

December 16, 2020

The Lincoln County Board of Commissioners met for a regular session on December 16, 2020 in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Bennett, Commissioner Peck, Commissioner Letcher, and Clerk and Recorder Robin Benson. County Administrator Patrick McFadden present, Libby via VisionNet.

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

10:00 AM **Public Hearing, Screamin Eagle 2 Subdivision:** Present were Sen. District 1, Mike Cuffe, Catherine Kahle, Edward Kahle, and Diane Watson. Present were County Planner Jake Mertes, Libby via VisionNet. Nikki Meyer present via phone conference.

Jake said the proposed Screamin Eagle Subdivision 2 is located northeast of Eureka and is bordered to the north, west and south by residential lots and north and east by large agricultural tracts, include the Shea Ranch to the north. Access to the subdivision is from Wild West Road. Proposed 7 lots. This is a major subdivision and required planning board review. Jake gave an overview of the conditions and planning board report. Planning board recommendation is to approve preliminary plat subject to conditions in the staff report. The commissioners and Jake discussed conditions, lot size, roads and the public comments that were received.

**Motion** by Commissioner Bennett to approve Screamin Eagle 2 Subdivision subject to planning conditions and based on planning board recommendation. Second by Commissioner Letcher, motion carried unanimously.

Commissioner Bennett commented that he appreciates public comments, with the understanding that people do buy land to develop it, and there are state and county processes that if met, the development moves forward.

10:30 AM **Administrative Issues:** Present were Diane Watson. Present was Ernie Anderson, Libby via VisionNet. Present was Nikki Meyer via phone.

- Commissioner Peck talked about a property tax bill for improvements (buildings) on railroad lease land located at 218 E First Street, Libby. The improvements no longer exist, and BNSF is the landowner. Since the improvements on the railroad property no longer exist, Paul Rumelhart is requesting that the commission waive this final year of property tax. **Motion** by Commissioner Bennett to abate taxes on buildings on BNSF property. Commissioner Bennett will follow up with Kathi Hooper regarding the refuse fees. Second by Commissioner Letcher, motion carried unanimously. Commissioner Peck will follow up with County Treasurer, Sedaris Carlberg.
- Robin submitted the minutes for December 9, 2020 for approval. **Motion** by Commissioner Bennett to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- IT Director Ernie Anderson updated the commissioners regarding necessary improvements to the North Lincoln County Annex Alarm System. Only one quote was received from Grizzly Security Alarms Inc. out of Kalispell, MT. Commissioner Bennett asked about continual labor and work on the new system. Ernie said he will be able to conduct that work and it does not need to go outside the county. The commissioners agreed to move forward with Grizzly Security and improvement to the North Lincoln County Annex.
- Commissioner Letcher said he did send the contract to the county attorney's office to approve leasing space to the Lincoln County Conservation District at the Eureka Annex Building. **Motion** by Commissioner Bennett to approve the lease pending county attorney approval. Second by Commissioner Letcher, motion carried unanimously.

10:45 AM **Public Comment:** Present were Diane Watson, Catherine Kahle, Edward Kahle, Jonathan Allen, Deb Armstrong and Sen. 1 Mike Cuffe. Nikki Meyer present via phone.

Diane talked about the importance of D3 vitamin supplement and how its deficiency quadruples the covid death rate. Diane said she is astounded and expressed frustration that the BOH disregards its importance. Diane discussed serious side effects and death from vaccines and expressed concern that Dr. Black is excited about the vaccine and commented that he may not know what is in it. The vaccine is a rushed process and has not gone through trials and feels the vaccine represents the pharmaceutical industry, not the people. Diane expressed that the health messaging is on the verge of being negligent. Diane talked about the harmful impacts to the public, especially children and business owners regarding masking, school shutdowns, and lockdowns.

Jonathan Allen suggested it would be beneficial to have people on the board who may not be a part of the medical community. Jonathan commended the contribution of George Jamison.

*Catherine read and submitted the following letter:*

Commissioners Peck, Letcher and Bennett,

12/16/20

Eight weeks ago you were served with a Petition of Complaint on behalf of around 700 people of the county. It is a legal-like 5 page document clearly stating the problems going on, the evidence to back it up, and the remedy. It was presented with a well-written presentation to appeal to you to help the people of this county to retain their God-given rights of medical choice and freedom. In the end, and after weeks of attending meetings and after you even canceled one of your meetings to avoid answering to The People who made the complaint, there has been absolutely no effort on your part to address the complaint at all, leaving the people of this county vulnerable to forced vaccination by a Health Officer who only rubber stamps whatever the governor says, even adding to it. The response we get is that the petition isn't "legal", so there's "nothing we can do". To us that is not the appropriate response and one that very much lacks foresight, as well as courage. At the very least you could have made a public statement like the Commissioners did in Flathead County: that it's a person's individual liberty to make medical choices or to obey the governor's mandates. Remember: mandates are not law. There are some people saying all the Commissioners should be recalled. Maybe they should pursue that.

I have gone out of my way to stand up and help to be a concentrated voice of the people in this county. These are not just *my* concerns. These are not just *my* words. I've been belittled and libeled at the health board meetings as well as in the local rag of a "newspaper". These are very real concerns and are the voice of way more than just 700 people - we already explained that to you. For you

to ignore everything makes me certainly question why. Is freedom such an unimportant idea that it's not worth doing all you can to secure it? Are you so blind to the threat we are all facing? Or maybe it's more like you just don't care.

There is no definitive test for SARS CoV 2. In order to come up with results of people who have COVID19, the PCR test is being used. The test uses a cycle threshold number that seems to be a floating number and is being changed at whim. I've brought up the cycle threshold number of the PCR COVID19 test numerous times. This number is set too high, even the CDC and Dr Fauci have stated that any cycle threshold over 35 is just dead viral debris. It was found out that the state lab cycle threshold number is 45 - combined with the estimate that 90% of Americans have antibodies, that's resulting in positive results for far too many people and ever increasing "cases". A cycle threshold of 45 is way too high - the number should be set more like at 25. Since the number is set so high, it is producing results that are meaningless: results that show anyone who has come in contact with a coronavirus. That is not information that is necessary or information that should be counted toward "cases", but continues to be done. The CDC also admitted that only 6% of deaths that were attributed to COVID 19 resulted from COVID 19, rather than underlying conditions; meaning that the true pandemic is a failure in testing procedures, not a "rapidly spreading deadly virus." The science and the data are clear, if those testing don't check for a cycle threshold of 25 or below, they are passing on bad results. The question is why? That has never been answered. This has been The People's concern for quite some time, but one that has been completely ignored. Even the test directions themselves state that positive results don't mean you're positive for COVID 19. The resulting "cases" are then being used as fear tactic toward all the mandates and convincing people they need a vaccine when it's presented. Well, the COVID19 vaccine has just been approved.

Part of the remedy to the petition was to get the health "experts" in the county under control. That never happened. While Jan Ivers improved her behavior at the last health board meeting, there were no points of order called for board member Jim Seifert who has now taken over as the rude, obnoxious and condescending one, constantly interrupting, making the health board resemble that of a circus. We also had to endure the lengthy attempt of the Health Officer wanting everyone to pat him on the back. You suggested that the health board could be dissolved and re-appointed. That didn't happen. It would have been a strong step toward remedying the problems we face. Now the health board is having an "education meeting" - to re-educate the public? You've got to be kidding me! We know and understand that the medical community might believe in the rushed to market COVID19 vaccine, probably without even knowing the ingredients or understanding the dangerous mRNA technology that it is; but we most certainly do NOT believe in it. People are already having reactions such as Bell's Palsy and are even testing positive for HIV. Actually we've already discussed at great length our concerns about this very thing for months now. It's more like a power trip and financial gain for the medical community, but we don't want to participate. Nobody will be responsible for any side effects or deaths caused. Since Dr. Black had a very lengthy marketing effort for the vaccine at the last health board meeting, we believe this confirms our concerns. It is your job to protect the people of this county, so don't force the rushed to market COVID19 vaccine on the people here. I sent you the link to the 38-page COVID19 Vaccination plan that was published in October by the state health department. It is quite detailed on the plan to vaccinate everyone. If their intent isn't to vaccinate everyone, why have such a detailed plan? Certainly you must have had this sent to you since it was published in October, hardly making those of us complaining "conspiracy theorists". For the record, I'm anti-forced vaccination, not an "anti-vaxxer", as I believe everyone should be vaccinated who wants to be.

We tried to get you to understand that there is a conflict and you are choosing to ignore it which is exasperating the problem. Whether the vaccine gets mandated outright or mandated through businesses and corporations doesn't matter. You have been informed ahead of time. You have no excuse. You swore an oath to the Constitutions which are rooted in individual liberty. As we see our country being torn apart on so many levels, now is not the time to sit back and be silent; to accept tyranny without a word. We The People more than fulfilled our civic duty before God toward fighting for freedom. It will never be said that many people in this county did nothing. What will be said of you?

Respectfully and seriously, Catherine Kahle

**11:00 AM All Day Registered Agent Conference Call:** Present were County Treasurer Sedaris Carlberg, Corina Carr and Derrick Perkins. Present via phone were John Spear and Brice Myrvang representing All Day \$49 Montana Registered Agent, LLC.

John gave a brief overview regarding potential, additional service registering LLC's. The company is interested in a working relationship with Lincoln County that would allow out-of-state LLC's to title and register in Montana which would increase revenue earned from the county option tax. Commissioner Peck commented that those decisions fall under the county treasurer, not the commissioners. Sedaris said she would like to research the statutes and have questions answered. No decisions were made at this time.

**11:15 AM Slausen Subdivision:** Present were Scott Slausen, Libby via VisionNet. Marc McCully Scott submitted a Petition to Abandon the portion of E. 5<sup>th</sup> Street Ext. to the commissioners and talked about his property on East 5<sup>th</sup> Street Extension. The new road is being built. Scott commented that he wants to sell his property and cannot move forward until the old road is abandoned. Scott said his goal is to have permission from the county to abandon the piece of road on his property and he will grant a temporary easement. Road Supervisor Marc McCully said that would basically turn that piece of road into a public road across his property and to speed up the process, the petition first needs to be accepted and filed.

**Motion** by Commissioner Bennett to accept the petition so the process can move forward. Second by Commissioner Letcher, motion carried unanimously. Marc said he has no issues and approves as long as the document exits that the road still allows for public access. Robin said she will verify signatures and file the petition.

**11:30 AM EPA Region 8 Call In – Kaleb Froehlich:** Present were Sen. District 1 Mike Cuffe, Diane Watson, Deb Armstrong, Jonathan Allen. Present were Deb Thomas, Darci O'Connor, and Brice Garcia via phone.

Commissioner Letcher said he asked for this meeting to address concerns with Lake Koocanusa and how the new selenium level designation affects future development in Lincoln County.

Deb said there is a process that will be followed including opportunities to have more conversations. The Water Quality Act will be reviewed, and that analysis determines processes.

Commissioner Letcher asked for a synopsis of what the process looks like going forward.

Commissioner Letcher said he is wanting information of what it looks like with development and economics in Lincoln County, moving forward with the new 0.8 selenium standard.

Deb said that first we need to know what the new criteria is. Darci commented there will be a timeline after receiving the new water quality act package from the State.

Commissioner Letcher talked about the process of enforcement of the new standard, with Tech Coal in BC, which is the primary source of the selenium. Montana has no say regarding enforcement on a company in a foreign land, and questioned if EPA would be able to enforce anything in Canada?

Brice commented that EPA has no enforceability with Canada, the proposed standard would be enforced for US side of the border.

Sen. Cuffe questioned the standard of a 0.8 level as being the most restrictive standard in the world according to his understanding. Sen. Cuffe expressed concerns about what happens if Lake Koocanusa is listed as an impaired body of water. Sen. Cuffe stated that he disagrees with the process and expressed concerns regarding regulations. Sen. Cuffe questioned how an impaired lake would be used as another hold up for litigation on industry and development in Lincoln County and questioned how the relationship with Idaho affects Montana. Sen. Cuffe commented that EPA proposed a level of 1.5 a few years ago, and now it is dropped to a 0.8 standard and the current level is 1.0. What are the impacts to future logging, recreational use, development, home building; we should not set an unnecessary standard.

Commissioner Bennett asked about the timeline for commissioner and public comments. Darci stated the public comment was accomplished through the state process.

Commissioner Letcher voiced concern that the standard was set to push Tech Coal into some sort of compliance, which the state and EPA cannot enforce in Canada. The low standard will only effect future development and industry in Lincoln County. Commissioner Letcher said he is asking EPA to take this into consideration in their process.

Commissioner Peck agreed and reiterated that the lake and river needs protected, but economies are affected by environmental overreaching, and how it is used in litigation that takes advantage and shuts down economic vitality. Lincoln County is not trusting of the solutions.

Darci clarified that EPA has not received the state package and clear impairments are parameter specific, identified for selenium.

**12:00 AM Addressing Standardization Resolution:** Present were Michelle Byrd, County Planner Jake Mertes, and Brett McCully, Libby via VisionNet.

Robin submitted Resolution 2020-22 Establishing a Policy for the Standardization of Property Addresses, Road Naming, and Road Signage for Private Roads in Lincoln County. The commissioners tabled the approval last week and requested Robin to place the policy on the county website for public review.

Commissioner Peck said he is comfortable with it and has received no public comment.

**Motion** by Commissioner Bennett to approve Resolution 2020-22 as submitted. Commissioner Bennett read the resolution to the public. Second by Commissioner Letcher, motion carried unanimously.

**1:30 PM Board of Health (BOH) Discussion:** Present were Deb Armstrong, Pierce Barney, Jonathan Allen, Micki Handy, and Diane Watson. Present was Derrick Perkins, Libby via Vision Net. Present via phone were George Jamison, Krista Nemeroff, Ray Stout and Kathi Hooper.

Commissioner Peck talked about the open position and whether we want to readvertise. The other issue for discussion is moving ARP under the commissioners, but first we need to do a little more research.

Commissioner Letcher said there has been a lot of interest for North Lincoln County to have more representation and suggested the advertisement to give a preference to North Lincoln County; we could pull from another district if nobody qualified applies; would like to see that change in the by-laws.

Commissioner Peck agreed, and expressed having that flexibility is good, but the priority is to have coverage countywide.

Commissioner Peck questioned if we want to select from the current pool or readvertise for a couple more weeks.

Commissioner Letcher recommended to advertise again. Robin said she can advertise again after direction from the BOH. Kathi said she would bring advertising up to the BOH tonight with preference to North Lincoln County.

Commissioner Peck talked about the re-appointment of Mertes; the position expires end of December.

Commissioner Bennett commented about the importance to have a physician on the BOH, but it's good to not have solely medical, we need a broader view available to the BOH.

Commissioner Peck agreed that we need good medical but also other views, such as school and/or a business owner.

Commissioner Peck and Commissioner Bennett expressed support to re-appoint Mertes to the BOH.

Commissioner Letcher wanted verification of the resignation of Jamison and a North Lincoln County resident to fill his term. George said he will continue serving until a replacement is appointed and agreed to step down at that time. George reminded everyone that he has 2 years left on his term.

**Motion** by Commissioner Bennett to approve the BOH recommendation to approve Sara Mertes to continue another term on the BOH. Second by Commissioner Letcher, motion carried unanimously.

**1:45 AM Trego School District / Roads:** Present were Ken Smith and Ray Price.

Ken talked about receiving complaints from parents about icy roads that are not sanded. The school district had a bus slide into a ditch on Edna Creek. Ken said to help mitigate, they are making changes to the bus routes.

Commissioner Peck talked about the winter weather, both last year and this year as being icy, freezing rain, but we choose to live in Montana.

Commissioner Letcher suggested if there are bad turnaround areas, pickup areas for kids may need changed at least during winter months.

Commissioner Peck expressed the importance of communication between the road department, school district, and parents.

2:00 PM **Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

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