

September 1, 2021

The Lincoln County Board of Commissioners met for a regular session on September 1, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Teske, 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**.

10:00 AM **USFS Update:** Cancelled

10:30 AM **Administrative Issues:** Present were Derrick Perkins and Ray Stout.

- Robin submitted Resolution 2021-28 to create a cemetery board for the management of the Fortine/Trego Cemetery District. The resolution was requested by Commissioner Letcher. Robin explained that the county never officially created the board after the property was deeded to the county in 2014.
- The commission approved and signed a letter of support for the Beaver Creek Private Land Access proposal which would provide access to private land through Forest Service land if approved. Letter was submitted from Commissioner Letcher. **Motion** by Commissioner Letcher to approve and sign letter of support as submitted. Second by Commissioner Teske, motion carried unanimously.
- Robin talked about advertising for the County Tax Appeal Board (CTAB), commenting she spoke to a Montana Tax Appeal Board Member (MTAB) regarding reimbursement for the board members for training and meeting time as well as travel expenses. Robin said the public notice will include information about reimbursement benefits for board members.
- Robin submitted the minutes for August 18, 2021 closed meeting for approval. **Motion** by Commissioner Letcher to approve August 18, 2021 minutes as submitted. Second by Commissioner Teske, motion carried unanimously. Robin submitted the minutes for August 25, 2021 regular meeting for approval. **Motion** by Commissioner Teske to approve August 25, 2021 minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.

10:45 AM **Public Comment Time:** Present were Fred Neth, Michele Neth, Pamela Monroe, Derrick Perkins and Ray Stout.

Pamela asked about location of vaccination scheduling or vaccination clinics. Commissioner Bennett said the county nurse is in Eureka every Tuesday and appointments can be made.

Pamela asked where the public notice will be placed for the Tax Appeal Board vacancies. Robin commented she will be placing the ad in the Tobacco Valley News and The Western News.

11:00 AM **Bid Opening / Sale of CAT Loader/Libby District:** Present were HR Director Dallas Bowe, Lerah Parker, Jim Mitchell, James Bender, Russ Gautreaux, Susan Yarger, Dennis Cady, Carla Cady, Tony Petrusha, Janell Stegman, Pat Laveway, Mike Laveway, Lee Stegman, Wayne Yarger, Robert Sappe, Dean Ziegler, Katie Castleton, Veronica Bovee-Anderson, Kermitt Miller, Deloris Miller, Derrick Perkins, and Ray Stout.

One bid received as follows:

\$45,000 Sapphire Construction Services, LLC.

**Motion** by Commissioner Teske to accept bid from Sapphire Construction Services, LLC for \$45,000. Second by Commissioner Letcher, motion carried unanimously.

11:30 AM **Highway 37 Speed Discussion:** Present were Lerah Parker, Jim Mitchell, James Bender, Russ Gautreaux, Susan Yarger, Dennis Cady, Carla Cady, Tony Petrusha, Janell Stegman, Pat Laveway, Mike Laveway, Lee Stegman, Wayne Yarger, Robert Sappe, Dean Ziegler, Katie Castleton, Veronica Bovee-Anderson, Kermitt Miller, Deloris Miller, Derrick Perkins, and Ray Stout.

*Lerah submitted and read the following letter:*

September 1, 2021

Commissioners,

We the citizens of Libby, Montana are experiencing many difficult driving situations every day on highway 37 regarding our safety and the animal safety.

#1. The number of residents who have to access the highway from their home is increasingly dangerous because of the high speeds and blind corners. M&K village alone has 70 people plus homes which means approximately 140 people. We have many stories from these people about their travels to Libby daily trying to get on and off the highway.

#2. Passing steady in the passing areas are exceeding 85+ miles per hour and passing in the double yellow line is on the increase because of the many people doing 55-60 miles per hour because of age and tourists trying to enjoy the beauty of the Kootenai river and area. We are experiencing people riding on bumpers trying to get us to pull over because they are in such a hurry. This starts road rage. This was told to me by Michelle and Fred Evans. Michelle had someone come up really close to them and kept following them to town. She became very scared and went out of her way to lose them in town, she finally drove to the police station and they went around her.

#3. The rising number of people on highway 37 whether it is work related at the forest service, the dam, WR Grace, railroad workers and the truck traffic on this section of the highway from the Canadian transport, garbage trucks from Eureka and logging equipment increases the danger because of speed. This also includes recreational traffic including RVs, trucks/boats, and tourists traveling to Lake Kooocanusa on the Kootenai River and Fisher River for recreation. Congestion needs traffic control.

#4. Wildlife is increasing and Yes they think they own the road. The deer, elk, bear, bighorn sheep, and turkeys are injured or killed because traffic has no reaction time to slow down or stop. This causes many vehicles to be wrecked, damaged, or totaled due to collision with wildlife and possible injuries to driver and/or passengers. Currently, there are 25 white crosses located within this highway area.

We, the committee of this petition, have heard many stories from the concerned citizens of Libby, Montana. When asked about the speed limit adjustment, Mr. Richard Fox, the Highway 37 mailman said "it is way too fast going 70 miles per hour." He commented

"changing the speed limit to 55 is definitely necessary" and was pleased to support the petition. He said "the reduction of speed would make my job a lot easier."

People from M&K village said because of the blind hill by the Libby Dam RV park when they pull onto Hwy 37 the traffic is right on their bumper as they pull onto the highway when going into town and when they come home, turning left into the village. People come around the corner behind them at very high speeds. Sometimes hitting the ditch to get around them because they can't stop.

The trailer park on Hwy 37 has always been a hot spot for deer, bear, turkeys, and bighorn sheep that cross the highway to get to the fruit trees on the other side. Just this year we are aware of a bear, a bighorn sheep, and several turkeys being hit and killed in this area. Which has also caused drastic damage to vehicles/ motorists involved. In addition, a wolf was spotted crossing the road just this week in the area at the 3.6 mile marker.

In conclusion, please help us to make this area a safer place to travel, like they are doing at the Kootenai Falls area on Hwy 2.

We would like to see this speed adjustment to be made before the winter conditions hit us again. Thank you again for your time and consideration. Sincerely, Petition Committee

Jim Mitchell commented the petition has 225 signatures from one week only of gathering and every person has a story. Commissioner Bennett said he will pass the petition on to the highway department.

Russ Gautreaux commented he has lived off of Hwy 37 for forty years and supports the speed reduction.

Lerah clarified that approximately 90% of the signatures on the petition live on Hwy 37.

Wayne Yarder expressed concern regarding the increased traffic and congestion.

Dennis Cady expressed concerns that senior citizens tend to drive slower and commented about the amount of lost game, stating we are animal lovers. Dennis said his neighbor was actually in the highway trying to slow traffic, but eventually all the big horn sheep were killed.

Lee Stegman talked about the mile marker 9 area where passing takes place, that vehicles can be in excess of 80-90mph, which is a big safety concern.

Dennis Cady said he has seen a lot of boating/fishing vehicles passing even where double lined.

Commissioner Bennett said he can request extra trips in the area by law enforcement.

Veronica Bovee-Anderson submitted a Letter of Support for the speed reduction from the River Runs Thru It Subdivision Homeowners Association. Veronica also expressed safety concerns regarding no turning lanes near Em Kayan Village.

Dean Zigler said he spends a lot of time on the river and it can be difficult to pull out with people traveling at 70mph; commenting he personally knows of 3 car wrecks.

Pamela asked if a speed study has been conducted related to increase traffic accidents in the area in question.

Commissioner Bennett explained this is the preliminary step to request the speed study.

Janell Stegman commented on the lack of reaction time to stop when traveling at 70mph.

Tony Petrusha talked about how times have changed and 70mph is now too fast. The speed needs to come down and meet crowded conditions

Robert Sappe expressed concerns about people who stop in the road to look at the sheep and mentioned excess debris falling into the highway at the rock face.

Veronica Bovee-Anderson asked about a timeline and next steps for moving forward.

Commissioner Bennett said he will make contact with the highway department in Kalispell and explained that unfortunately it is not a quick process. Commissioner Bennett explained that the county has asked for 4 speed studies in other areas and two were approved and two were not. Commissioner Bennett said he will give Lerah a direct phone number and said there may be options the county could pay for an engineer to do a study, but it is costly.

Wayne Yarger asked about the flashing sign in Sanders County warning of sheep ahead and could we get something similar.

Russ Gautreaux asked what the rationale would be for the state to deny the reduced speed request.

Commissioner Bennett explained that one county request was denied; the general information was the speed limit was adequate for the curve of the road. Commissioner Bennett expressed to the group in attendance that you are all doing the right thing and to check back in about 30 days and he would make contact with the highway department today.

The Commissioners expressed they are supportive of this effort.

Pat Laveway commented that we are just trying to save our friends and family

Commissioner Bennett commended everyone in attendance and expressed appreciation to everyone for the work going into these efforts.

#### 12:00 PM **Break**

1:30 PM **Preliminary Budget Hearing:** Present were Wendy Drake, Dallas Bowe, Will Langhorne and Ray Stout.

Wendy submitted the Fiscal Year 2021-2022 Tax Levy Requirement Schedule to the commissioners, commenting the budget is balanced for this year. Wendy clarified the spreadsheet reflects the levied funds only and does not reflect non-levied funds. Final budget is scheduled on the agenda next week.

**Motion** by Commissioner Teske to approve the preliminary budget as submitted. Second by Commissioner Teske, motion carried unanimously.

Commissioner Bennett thanked the finance department for their work.

2:00 PM **Resolution to Rescind Emergency:** Present were Will Langhorne and Ray Stout.

Commissioner Letcher read Resolution 2021-30, a Resolution to Rescind Declaration of Emergency Enacted by Resolution 2021-25. Lincoln County Commissioners agree the State of Emergency no longer exists for Lincoln County.

**Motion** by Commissioner Letcher to approve Resolution 2021-30 as presented. Second by Commissioner Teske, motion carried unanimously.

#### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Jerry Bennett, Chairman

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