

October 27, 2021

The Lincoln County Board of Commissioners met for a regular session on October 27, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Teske, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

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

9:45 AM **Garden Road Residents, Issue Blocked Flood Plain:** Rescheduled for November 3, 2021.

10:00 AM **Public Comment Health Board Appointment Reconsideration:** Present were Pierce Barney, Jennifer Curtiss, Deb Armstrong, Rita R. Stevens, Rebecca Nelson, Rita Purdy, Ray Stout, Veronica Bovee-Anderson, Timothy Hoover, Cyrus Lee, Miles Plemmons, Dianne Hansen, Angela Miller, Arvid Miller, Catherine Kahle, Ed Kahle, Gary Crandall, Evan Comella, Mike France, Kristie Eggebrotten, Brenda Erwert, Alan Erwert, Sandra Kenelty, Sherri Roberts, Shawn Smith, Dawn Smith, Todd Butts, Danny Smith, Don Truman, Kurt West, Ed Braaten, Lenore Burgess, Amanda Gleason, Bob Stumvoll, Keri Hurst, Amy Casazza, Rose Casazza, Dave Flagtwet, Julie Flagtwet, James Handy, Mary Handy, Diane Rewerts, Samantha Pyle, Maria Clemons, Kerry Beasley, Jane Maahs, Kathleen Roth, Rita Gillan, Sarah Sorensen, Douglas Crum, Ruth Fenn, Susan Horelick, Carolyn Parsons, Ray Reisman, Janet Ivers, Sue Janssen, Mike Rooney, Mary Handy, Duane Williams, Jennifer Nelson, Marshall Martin, Dori Linnell, Jim Seifert, Gary Roberts, Erick Dickinsen, Jacqueline Johnson, Michael Powell, Kris Newgard, Julia Wroble, Sandra Kenelty, Sherri Roberts, Dawn Smith, Peter Kitts, James McGlasson, Mike France, Rod Rogers, David Hoffman, Marber K. Randall, Alvin Randall, Pat Hanson, Maury Anderson, Krissie L. Jeresek, Jon Jeresek, Diane Watson, Betty T. Ward, GayLynn Blanchard, Bernie Cassidy, Susie Rice, Amelia Smart and Bri Hilyer, and Derrick Perkins.

Paula Darko Hensler spoke on behalf of Dr. Rice: I have been a resident of Libby as long as Dr. Rice which is 44 years, we came the same year. I also served in the legislature for 5 terms, total of 10 years. I served on the Libby School Board for 5 years. I am retired and have been for a while and am enjoying retirement. I come to speak today on behalf of Dr. Rice. The reason that I felt it important to come and talk today is I want to reiterate the role of the health board to the commissioners. They are advisory. In my role as a representative of a lot of Lincoln County and also the school district, I did not profess to know everything, and I didn't. The health board are the experts that you go to for counsel. Elected officials need to do that. The health board should be A-Political, they should be non-partisan and I think most of their decisions are non-partisan, and that's happened here. You can have your political decisions when you make your decisions, but the health board should be based on sound science and also expert advice. Dr. Rice knows the health care concerns of the south end of the county which is about $\frac{2}{3}$ of the population. He is a clinical associate professor in the Department of Family Medicine at the University of Washington, he is also a member of the American Academy of Family Physicians, he is highly, highly qualified as far as medical experience, how to handle people, and he talks to people, he is involved in the community. Currently, based on last census and this year's census has not been revealed, but south Lincoln County has about $\frac{2}{3}$ of the population. If you keep the board as it is, the south end of the county will now have three people representing it and the north end of the county will have four. That concerns me a lot because as a person I would not come to you if I had a health board concern, I would go to the health board. And I would talk to them and that makes it very difficult for $\frac{2}{3}$ of the people if they only have less than half of the representation. That fact of equal representation is very, very important. You want to have your voice heard, you want to have access to your official on the health board and that will be very difficult for people. A lot of the people in north end of the county go to Kalispell for their health needs. I just really encourage you to reconsider your decision, I know that you are not going to take action on his appointment today, but I really do feel Dr. Rice is the best person, is the most qualified and will make the representation of the board a lot more equal. And like I said, I can't reiterate enough what being an elected official and representing your constituency and constituency is really important and $\frac{2}{3}$ of the constituency is here with less than half the representation on the board.

I really appreciate your time and wish you good luck with your difficult decision and hopefully you will consider what I have to say and numbers of people that you can put out here, that's important. The facts are what is most important and that is what you should make your decision on, that facts, not opinions, the facts, and the facts are he is highly qualified, and we have $\frac{2}{3}$ of the population here in the southern part of the county and less than half the representation on the board. Thank you very much, good luck.

Jesse Hunt spoke on behalf of Dr. Carvey: I live in Libby. After knowing her, she is a quality individual, she is pro-life, that says a lot to me, that she is pro-life. With the care given at the Care Center with the covid infected people in Eureka, she has like 100% perfect track record. And I understand that she has been accused of treating people with horse, some type of antibiotics, but Ivermectin originally was designed for human consumption. So, there is a lot of disinformation going around and I don't know why the other side doesn't want to accept that but let's compare track records with the two individuals that are represented here today. I believe the track record goes to...the winner is Dr. Carvey in Eureka. I do understand after talking with her, she is going to open up her own private practice which says a lot and there is reason why tons of people from Libby travel all the way to Eureka and they have selected her as their doctor. She is a very compassionate individual. I think that her selection to this board is going to be tremendous and everybody in this whole county will be adequately represented if she is on the board. We could go on & on. Her selection will be an asset for this county. Thank you.

Commissioner Bennett asked people in attendance who wanted to speak to come to the podium, write your name on the sign in sheet, to please just state your name, where you are from and your preference. We will get through this if it is done orderly.

There were approximately 100 people who stated their names, what part of the county they were from, resulting in very close preferences between Dr. Carvey and Dr. Rice to fill the health board vacancy.

Rita Gillan expressed disappointment in how the meeting was held.

Commissioner Bennett commented the commissioners have received approximately 250 emails and the commissioners has had time to read those comments, plus the comments today, and expressed the commission should make the decision today.

Commissioner Letcher expressed appreciation of all the people showing up from all sides of the county; a good representation of who our county is.

Commissioner Bennett commented that he hopes to continue this process. We have a Ripley Project going on that affects thousands of people that we need comment on, we need comment on the county budget as examples. This is a great process, some will walk away happy, some will not. Commissioner Bennett said he recently reviewed the constitution and the rights of sovereignty, Article/Amendment 10.

Motion by Commissioner Letcher to uphold the previous vote to appoint Dr. Carvey to serve on the Board of Health. Second by Commissioner Teske, motion carried unanimously.

Paula Darko Hensler expressed that she is very disappointed. Two thirds of the county lives on the south side and does not feel the district was represented.

Commissioner Bennett said he voted to represent the county as a whole and has talked with the Board of Health regarding representation and to lay it out in the bylaws, but that, as of yet has not been done.

Mike France thanked the commissioners for revisiting this and commented that it is a long game. Mike said he believes in limited government and the constitution.

10:25 AM Public Comment Time: The public comments from the 10:00 AM meeting flowed into this timeslot. There were no other public comments.

10:45 AM Administrative Issues: Present were Mike France, Evan Comella, Kathryn Witt, Rebecca Nelson, Derrick Perkins and Ray Stout.

- Robin submitted the minutes for October 20, 2021 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried.
- Tom Lane talked about a coordinated effort with private landowners and County Forester Jennifer Nelson regarding a fuel reduction program in the Bobtail Area between October 27 and November 10 depending on weather. Notifications will be posted on the Emergency Management FB Page and the Code Red system.
- Troy Road Supervisor DJ Welch informed the commission that he will be purchasing a dump truck for \$206,375. DJ said purchase cost is budgeted this fiscal year, but he will not receive the truck until fall of next year. Commissioners agreed the truck is necessary and thanked DJ for keeping the commissioners informed.

11:00 AM Resolution for Road and Bridge: Present were Finance Director Wendy Drake, Mike France, Evan Comella, Kathryn Witt, Rebecca Nelson, Derrick Perkins and Ray Stout.

Wendy submitted Resolution 2021-36 and explained the changes to the resolution was a name change from the former county administrator to herself, giving authority to facilitate the distribution of funds. Resolution 2021-36 voids Resolution 2021-26 in its entirety, and there is an appendix attached outlining the estimated cost of the District 3 Road Resurface Project. **Motion** by Commissioner Teske to approve Resolution 2021-36 as presented. Second by Commissioner Letcher, motion carried unanimously.

11:30 AM Planning / Elk View Minor Subdivision Review / Courteau-Lakeshore Construction Permit Bull Lake: Present were Planning Consultant Kristin Smith, Brett McCully, Cody Jensen, Evan Comelle, Kathryn Witt, Mike France, Derrick Perkins, Rebecca Nelson and Ray Stout.

Elk View Subdivision located across Highway 37 from the Town of Rexford. Kristin reviewed the Subdivision Report with the commissioners. Recommendation from the planning board is approval with 13 conditions. Commissioner Letcher said that Madden Lake Road is not a county road, and the county does no maintenance. The group discussed the homeowner's association and road maintenance responsibilities. Cody commented that a road maintenance agreement will be part of the final plat.

Motion by Commissioner Letcher to add a condition to have Madden Lake Road to be upgraded to county road standards regarding the width, but not changing the grade. There will be 14 conditions instead of 13. Second by Commissioner Teske, motion carried unanimously.

Kristin suggested language clarification that lots become part of the Road Users Association, adding another condition for a total of 15 conditions for approval. **Motion** by Commissioner Letcher to add a condition that all lots must become part of the Madden Lake Road Users Association and covenant language to reflect that. Second by Commissioner Teske, motion carried unanimously.

Motion by Commissioner Teske to approve preliminary plat for Elk View Subdivision subject to 15 conditions, based on the staff report and Planning Consultant recommendations. Second by Commissioner Letcher, motion carried unanimously. **Planning Staff Reports are available to the public from the Planning Department upon request.**

Courteau Lake Shore Construction Permit: The project is located on lot 36 of Bull Lake Estates and is a placement fill type of project. Kristin submitted and reviewed the Planning Department Letter of Completion and explained the lakeshore construction permit processes. Planning staff recommends approval with 5 conditions. **Motion** by Commissioner Teske to approve the Courteau Lake Shore Construction Permit subject to 5 conditions and based of planning staff project report and recommendation. Second by Commissioner Letcher, motion carried unanimously.

12:00 PM **Break**

1:30 **ARPA Discussion:** Present were Wendy Drake, Kathi Hooper, Sheriff Short, Undersheriff Faulkner, Ray Stout and Will Langhorne.

Finance Director Wendy Drake submitted the following spreadsheet for discussion: Wendy commented the spreadsheet is not complete and is still updating it.

American Rescue Plan Act (ARPA)					
Funding Received	Funding Anticipated	Requested Projects	Amount Requested	Remaining Funds	Reuested by
\$ 1,940,440.00	\$ 3,880,881.00				
		Solid Waste Landfill Expansion	\$ 900,000.00	\$ 2,980,881.00	Solid waste
		Health Department Mobile Vaccine Van	\$ 95,000.00	\$ 2,885,881.00	Health Department
		County Fairgrounds	\$ 600,000.00	\$ 2,285,881.00	Commissioner Letcher
		Sheriff's Office Transport Van	\$ 50,136.95	\$ 2,235,744.05	Sheriff Office
		Election Center	\$ 36,800.00	\$ 2,198,944.05	Clerk and Recorder
		Treasurer's Office	\$ 2,000.00	\$ 2,196,944.05	Treasurer
		Interbel Fiber Project	\$ 300,000.00	\$ 1,896,944.05	Interbel
		District Court System	\$ 20,000.00	\$ 1,876,944.05	District Court
		Glen Lake Irrigation		\$ 1,876,944.05	
		Kootenai Falls	\$ 20,000.00	\$ 1,856,944.05	Commissioner Letcher
		Resource Guide	\$ 5,000.00	\$ 1,851,944.05	Health Department
		Electronic Health Record	\$ 20,000.00	\$ 1,831,944.05	Health Department
		Performance Management System	\$ 3,000.00	\$ 1,828,944.05	Health Department
		Vehicle Upgrade Health Department	\$ 70,000.00	\$ 1,758,944.05	Health Department
		Online Inspection System	\$ 10,000.00	\$ 1,748,944.05	Health Department
		Healthy Homes Program	\$ 10,000.00	\$ 1,738,944.05	Health Department
		Air Curtain Burner	\$ 135,000.00	\$ 1,603,944.05	Health Department
		Libby Creek Community	\$ 400,000.00	\$ 1,203,944.05	Neighbor Works

\$ 1,248,000.00

Wendy said she viewed a webinar today and it appears efforts are still being made to allow the ARPA fund criteria less restrictive. The county has until December 31, 2024 to allocate funds and funds need to be spent by 2026.

Sheriff Short put out bids for a transit van, commenting that an AWD is the best option since it will be used year-round. There is an urgency because Ford is cutting off ordering transit vans this Friday. There is ability to subcontract and coordinate with other counties for transit and potentially billing for those services. Commissioner Bennett requested a letter outlining how the van corelates with covid safety and ARPA guidelines. Sheriff Short explained how a transit van allows for separation and safety during transports. Sheriff Short supplied 3 separate bids from 3 different Ford dealerships.

Motion by Commissioner Letcher to approve the Sheriff's Office to buy a transit van from ARPA funds contingent on letter as requested. Second by Commissioner Teske, motion carried unanimously.

Kathi explained the need for a Health Department Mobile Vaccine Van. Kathi would provide a quote to the commissioners. Commissioner Bennett commented to approve the van purchase based on quotes received. **Motion** by Commissioner Teske to approve van for the health department as presented based on bid/quote information. Second by Commissioner Letcher, motion carried unanimously.

Kathi said she is wanting to go out to bid for the Air Curtain Burner. The air curtain burner allows for disposal of the majority of wood waste without impacting air quality or requiring a landfill burn permit. The commissioners agreed to move forward with the Air Curtain Burner bid process.

Performance Management System enhances grant reporting, strategic planning implementation and performance. There are a lot of grants in public health. Commissioner Teske asked if other departments that receive numerous grants may be able to use the system. Kathi was not sure but will let the commissioners know.

Kathi explained the Resource Guide and cost to build the website. The resource guide app/website allows people to access anytime, anywhere with the constant ability to update information.

Motion by Commissioner Letcher to approve the Online Resource Guide and Performance Management System for the Health Department through the ARPA funds program as presented. Second by Commissioner Teske, motion carried unanimously.

Kathi commented there are a couple of ARPA fund requests not represented on the spreadsheet. Wendy said she is still updating it.

Motion to approve the District Court system for \$20,000 through ARPA funds. Second by Commissioner Teske, motion carried unanimously. The use of a smartboard allows for remote appearances and social distancing regardless of the location of a party. A party can still view and engage with the same information as those in the courtroom. The fact that criminal matters have a timeline by which to be heard, denies the opportunity to postpone trials until a “safer time” and the judicial system is forced to proceed.

Motion by Commissioner Letcher to approve the balance of the Election Center of \$36,800 through ARPA funds. Second by Commissioner Teske, motion carried unanimously. Wendy commented the \$36,800 is the balance after the HAVA Grant. Original cost was approximately \$60,000. ARPA funds would be appropriately used for adapting the approximately 1800 square feet space in the County Annex building for an election center. Priority will be focused on integrating COVID 19 mitigation protocols as recommended by the CDC specifically for voting areas.

Motion by Letcher Commissioner to approve the Treasurer’s Department equipment request of \$2,000 through ARPA funds. Second by Commissioner Teske, motion carried unanimously.

Commissioner Bennett noted there is currently legislation for allowing counties to use the funds for budget purposes next year and suggested holding over some funds for that purpose if necessary.

Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board