency resolution from the title. Jesse Haag questioned, and Kristie Eggebrotten confirmed they are requesting no match and will be applying in-kind match with her grant administration time. No further comments. Motion carried.
- Resolution 2024-29 Authorizing submission of CDBG grant application – Troy Library and Opportunity Center (TLOC). Commissioner Letcher read the resolution. **Motion** by Commissioner Teske to approve Resolution 2024-29. Second by Commissioner Hammons. Commissioner Teske noted the library has ways to cover the required match. Jesse Haag questioned the submittal of two grants. Commissioner Letcher confirmed a letter was sent indicating the county's intent to submit two competing grant applications. Motion carried.
- Barnaby Lake HOA Well Agreement: Commissioner Letcher advised legal review was received. **Motion** by Commissioner Hammons to approve the right of way utility occupancy agreement for the Barnaby Lake well and water main line installation. Second by Commissioner Teske. Noel Duram expressed gratitude. No further comments. Motion carried.
- Resolution 2024-30 Affirmatively participate in the Montana Community Reinvestment Plan. Commissioner Teske read the resolution. **Motion** by Commissioner Hammons to approve Resolution 2024-30. Second by Commissioner Teske. Danielle Maiden thanked the commission. Hanna Tester stated this is all inclusive. Motion carried.
- Lincoln Electric grant pass-through memorandum of agreement regarding a Building Resilient Infrastructure and Communities (BRIC) grant project. **Motion** by Commissioner Teske to approve the memorandum of agreement between pass-through subrecipient and third-party subrecipient for Lincoln Election overhead to underground hazard reduction project. Second by Commissioner Hammons. No comments. Motion carried.
- Commissioner Letcher presented the application for the Trego Community Hall CDBG grant. **Motion** by Commissioner Teske to approve signing the application for the Trego Community Hall CDBG grant. Second by Commissioner Hammons. No comments. Motion carried.

10:45 AM **Public Comment Time – Non-Agenda Items**: Present were Cathleen (Mo) Disney, Harry Disney, Noel Duram and Tony Wickham.

Tony Wickham thanked the commissioners' support of the American Lands Council regarding the request related to Utah vs. United States. He advised that he is the president of the Lincoln County Republican Club, which meets Thursdays at noon. He stated tomorrow, Bruce Vincent will be attending, and he invited the commissioners to join at Kaju. He added

tomorrow's discussion will cover logging, fuel reductions, mining application status, and wildlife habitat creation. He expressed a desire to work together for broader support in promoting public safety, the economy, and the environment.

Mo Disney inquired about fire-wise work for power lines or substations. She noted a lawsuit in Townsend where a Forest Service tree fell on the electric cooperative power line, causing a fire. Commissioner Letcher noted that Lincoln Electric is dedicated to keeping their power line rights-of-way open. He added that the BRIC grant will allow power lines around Trego to be moved underground. She specifically sought information on the fire-wise specifics such as setbacks. Commissioner Teske noted these grants typically go through entities rather than the county. He suggested she visit Flathead Electric regarding such programs, adding this may have been published in a co-op letter.

11:15 AM Final Plat Review – Montana Lakes 3, Whitney Subdivision and Overholt Subdivisions, Condition

Amendment: Present were Byron Sanderson, Calen Williamsen, Jesse Haag, Kristin Smith and Noel Duram.

Jesse Haag, Planning Director, presented the final plat for Montana Lakes 3 Subdivision, requesting approval. He noted there are ongoing questions regarding water with the DNRC, which has not yet issued any correspondence. He advised the DEQ has indicated that water rights and availability fall under the DNRC's jurisdiction. He mentioned that road standards should ideally be reviewed by a professional engineer, with the associated costs incorporated into the subdivision review process. There was further discussion regarding proceeding without a county contracted professional engineer available to challenge the approval submitted by the developer. Kristin Smith confirmed today's approval process cannot be denied at this stage. Byron Sanderson suggested the county's future contracted professional engineer be provided with more detailed guidelines in the subdivision regulations to ensure sufficient review. **Motion** to approve the Montana Lakes 3 Subdivision final plat by Commissioner Teske. Second by Commissioner Hammons. No comments. Motion carried.

Kristin Smith presented the Whitney subdivision advising all conditions have been met. **Motion** by Commissioner Hammons to approve the Whitney subdivision final plat. Second by Commissioner Teske. No comments. Motion carried.

Kristin Smith presented a request for an amendment to the conditions of the Overholt Subdivision, specifically seeking to remove the requirement for telephone utility infrastructure, citing the availability of alternative communication methods. She advised there are existing provisions for remote or "off-grid" subdivisions, yet the increasing prevalence of satellite communication makes this amendment a potential county policy shift for future developments regarding hard infrastructure. **Motion** by commissioner Teske to remove condition number three of the preliminary plat approval of the Overholt Subdivision per planning staff recommendation. Second by Commissioner Hammons. No comments. Motion carried.

11:30 AM Preliminary Plat Review – Streamside Estates: Present were Byron Sanderson, Calen Williamson, Jesse Haag, Kristin Smith and Noel Duram.

Kristin Smith presented a request for preliminary plat approval for the Streamside Estates Subdivision and the removal of an agricultural covenant. She explained the Parmenter Creek drainage was rerouted many years ago to mitigate flooding and now serves adjacent properties. Byron Sanderson added that the rerouting of the Parmenter Creek drainage, which previously flowed through Mr. Avants' property and the high school area, was the subject of litigation. The result was the redirection of the natural water flow to a singular point along the southern boundary of Avants' property and as the water exits his property, it returns to its natural flow path. **Motion** by commissioner Teske to approve Streamside Estates subdivision along with seventeen conditions as recommended by Lincoln County Planning Department. Second by Commissioner Hammons. No comments. Motion carried.

11:45 AM Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board