

**January 15, 2025**

The Lincoln County Board of Commissioners met for a regular session on January 15, 2025, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Teske, Commissioner Hammons, Commissioner Duram and Clerk and Recorder Corrina Brown.

Zoom participation: Administrative Assistant Jennifer Brown, BreeAnna Dahm, Brenda Boswell, C Neils, Chanel Geer, Crystal Denton, Dallas Bowe, Dave Harmon, Deb Burrell, Feleisha Storkson, Gary Grant, Jesse Haag, John Hyslop, Josh Letcher, Julie Grant, Ray Stout, Robin Blumberg, Maranda Davis, Paul Boswell, Scott Shindledecker and Tabitha Viergutz.

Commissioner Teske opened the meeting with the **Pledge of Allegiance**.

10:00 AM **Logger Statue/Silhouette Proposal – J. Neils Park** Present were Jerry Sean Crisp, Traci Street, Nikki Crisp and Thomas Hill.

Commissioner Teske noted that this is a logger statue silhouette proposal for the J. Neils Park entrance sign, as discussed at prior meetings, where it was decided to keep the bull and allow additional monuments on that sign. Dave Harmon presented the Logger Statue/Silhouette proposal, with funding provided by L.O.R. and no county funds required. He noted this involves creating and installing a 6-foot-tall logger silhouette made from sheet metal and is expected to be completed by May 2025. **Motion** to approve the proposal for the logger silhouette at J. Neils Park by Commissioner Hammons. Second by Commissioner Duram. There was a discussion about this being a single panel silhouette visible from both sides. Tabitha Viergutz, L.O.R. Foundation, advised the grant is pending commissioner approval, and once completed, the structure will belong to the county. Motion carried.

10:15 AM **Middle Thompson Lakeshore Violation Discussion:** Present were Jerry Sean Crisp, Traci Street, Nikki Crisp and Thomas Hill.

Jesse Haag, Planning Director, stated that this concerns a violation of lakeshore protection regulations on Middle Thompson Lake, where excavation work extended beyond the scope of what was permitted, resulting in significant public concern, mainly due to the encroachment into the roadway. Commissioner Teske noted that after the initial complaint, he visited the site with Jesse and confirmed considerable overreach, all within the lakeshore protection regulations' purview. He mentioned that a letter of violation was issued, and they responded by doing some dirt work, apparently to alleviate concerns from road users. He added that this work occurred after their one-year permit had expired and grossly exceeded the scope of the permit. He read the relevant lakeshore protection regulation, 76-10-206.

Tom Hill advised his biggest concern is the area be restored to its original profile, using proper compaction and materials.

Nikki Crisp expressed concerns about the road conditions, noting that the road is well-used and that the fix would help.

Jerry Crisp added that the road is narrow, even more so with snow, even without sluffing.

Gary Grant advised that they are the owners of the land.

Julie Grant apologized for the unintended issue and addressed the expired permit, explaining that she had contacted Jesse and was granted permission to continue work under the existing permit once funding became available. She acknowledged that the work went beyond the permit's scope, and upon receiving the notice, they consulted others to find a solution. She stated they used the advice of a professional excavator but could not find an economical solution without additional extensive work. She noted they did not want to proceed until the board approved the fix. She noted that, given the winter constraints and snow season, the best option was to fill the hole with some dirt. The material pulled from the hole had been moved up the hill onto their lot and the ACM road leading to their camper spot was too soft to retrieve the material. She noted the opposite side of the road had sluff material. She stated the road was narrow to begin with and that they did not remove any road surface, though they did work right at the edge of the road. She cleaned up the area, using the sluffed-off material without digging into the hillside. She noted this material was placed in the hole, along with ten yards of fresh 3/4" crush, as the sluff material was insufficient. She noted the fresh material was the same type used on all the roads in the area, and it was compacted with a slope to address the situation before the winter snowfall. She plans to submit a new permit application and has abandoned the idea of building a deck. Instead, she intends to install a professionally built steel staircase to access the water and their floating dock, with the appropriate permits.

Commissioner Teske advised of two options: enforce the code requiring going back to the original condition prior to construction or allow them to move forward with the emergency permit and bring it back to a reasonable standard. **Motion** by Commissioner Duram to restore the lake and its environs to their original condition prior to construction as best as possible. Second by Commissioner Hammons. Jesse confirmed they did call, and the official extension had not been put on paper yet. Commissioner Teske advised they will work with the Planning Department and communicate the required plan that needs to be adhered to. Motion carried.

10:30 AM **Administrative Issues/Old Business: Approve Minutes / Safety Incentive Program Renewal / Resolution 2025-04 Approving Repurchase Agreement for the 2024 John Deere 772GP Motor Grader:** Present was Traci Street.

- Minutes of January 8, 2025, for approval: **Motion** to approve the January 8, 2025, commissioner minutes by Commissioner Hammons. Second by Commissioner Duram. No comments. Motion Carried
- Safety Committee member Corrina Brown noted that the Safety Committee recommends renewing the county's safety incentive program for 2025. **Motion** by Commissioner Duram to continue the program for the coming year. Second by Commissioner Hammons. There was a discussion about how this is a good program that employees look forward to, with advantages apparent through the Montana State Fund and noted that it serves as a model for the rest of the state. No comments. Motion Carried.
- Resolution 2025-04 approving the repurchase agreement for the 2024 John Deere 772GP motor grader: Commissioner Hammons read the resolution. Discussion of this resolution affirming the repurchase agreement of a lease term agreement. **Motion** by Commissioner Hammons to approve resolution 2025-04 for the repurchase agreement of the John Deere motor grader. Second by Commissioner Duram. No public comment. Motion carried.

- Commissioner Duram advised parts are on order and will be installed to fix the old section of the heating system. He is also looking into proposals for the other section. Commissioner Teske will follow up regarding funds.
- Commissioner Duram provided a map of the Sofie Lake corridor study, where a Federal Lands Access Program (FLAP) study is being conducted in relation to the Douglas Hill project and the Iowa Flats intersection. He encouraged public participation.
- Commissioner Duram advised the ARPA grant for the Fairgrounds was stalled due to engineering issues but has now been resolved. He stated a MOU is anticipated from the city of Eureka next week.
- Commissioner Duram questioned why the Eureka crisis team does not have a member. Commissioner Hammons advised the Health Department chair will be open to new membership.

10:45 AM **Public Comment Time – Non-Agenda Items:** Present was Traci Street.

Brenda Boswell, a 64-year resident of Frazey Loop, reported receiving a Health Department letter regarding community decay. She noted that the condition of neighborhood properties is terrible and expressed concerns about roadway access. Paul Boswell highlighted specific incidents of behavior that are causing safety concerns for residents. He also expressed concerns about the lack of adequate plowing and fire equipment access on the roads. Commissioner Teske advised to continue to contact the sheriff's office, and he will visit the site to assess the situation and be in contact.

11:00 AM **Public Hearing – Establish Days/Hours of Operation for County Offices:** Present were Don Truman, Jennifer Callery, Jerry Hanley, Lauren Stoddard, Margaret Truman, Todd Callery and Traci Street.

Commissioner Teske opened the public hearing regarding the annual to establish days and hours of operation for county offices. Commissioner Duram read resolution 2025-05. No comment. **Motion** by Commissioner Duram to approve resolution 2025-05. Second by Commissioner Hammons. no comments. Motion carried.

11:15 AM **Armstrong RV Park Preliminary Plat Extension Request:** Present were Don Truman, Jennifer Callery, Jerry D. Hanley, Jerry S. Hanley, Karen Hanley, Lauren Stoddard, Margaret Truman, Todd Callery and Traci Street.

Jesse Haag, Planning Director, presented a third request for a preliminary plat approval extension; this one for three-years for the Armstrong RV Park, which is set to expire on April 4, 2025, citing this extension is necessary to complete the required road improvements that have been delayed due to threats of litigation and physical encroachments within the shared private road easement. He noted the proposed 23 space RV Park was granted preliminary plat approval on April 4, 2018, along with twenty-two conditions that must be met before the final plan is approved and the park can operate. He noted a site visit. He mentioned a gravel pit has been developed causing concerns with dust; however, DEQ states this is allowable through administrative rules, and he's requested clarification. He noted a well was installed in the mixing zone and that public comment should be submitted to ensure DEQ is aware of specific site concerns. He confirmed the governing body has the authority to grant an extension. He noted Planning Department recommends approving a one-year extension to the final preliminary plat approval to expire on April 4, 2026. **Motion** by Commissioner Hammons to approve the one-year extension per the planning recommendation. Second by Commissioner Duram. There was a discussion about the well possibly in the mixing zone requiring DEQ review. Jesse confirmed they have located a well log for that parcel. Commissioner Duram stated he is against granting an additional extension, as there have been no significant changes to the structure of the property itself, but he will defer to the planning board. Commissioner Hammons inquired about any subdivision covenants. Jesse noted that, after receiving comments, he found no applicable covenants for this parcel. Commissioner Teske requested public comment in *support and then in opposition of a one-year extension*. Don Truman advised that approval was received from DEQ in June 2024, and the well was drilled in September of 2024. He noted the well is located on a larger parcel and placed in the mixing zone out of spite. Don stated that Delbert has worked hard on this process, addressing challenges as they arise. He also mentioned existing easement agreements between property owners and the unfairness of one person having a different threshold for access. Josh Letcher stated that he was part of the planning board when the Armstrong RV Park was first proposed. He explained that a condition at that time required the road upgrade receive approval from all property owners. He added that through the process, this condition was altered *to the best of his ability to get the neighbors on board*. He stated that the developer has made every good faith effort to meet these conditions over the past seven years and should be allowed to continue. He noted the well was drilled in the mixing zone out of spite and the developer has obtained proper approval throughout. Karen Hanley stated that Delbert Armstrong never approached anyone in the area to inform them of putting in an RV park. She said Delbert never came to discuss the work. She mentioned that test holes appeared in the road, and survey stakes were placed on their and their neighbor's properties, indicating an extension of the road to 60 feet. She mentioned Delbert knocked on their door one day to inform them he was cutting down trees for a right of way and she disagreed. She expressed concerns about road dust and noted this had been Border Acres referencing covenants on book 191 page 300. Jerry Hanley owns 2,120 feet of the road. He raised safety concerns regarding potential injuries at the RV Park and the need to protect landowners from being held liable. He emphasized that a road agreement must be approved. He said that junk cars had been moved in, and that gravel had been supplied and spread, but the road needs to be paved to prevent dust. He also expressed concern about dust from the gravel pit with no dust control measures in place. He stated that the neighbors have hired an attorney to stop this development. He was also concerned with a lack of restrooms. Commissioner Teske read the twenty-two conditions of approval. He stated the motion is for a one-year final extension. Lauren Stoddard expressed concern with development of a road taking her fence and she noted property owners can alter road use agreements. She feels this RV Park would impact the enjoyment of their properties. She has concerns about personal and professional slander resulting from declining to cooperate and would like to see this project closed. Jesse Haag advised this parcel was not subdivided as part of Border Acres. Commissioner Teske noted the decision is whether to extend this preliminary plat for one year. Commissioner Hammons and Commissioner Teske voted in favor. Commissioner Duram abstained from voting against. Motion carried.

12:15 PM **Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Brent Teske, Chairman

**ATTEST:** \_\_\_\_\_

Corrina Brown, Clerk of the Board