

March 31, 2021

The Lincoln County Board of Commissioners met for a regular session on March 31, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Peck, County Administrator Patrick McFadden and Clerk and Recorder Robin Benson. Commissioner Letcher was excused.

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

10:00 AM **Department Head/HR Training:** Present were Marcia Boris, Jay Sheffield, Darren Short, Mike Bradeen, Marc McCully, Dave Kyriss, Jennifer Nelson and Brent Teske. Nikki Meyer and Ray Stout were present via phone. County Administrator Patrick McFadden informed department supervisors that he has scheduled a block of time every Tuesday for budget meetings with department heads as the county moves into preliminary budget planning for FY 21/22. Patrick explained there is MACo required HR training regarding workplace behavior. The HR Department will be sending links of short videos to department supervisors as ongoing supervisor training.

10:30 AM **Administrative Issues:** Present were Scott Lennard, Arlene Elletson, Cheri Dunbar, Martin Dunbar, Derrick Perkins, and DC Orr. Nikki Meyer and Ray Stout were present via phone.

- Commissioners signed an acknowledgement verification of delivery of the snowplow truck at the Libby airport.
- Patrick submitted Resolution 2021-06 to the commission for approval. Resolution 2021-06 prohibits arms on the second floor of the Lincoln County Courthouse building and the first floor of the Lincoln County Annex Building. **Motion** by Commissioner Peck to approve Resolution 2021-06. Second by Commissioner Bennett, motion carried. *All resolutions can be viewed on the Lincoln County website at [www.lincolncountymt.us](http://www.lincolncountymt.us) under Clerk and Recorder.*
- Patrick shared Resolution 2021-07 Appointment of Public Administrator and Resolution 2021-08 Treasurer/Supt. of Schools for commissioner review. The commissioners requested the resolutions to be placed on the commissioner's agenda for discussion and approval.
- Robin submitted the minutes for March 9 and March 24, 2021 for approval. **Motion** by Commissioner Peck to approve minutes for March 9 and 24, 2021 as submitted. Second by Commissioner Bennett, motion carried. Commissioner Bennett explained that he was invited to the breakfast meeting on March 9<sup>th</sup>. The meeting was not public noticed which was in violation of code and he acknowledges that. Commissioner Bennett said that no decisions were made during the March 9 meeting. Commissioner Peck clarified that the meeting evolved from him having breakfast with Mayor Carr. There was no secret intent and if there were, it would have been held at a public restaurant. Commissioner Peck said he agrees the meeting violated open meeting rules and clearly was not advertised. Commissioner Peck personally apologized to the dispatch board members in attendance and to the citizens of Lincoln County.
- Robin briefed the commissioners on the upcoming District Board Training on May 12, 2021. Approximately 39 boards have been contacted and invited to attend. Robin said trainings are scheduled in Libby and in Eureka.
- Robin informed the commissioners that nobody has applied to serve on the Tax Appeal Board and although she is not well versed on the statutes that apply, counties are required to have a Tax Appeal Board. Robin explained the Tax Appeal Board only meets if someone files the proper paperwork to appeal their property assessment from the Department of Revenue. Patrick commented he offered to serve but after visiting with Robin, decided that may be a conflict with his position as finance officer for the county. Commissioner Peck asked who the responsibility defaults to if nobody applies. Robin said if nobody applies, she believes the commissioners need to appoint to establish an active board but will conduct further research to verify process and bring it back to the commission.

10:45 AM **Public Comment:** Present were Scott Lennard, Arlene Elletson, Cheri Dunbar, Martin Dunbar, Derrick Perkins, and DC Orr. Nikki Meyer and Ray Stout were present via phone.

DC Orr said he hopes commissioners are well versed in the open meeting laws; it is a criminal offense. DC commented the Board of Health, Port Authority Board and the Troy Dispatch Board have a rich history of misappropriating public money and conducting secret meetings. DC said the commissioners do swear an oath to do their jobs, everyone makes mistakes, but this has come up time and time again and these kinds of things erode public trust. DC said he has been making a list of these meetings and will request a county attorney opinion.

Martin asked if there were any answers to Scott Lennard's questions that were submitted last week. Commissioner Bennett commented that he does not have complete answers, but we are working on it. Arlene expressed frustration that they have been waiting for answers for 11 years. We are taxpayers and the dust is already starting; this needs to end. Arlene added that Dr. Black did state this issue was a health issue and the residents have been coming to the health board and commissioner meetings for 11 years and still nothing has been done. Get it done, 11 years is ridiculous, and we don't know where else to go other than the health board and commissioners. Martin said there is no excuse for no action and questioned who is going to fix this if new commissioners come in. Scott questioned if the county caused the problem, the county should take it on and fix the problem. Scott expressed this is a special case/issue because it has been deemed a health hazard by the county. Commissioner Peck commented that there is a homeowner's association and a road use agreement. We need to set up a meeting with the homeowner's association and that is something we can do. Martin asked about a meeting that was not noticed. Commissioner Bennett said the meeting was a DNRC meeting, not set by the county.

**Scott Lennard submitted the following document:**

3/31/21

I would like to add this response and omission from the notes I had included in last week's commissioners meeting. 3/25/21

I had neglected to add a very important point to my presentation page last week.

We have been told for the past many years that the county feels that they could not pave and take over the Panoramic View road because other people in Lincoln county with dirt roads near their neighborhoods would want the county to fix their roads. My response to that would be that if the county was negligent in approving a road through or near their neighborhood then the county SHOULD be responsible to remedy their errors and fix their roads also.

The unique case involving the Panoramic View road is that both Jerry Bennet and Mark Peck have stated that the county should never have approved the Panoramic View Subdivision back in 2010 with no dust control measures required by the developers. The other thing that stands out and makes this case very unique is that the Lincoln County Health Officer, Brad Black has deemed this road dust on the Panoramic View Road to be a serious health hazard. We are very tired of waiting (11 years) and want a permanent fix such as chip sealing or paving the road so we no longer have to be subjected to a serious health hazard. No more stalling, no more future meetings, no more future discussions, no more waiting on abatement order rulings, and no more band aid fixes. Something needs to be done NOW!

Scott Lennard

**11:00 AM Bid Opening for the Libby Airport Project:** Present were Aaron Oberlitner, Chris Noble, Frank Tabish, Bill Caldwell, Martha Hendrickson, Nigel Davis, Josh Williams and Derrick Perkins. Ray Stout present via phone. Nigel explained the criteria to be met for bids to qualify and checked each bid as he opened them individually.

Bids received as follows:

Schellinger Construction out of Columbia Falls - \$2,106,273.00

Noble Excavating out of Libby - \$2,215,640.52

Knife River out of Kalispell - \$3,288,353.00

LHC Incorporated out of Kalispell - \$2,366,768.00

Nigel Davis representing Morrison Maierle said they will review the bids and make a recommendation to the commissioners.

Commissioners signed a drawdown for the Snowplow, already approved.

**11:15 AM Extension Services/Svea Jorgenson:** Cancelled

**11:30 PM Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Jerry Bennett, Chairman

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