

November 13, 2024

The Lincoln County Board of Commissioners met for a regular session on November 13, 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: Chanel Greer, Crystal Denton, Dallas Bowe, Danielle Maiden, Darren Short, Dustin Webb, Dustina Deans, Feleisha Storkson, Jerry Wandler, Jesse Haag, John Hyslop, Jon Gass, Laura Finley, Mark Tollefson, Maranda, Mary Handy, Melanie Howell, Michelle Byrd, Ray Stout, Rob Goldman, Roland Jorgenson, Scott Shindledecker, Sierra Gustin, Stacy, TVN and Wendy Peterman.

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

10:00 AM Health Department – Evergreen Contract Approval / Green-Box Site Closures Discussion: Present were Brian Berreman, Bryan Alkire, Dallas Bowe, Jennifer Bernosky, Jesse Haag, Kathi Hooper, Matthew Stull, Michael Huck, Noel Duram and Zach Sherbo.

Kathi Hooper, Health Department, discussed options for proceeding with green box sites and reducing hauling costs. Options included keeping ten sites open with reduced days, leasing compactor trucks to service the sites with county staff and equipment, a compactor truck purchase option and limiting green box sites to those more than twenty miles from landfills: Upper Yaak, West Kootenai, and Happy's Inn, along with the transfer sites in Troy and Eureka. Kathi advised a new roll-off truck has been ordered, with delivery anticipated in 2026. There was a discussion about the benefits of using compactors and roll-off trucks. Michael Huck, Evergreen Disposal, confirmed they operate out of Libby and Kathi clarified that without the contract, Evergreen would haul to Libby and not Eureka. Commissioner Letcher noted that Flathead County has seven sites and Lincoln County started this year with twenty-two, adding that we need to determine what is within our budget and acceptable to the community. Kathi stated the new two-year option proposed is \$400,000 for year one and \$420,000 for year two. This includes the replacement of at least forty dumpsters, with three days of service per week in the north and four days elsewhere, with the specific days of the week to be determined. Given the reduced position and the \$70,000 the commissioners previously agreed to, Kathi stated the \$400,000 for year one can be met.

Motion by Commissioner Teske to approve the two-year extension, keeping the sites open on limited-maximum use days, with specific days to be determined and a goal of longer hours using consecutive days. Second by Commissioner Hammons. Kathi affirmed the budget will cover this year and she will have more numbers on the second year once expansion cost of the landfill can be confirmed. Commissioner Letcher noted for the record that the \$150 annual property tax fee is for the landfill operation, not for the green box sites. Noel Duram confirmed that fees are per household and properties with multiple households should pay accordingly. Rob Goldman, attending via Zoom, advised he owns multiple properties and highlighted tax increases, stating the closure of the Glen Lake area site would cause environmental damage, reduce property values, and raise liability concerns. Commissioner Teske noted that, with the current contract proposal, the Glen Lake site will remain open three days per week over the next two years, with a specific site schedule to follow. No further comments. Motion carried. The contract and schedule will be presented next week.

10:30 AM Administrative Issues/Old Business: Approve Minutes / Resolution 2024-32 Adopting Hazard Mitigation plan 2024 / Resolution 2024-33 Supporting Conveyance of Lands to Lincoln County for Public Purposes: Present were Brian Berreman and Noel Duram.

- Minutes of November 6, 2024, for approval: **Motion** to approve the November 6, 2024, minutes by Commissioner Teske. Second by Commissioner Hammons. No comments. Motion carried.
- Commissioner Letcher read Resolution 2024-32 Adopting Hazard Mitigation Plan 2024. **Motion** to approve Resolution 2024-32 by Commissioner Teske. Second by Commissioner Hammons. Commissioner Teske advised this program allows for updates as a region rather than by county, reducing both cost and time involved. Discussion of feedback received by the EMA prior to finalizing the plan. No further discussion. Motion carried.
- Commissioner Teske read Resolution 2024-33 Supporting Conveyance of Lands to Lincoln County for Public Purposes. **Motion** to approve Resolution 2024-33 by Commissioner Hammons. Second by Commissioner Teske. Commissioner Teske noted the limitations of special use permits, adding that conveying these lands to the county will allow for expansion and accommodation of specific community needs. No comments. Motion carried.
- Commissioner Teske read a notice presented last week by the USFS requesting that an overlooked fee strip near EM Kayan Village be conveyed. He read the finding of Lincoln County Land Specialist, Noah Pyle, who reviewed the request, verified the legal description and found no parcels rely on this undeveloped road for access, nor any other encumbrances on the property. **Motion** by Commissioner Teske to approve the conveyance of the described land from Lincoln County to the U.S. Forest Service. Second by Commissioner Hammons. Commissioner Teske clarified that today's action, if approved, would move this to a resolution next week. He added that the U.S. Forest Service is seeking to do fuels reduction along that strip of land. No further comments. Motion carried.

10:45 AM Public Comment Time – Non-Agenda Items: Present were Brian Berreman, Herb Gregory and Noel Duram.

No public comment.

11:00 AM Hutton Court Order Split: Present were Brian Berreman, Herb Gregory, Jesse Haag and Noel Duram.

Jesse Haag, Planning Director, presented for consideration the Hutton (Lindsay) estate settlement comment letter to the court as is required by statute. He concluded based on the limited information provided, there appears to be no attempt to

evade the subdivision review process. Discussion regarding the need to inform the parties of the items in the letter. **Motion** by Commission Hammons to approve the letter to the court for the Hutton estate settlement. Second by Commissioner Teske. No further comment. Motion carried.

11:15 AM Public Hearing – Annexation of Lake Creek Ranch Subdivision into Troy Rural Fire District: Present were Brian Berreman, Debra Shupe, Doug Thomas, Ed Winslow, Herb Gregory, Katie Davis, Noel Duram and Sam Shupe.

Commissioner Letcher introduced the public hearing on the proposed annexation of Lake Creek Ranch into the Troy Rural Fire District. Herb Gregory, Chairman of the Troy Rural Fire District Board, advised that he was approached several months ago and asked about the benefits of becoming part of the Troy Rural Fire District. He stated: We have a barn 2.5 miles from the subdivision with an engine and a tender stationed there. We have a couple of firefighters who live nearby and can respond to that barn when needed and we immediately follow up with support from the Troy City rural fire barn. We were asked to provide a side-by-side comparison with what Bull Lake Fire District provides. The members looked at it, and they reviewed our ISO rating, which is a 5, versus a 6 for the Bull Lake Fire District, as well as the amount of equipment we typically bring to a fire. When Bull Lake responds, it's with an engine and a tender and they call for mutual aid from us anyway. Given the proximity and the additional equipment, we can bring to the fire, the members looked at the comparison and voted to reannex from Bull Lake into the Troy Rural Fire District. In reality, this should have been done when the development was created, but for some reason, Troy Rural was not brought into the equation at that time. Bull Lake Fire District would require residents to purchase a 30,000-gallon above-ground cistern, which was going to be very costly. We don't require that because we have enough water that we can bring to the equation. We have porta tanks and when we get a tender there, we drop the porta tank, empty the tender into the porta tank and create our own cistern. We have four tenders and can keep shuttling water in. We can bring about 20,000 gallons of water to the fire. The residents decided we have the better system and are closer, so they voted to bring us in. Troy is willing to bring them into our district. Doug Thomas, the original developer of the subdivision and treasurer of the HOA, advised they received a side-by-side comparison from both districts, and it was clear that moving to Troy was the better option. He stated: We put it to a vote of all home and property owners. Of the 16 lots, only 2 did not respond, and those who did responded affirmatively that we should move to Troy. We were never given a choice when we were first annexed into Bull Lake. I don't remember ever being told there was an option. It was just, 'This is your fire district' and they agreed to accept us, so we went with that originally. I think this is just a correction and probably a good one for us. No further comments. Discussion of this moving forward by way of resolution next week.

11:30 AM Speed Study Presentation – Savage Lake Hwy 56: Present were Brian Berreman, Debra Shupe, Ed Winslow, Jesse Haag, Mike Fennessy, Noel Duram, Rebecca Anderson, Rick Tapia and Sam Shupe.

Rebecca Anderson, Traffic Engineer with the Montana Department of Transportation, presented a speed study on MT Highway 56, from mile marker 29 to the intersection with US Highway 2, as requested by Commissioner Hammons for the residents of Savage Lake. Input from local residents indicated they would like to see the speed limit reduced in the area. She provided statistics and explained the usual five-mile ramp-up and ramp-down stretches prior to the residential area do not exist so they recommend a reduction of 10 miles per hour, from 70 mph to 60 mph, for the stretch closest to US Highway 2. In the next section, the study showed 60 mph, and they recommend no change to the 55-mph zone other than extending it into the curve. The final section does not meet shoulder width requirements, so the recommendation is to reduce the speed limit from 70 mph to 65 mph. Commissioner Hammons expressed concern about the situation, given the volume of and slope of driveways entering the highway. Rebecca stressed that lowering the speed limit would not necessarily change driving habits in the area. Commissioner Teske noted that anyone interested can submit a recommendation to Commissioner Hammons to forward to MDOT. She emphasized that comments are preferred within 60 days. Noel Duram questioned and Rebecca confirmed that another speed study can be done in a couple of years. Ed Winslow expressed concern with the high-speed limits in urban areas such as this.

11:45 AM Libby Creek Project – Potential SRF Loan and SID Discussion: Present were Jesse Haag and Noel Duram.

Jon Gass, from WGM Group, provided an update on the Libby Creek project, which aims to replace failing septic systems and compromised water systems by connecting residents to city water. He advised the project design is complete and pending DEQ review, with hopes to begin reviewing contract bids in early 2025. Jon discussed several funding sources for the project, including ARPA, CDBG, and RGL grants facilitated by the county, as well as a City of Libby MSEF grant for offsite work. He emphasized the importance of securing the funding due to the current bid climate. The possibility of establishing a special improvement district (SID) was also discussed. He noted, if formed, this could allow the project to access SRF funding. Jon said the project will be managed under one owner, the Libby Creek Community, and the petition to create the SID will require 100% property owner support. He advised the total estimated cost of the project is \$3.5 million, with a loan of approximately \$625,000 needed. Danielle Maiden noted the SRF program offers loan forgiveness: up to 75% for water and 50% for sewer. She added the households in the Libby Creek area are all under 30% AMI (Area Median Income), which qualifies them for forgiveness and SRF loans typically have a 20-year term. Commissioner Teske stated the county policy regarding bids and expressed support for the project's estimated completion by the end of the 2025 construction season, emphasizing the need to wrap this up. Jon recommended the county work with Dorcey Whitney on the bond, and he will prepare a petition in the coming weeks.

12:10 PM Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board