

August 12, 2020

The Lincoln County Board of Commissioners met for a regular session on August 12, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, Commissioner Bennett, Commissioner Letcher and Clerk and Recorder Robin Benson. County Administrator Patrick McFadden was excused.

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

10:00 AM **Health Department Update:** Present were Kathi Hooper, Jennifer McCully, Bryan Alkire, Sheriff Darren Short, and Derrick Perkins. Also present via phone conference were Ray Stout and Nikki Meyer.

- **Public Health:**

**Systems Improvement Grant:** Jennifer submitted a contract amendment to be signed by the commissioners. The only change is extending the date of contract to December 31, 2020. **Motion** by Commissioner Bennett to approve the contract amendment until December 31, 2020. Second by Commissioner Letcher, motion carried unanimously.

**Troy Nursing Staff:** The Troy School District has requested help with nursing services at Troy Schools. Jennifer is asking to hire a Covid-19 Health Education Specialist to work directly with Troy Public Schools. The position will be paid by using some of the Cares Act funding for Covid-19 Health Education. **Motion** by Commissioner Bennett to approve a Covid-19 Health Education Specialist for the school year to assist with Covid-19 services to the Troy Public Schools. Second by Commissioner Letcher, motion carried unanimously.

**COVID Update:** Updates are provided to the public every Monday. Jennifer briefed the commissioners regarding testing in Lincoln County.

- **Environmental Health:**

**Event Planning:** Kathi said she is working with organizers of local events. There are several events that have cancelled. Kathi commented that the Health Department has not denied any applications to hold events, organizers are cancelling on their own.

- **Solid Waste & Recycling:** Alford Wright, gatekeeper at the landfill is retiring after 32 years working with the landfill. Alford is the longest (years of service) employee at the landfill.

- **Greenbox Sites:**

**O&M Update: O&M update for the asbestos cell.** Bryan said there is a real need for public education regarding superfund rules and federal and state rules for compliancy and he will continue working on this.

**West Kootenai Site Prep:** Fencing scheduled for September.

**Happy's:** Kathi said she has not been able to find a gatekeeper. Kathi commented that overfill is creating issues and she is looking into options for better oversight. Fencing and gating are being discussed. Kathi said she would like to discuss combining Happy's and McGinniss sites.

- **E-Waste Recycling** ends today.

Kathi said we are continually looking at **refuse assessments** and are having discussions with trailer court and RV Park owners.

10:30 AM **Administrative Issues:** Present were DC Orr and Derrick Perkins. Also present was Ray Stout and Nikki Myer via phone conference.

- Robin presented the minutes for August 5, 2020 regular meeting for approval. **Motion** by Commissioner Bennett to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- The commissioners signed a Letter of Support for Flathead Valley Community College GEER Grant Application providing opportunity to build the Workforce Training Center on the Lincoln County Campus.
- Sheriff Darren Short submitted the final paperwork for the 9-1-1 Grant Program Contract for the 9-1-1 Next Generation Grant. Grant amount is for \$75,475.00 for Next Generation GIS data conversion. **Motion** by Commissioner Bennett to approve the 9-1-1 Next Generation Grant Contract as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Peck said the Libby Shooting Range Club has requested expanded hours. The forest service has approved the expanded hours of operation. The amendment to the current agreement is to expand hours of operation in the evening during the summer. **Motion** by Commissioner Bennett to approve the contract amendment expanding hours at the Libby Shooting Range. Second by Commissioner Letcher, motion carried unanimously.

10:45 AM **Public Comment Time:** Present were Representative Steve Gunderson, DC Orr, Marv Sather, Tina Oliphant, and Derrick Perkins. Present via phone conference is Ray Stout and Nikki Meyer, Eureka.

Mr. Orr said he was encouraged by all the support of the Back the Blue effort in Libby, stating it is successful because we have good law enforcement and they have good support.

Mr. Orr expressed frustration that our governor has put the county attorney and the health board in authority over Covid-19 enforcements. Mr. Orr said that although the health board was disbanded due to corruption and restructured, the corruption has never been removed. Mr. Orr expressed the health boards lack of integrity also reflects on commission integrity. Mr. Orr said he is not allowed to ask questions or receive any answers to questions. There is no enforcement with integrity. There have been problems for the last 3½ years and there has been no steps taken to correct those problems. Mr. Orr expressed that it is wrong for the county attorney negotiating with a deputy county attorney that also serves the Board of Health without any public accountability.

Marv asked about the Southern Pine and asked how it may impact the division of Stimson and access. Commissioner Peck said he has talked with Stimson and they have backed off future plans of major purchases in Lincoln County. Southern Pine does provide updates and have been good to work with. Representative Gunderson agreed that Southern Pines have committed a two-way communication that we never had before.

**11:00 AM Public Assessment of CDBG Programs/Tina Oliphant:** Present were Representative Steve Gunderson, Will Langhorne, Tina Oliphant and Marv Sather.

Tina said she is here on behalf of the Kootenai River Development Council (KRDC) and is requesting an informal agreement to organize a needs assessment at the county level, necessary for access to public funds through CDBG grants that may apply. Tina would like to do this on behalf of Lincoln county to be prepared in advance prior to looking at potential fund opportunities. Tina said she will organize a public meeting for feedback prior to submitting an application. Commissioner Bennett commented that Troy and Eureka would need to be included in the public notice.

**11:15 AM WR Grace Construction Update/Tony Penfold:** Present were Representative Steve Gunderson, Will Langhorne, Derrick Perkins and Marv Sather.

Tony said installation of the coffer dam is completed allowing for protection at the spillway for the next 4 to 5 years. The coffer dam allows for protection from storms and is built in a robust manner, bigger than the average coffer dams.

Tony talked about construction of the spillway contract, anticipating a 4 to 5-year project, engaging local contractors. With uncertainty of covid resolves, there is a push for employment as much as possible in the local community. There are a lot of restrictions and approval regarding travel, so it's imperative to have local help.

Tony asked about reopening a portion of Rainy Creek Road to Tubb Gulch and removing the gate. Commissioner Peck commented that as soon as its safe, we want it open.

Tony said he has been tracking the forest plan and appreciates efforts by the county; WR Grace is interested and is open to any involvement to support forest health.

**11:30 AM General Election / Mail Ballot Plan:** Present were Election Administrator Leigh Riggelman, Chris Nelson, Clyde Ross, Representative Steve Gunderson, Marv Sather, Will Langhorne, and Ernie Anderson. Present via phone conference were Nikki Meyer, Cody Andrews, Ray Stout, Jennifer Curtiss, Robin Little, Bobbie Stoken, and DC Orr.

Leigh submitted a letter to the commissioners regarding a request to conduct the general election by mail with no polling place options. All reasons and concerns are the same as the primary regarding Covid-19 and health and safety of both election judges and voting public; congregation of lines, lack of election workers and public in close proximity, plus most judges are older.

Commissioner Bennett asked Leigh if she has surveyed her judges regarding availability and willingness to work at the polls during the general election. Leigh said she did do that and 43 of her judges said they would be available to work in polling places, 5 not sure and 5 not available.

Commissioner Peck expressed his opinion that the governor allows people to sit in a bar and drink, therefore, we should allow people to go to the polls and vote. There are a lot of people that want to vote in person, and to take that away from them, especially since we have 43 people willing to step up and help is not a supportive option. Commissioner Peck said he strongly encourages polling places with one set up in Eureka and suggested using county employees to help. This is the core of our representative democracy. There are also a lot of people that move and don't contact the election department, because they know where their polling place is, this is a problem.

Commissioner Bennett commented about the 5 boxes of undeliverable ballots returned during the primary, that those people may actually go to the polls. Leigh explained the efforts to reach those voters and is still trying to rectify those ballot returns. Commissioner Bennett said he can help or assist with outreach and this may be a good time to increase our poll judges. Commissioner Bennett asked about having just two polling places, Libby and Eureka, saying he has received numerous calls requesting polling places. There was also discussion about including a polling place in Troy.

Leigh said she could do that, but it would require some thought with a limited number of judges and to organize the space to not mix the ballots up between precincts.

Commissioner Letcher said he has received many calls from people wanting to vote in person. Eureka residents would like a polling place in North Lincoln County; we need to give people the option. Commissioner Letcher expressed concern regarding the time it takes for Libby to receive mailed ballots. Leigh explained there are drop off places in Eureka, so voters do not have to depend on the mail to return their ballots. Leigh said deposit boxes will be placed at the annex building for the general election.

Leigh suggested when the commissioners receive phone calls of people indicating interest to work the polls to have those people contact her.

Commissioner Bennett asked if the commissioners still need to write a resolution objecting to conducting the election by mail as stated on page 2 of her letter. The commissioners expressed agreement that it is not necessary right now, giving time for Leigh to review and organize only 2 or 3 polling places and to have further discussion. Leigh expressed that the commissioners do need to respond in objection by resolution as stated in her letter.

Nikki asked about the turnout from the primary since it was an all-mail election. Leigh said it was up slightly, but primary elections have less turnout usually than a general.

Marv commented that his mom will be 96 in September and the absentee option is also available and works well for them.

Representative Gunderson suggested a public campaign that absentee voting is available. Representative Gunderson asked about the criteria for a judge to work the polls. Leigh said requirement is the same as the criteria to register to vote. Leigh suggested all people to be referred to her if they express a desire to be a polling place judge. Leigh commented they are paid positions, not volunteer.

Mr. Orr asked if the commissioners are going to vote today as far as mail only or in person. The commissioners said there will be further discussion. Mr. Orr said he will submit comments in email form.

Cody Andrews commented we need polling places and stated she is really opposed to mail voting.

Jennifer Curtiss said the Lincoln County Republican Central Committee members strongly opposes mail only elections. Jennifer said she is supportive of only 2 polling places and appreciates Commissioner Pecks comments and also appreciates having a ballot drop off location at the annex building.

Robin Little said she is interested in helping as a polling judge and thanked the commissioners and Leigh for reserving the vote on this so more people can be heard.

Bobbie commented that she is not in favor of total mail in voting; we need a polling place. We can wear a mask and social distance.

Commissioner Peck expressed that this is an important issue and appreciates everyone's attendance and comments. Commissioner Peck thanked Leigh for all the work she conducts for county elections.

Representative Gunderson expressed support for a drive through polling place and is supportive of having a polling place in Troy. Commissioner Bennett said he will be speaking with the Troy Mayor.

Commissioner Peck said he is open to exploring offering an opportunity to county employees to be a polling judge.

12:00 PM **Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

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