

**December 9, 2020**

The Lincoln County Board of Commissioners met for a regular session on December 9, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Peck, Commissioner Letcher, County Administrator Patrick McFadden, and Clerk and Recorder Robin Benson.

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

**10:00 AM Health Department Update:** Present were Kathi Hooper, Jenn McCully, Derrick Perkins, Sandi Sullivan, Stephen J. Allen, Holly Clark, DC Orr, Scott Slauson, Brett McCully and JP Nicoletto MD, and Sheriff Darren Short. Present via phone were Lori H. Walsh, George Jamison, Nikki Meyer, Deb Armstrong, Ray Stout, Sandra Honeychurch, and Jake Mertes. Present in Eureka via VisionNet were James and Micki Handy, Beth Mocko, Heather Handy, Ed Kahle, and Catherine Kahle.

Public Health:

- Kathi said the new website lincolnmCovid.com is up and running and the website can also be accessed by link from the county website. Statistics on the website are updated weekdays by 9AM. Charts showing a detailed breakdown are updated weekly.
- Jenn said the CDC has revised its guidance and discussed contact tracing and quarantine changes.
- Sara Alert System is being used to monitor people in quarantine and allows for improved communication.
- Kathi talked about temporary employees and contracted staff hired from funding received from the state to help with Covid-19 related assistance.
- Jenn said there will be flu shot clinics conducted in Libby, Troy, and Eureka.

Environmental Health:

- Kathi talked about completing inspections by end of December for licensed establishments. The goal is to visit each licensed establishment as least once.
- ServeSafe Food Protection Manager Training is scheduled December 15, 2020.
- There were 29 complaints received in November, not necessarily Covid related.

Solid Waste & Recycling:

- Greenbox sites are readied for winter. Gates will be open end of November – April.
- 2020 Annual Survey of the Libby landfill shows a volume increase of 9,703 cu yd from last years reported volume.

Commissioner Peck said he has received calls about increased use of green box sites due to the amount of construction; we may need to anticipate this and add boxes where necessary.

Commissioner Letcher commented the green box site in Fortine has increased use, potentially from people coming in from Flathead in the spring. May need to add a box during summer months.

Commissioner Bennett suggested improved tracking of Yaak and Savage Lake green box site areas, due to more usage. Steve commented that 50% of the use in Troy is from Idaho plates and suggested video camera and tickets.

**10:30 AM Administrative Issues:** Present were Derrick Perkins, Sandi Sullivan, Stephen J. Allen, Holly Clark, DC Orr, Scott Slauson, Brett McCully and JP Nicoletto, MD, and Sheriff Darren Short. Present via phone were Lori H. Walsh, George Jamison, Nikki Meyer, Deb Armstrong, Ray Stout, Sandra Honeychurch, and Jake Mertes. Present in Eureka via VisionNet were James and Micki Handy, Beth Mocko, Heather Handy, Ed Kahle, and Catherine Kahle.

- Robin submitted the minutes for December 2, 2020 for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Bennett, motion carried unanimously.
- Robin submitted Certificates of Election for commissioner signature. Certificates are for Mark Peck, Commissioner District No. 1 and Tricia Brooks, Clerk of District Court.
- Commissioner Peck commented about a tax issue on a property that he will research and bring more information to the commission next week.
- Patrick said he has been working with department heads regarding mid-year budget reports. It is going well; departments seem to be on track with where we are at in the fiscal year.
- Scott Slauson commented that he would like to visit with the commissioners regarding access and easement on 5<sup>th</sup> Street Extension and the old road abandonment. Scott said he is on the agenda next week for further discussion.

**10:45 AM Public Comment:** Present were Derrick Perkins, Sandi Sullivan, Stephen J. Allen, Holly Clark, DC Orr, Scott Slauson, Brett McCully and JP Nicoletto, MD, and Sheriff Darren Short. Present via phone were Kathi Hooper, Lori H. Walsh, George Jamison, Nikki Meyer, Deb Armstrong, Ray Stout, Sandra Honeychurch, and Jake Mertes. Present in Eureka via VisionNet were James and Micki Handy, Beth Mocko, Heather Handy, Ed Kahle, and Catherine Kahle.

Catherine read from a letter she prepared and commented about the BOH chairman's rude behavior. Catherine said she does not believe the behavior is a lack of parliamentary procedures but is a rude and negative attitude toward the public and its participation at Board of Health meetings. Catherine suggested allowing draft minutes to be viewed prior to commissioner approval. Catherine questioned if the commissioners have researched PCR testing yet. There has been no response from any commissioner, although it has been repeatedly mentioned in meetings. Catherine conveyed that the increased case numbers are faulty. Catherine asked the commissioners if they have read the Montana Covid-19 Vaccine Plan yet. It is extensive with 38 pages and states all citizens are to be vaccinated. Catherine said the company Moderna is funded by Bill Gates and read a quote by Mr. Gates that she feels reflects he is not helping people, but

desires eliminating people. Catherine expressed frustration that the Board of Health is discussing a public comment revision tonight on their agenda to further push back public interaction and participation.

Ed Kahle said he emailed commissioners a letter and does not know if it has been read by them since he has received no response. Ed commented that maybe funding to CARD and Dr. Black's relationship on the Board of Health is legal, it is unethical. The Board of Health recommends the reappointment of Mertes, Libby representative although North Lincoln County is unequally represented. Ed said the petition is not a legal action, it is the goal to get commissioners to engage with citizens. Ed talked about the Flathead County Commissioners and their stance regarding the Board of Health and encouraged Libby commissioners to follow their example.

Heather Handy would like to know where the public health temporary job descriptions were posted and questioned the dual position of a county attorney department employee. Heather commented that she would like to know when Dr. Black's term expires.

Dr. Nicoletto talked about the issues of mandates and conveyed his personal story after recovering from Covid-19 and experiences from working with covid patients. There are many in the public that has not had personal experiences with the virus and lacks knowledge, especially the strain on health care workers in Lincoln County. Science is driving a lot of the public direction on covid and recommended looking up an article about covid on an Island in Multa. We may not like the word mandate, but we need less science and more common sense. Dr. Nicoletto encouraged fellow colleagues and citizens to look at what is facing us, when thinking about civic rights and liberties. Dr. Nicoletto thanked the public health department for its work.

Dr. Jarrett commented that recently Cabinet Peaks Medical Center ran out of oxygen, due to covid patients that required an increased oxygen supply. Those patients were transferred to Kalispell. Dr. Jarrett also commended the Board of Health, Dr. Black and the Libby Care Center as a success story. The Care Center managed 10 covid patients and cleared those cases in about one month which speaks highly of the care center and the public health department.

Lori Walsh said the public is affected by a wide variety of issues. Public health and the health board's primary role is to study this and develop strategies and it should not be politicized and is ludicrous to do so. Lori thanked the commissioners and the health care and medical professionals who need to make these difficult decisions.

Pierce Barney commended the health board for their good work, however expressed concern regarding the appalling way the Chairman of the health board conducts meetings; inconsiderate, rude, and lacks ability to work with the public. The health board needs a person in that position that is more amicable and recommends Rita Henderson as a Eureka representative to the health board.

Sandra Honeychurch said she supports citizens expressing their views, but we need to focus on facts and thanked the public health workers.

Steve commented about a meeting regarding dissolving the Troy Dispatch. The Troy Dispatch Board members did not know about the meeting and this shows a lack of transparency.

**11:00 AM Addressing Policy Amendment:** Present were Derrick Perkins, Sandi Sullivan, Stephen J. Allen, Holly Clark, DC Orr, Scott Slauson, Brett McCully and JP Nicoletto, MD, and Sheriff Darren Short. Present via phone were Lori H. Walsh, George Jamison, Nikki Meyer, Deb Armstrong, Ray Stout, Sandra Honeychurch, and Jake Mertes. Present in Eureka via VisionNet were James and Micki Handy, Beth Mocko, Heather Handy, Ed Kahle, and Catherine Kahle.

Robin submitted Resolution 2020-22 revising the Policy for the Standardization of Property Addresses, Road Naming, and Road Signage for Private Roads in Lincoln County.

Jake talked about the policy amendments adding Section 9 to help with the addressing and environmental health departments. The amendments pertain to private property owners installing signs instead of county road departments and adding language about existing structures and septic system requirements.

Jake commented that planning, environmental health and the addressing departments are all in favor of the amendments and with the amendments, the policy should stand for a long time without revision.

Commissioner Letcher expressed that it is good to have a policy that can be provided to educate people on why we have an addressing process.

Commissioner Peck asked if the new policy went through the planning board. Jake said it did not go through the planning board, but he can do that. Commissioner Peck said he is just questioning who all had eyes on it from a procedural standpoint, giving the public opportunity to acknowledge and identify if there are impacts to the public.

Commissioner Bennett commented the policy is fairly new and was established to have guidelines in place.

Commissioner Peck said he supports the policy and appreciates the work that's been done but is hesitant without more public acknowledgement.

Commissioner Bennett said that the policy is more administrative than public and suggested waiting another week to place on the county website and take comments through the week.

Commissioner Peck agreed it is mainly administrative.

Michelle said she uses the policy for homeowners, to communicate and help people to understand the addressing process.

Patrick questioned who the standardization came from.

Commissioner Bennett said he believes MACo was involved originally.

**Motion** by Commissioner Bennett to table for one week. Second by Commissioner Letcher, motion carried unanimously. Robin said she will place the draft policy on the county website under public notice and highlight the revisions.

11:15 AM **Ben Scott, Biathlon Range and Community Use of Facilities and Letter of Support for Mountain Bike Trails on FS Land:** Present were Derrick Perkins, Sandi Sullivan, Stephen J. Allen, Holly Clark, DC Orr, Scott Slauson, Brett McCully and JP Nicoletto, MD, and Sheriff Darren Short. Present via phone were Lori H. Walsh, George Jamison, Nikki Meyer, Deb Armstrong, Ray Stout, Sandra Honeychurch, and Jake Mertes. Present in Eureka via VisionNet were James and Micki Handy, Beth Mocko, Heather Handy, Ed Kahle, and Catherine Kahle.

Ben thanked the commissioners for their help and support. Ben commented that endurance sports take time to develop athletes and said the programs are continually growing and he would like to see more mountain biking. Ben is requesting a support letter to the forest service for a single track to implement with the ski course. Ben said he would like a timeframe because even simple decisions can be held up indefinitely. Ben explained and provided a map of the area. Ben said he is also seeking advice regarding collaboration with the forest district, expressing that communication and progress can be difficult. There have been issues with logging that left trails in poor condition. Ben talked about the benefit of connector trails for race design and how logging can help with that, but again, communication is difficult. Ben said there was a lost opportunity for RAC money, due to poor communication. There are more kids, better programs, but connector trails would be simple, yet have a very positive affect.

Commissioner Bennett suggested some points to help with the support letter and offered to follow up with Region Supervisor, Chad Benson.

11:30 AM **DC Orr, Board of Health (BOH) Conflict Resolution Discussion:** Present were Sandi Sullivan, Stephen J. Allen, Holly Clark, DC Orr, Scott Slauson, Brett McCully, Will Langhorne, Ron Goodman, Chuck Gerheim and JP Nicoletto, MD, and Sheriff Darren Short. Present via phone were Lori H. Walsh, George Jamison, Nikki Meyer, Deb Armstrong, Ray Stout, Sandra Honeychurch, and Jake Mertes. Present in Eureka via VisionNet were James and Micki Handy, Beth Mocko, Heather Handy, Ed Kahle, and Catherine Kahle.

Orr said he recognizes the validity of the mandate, but it needs updated for proper checks and balances. The biggest public conflict is the health board and expressed concern about the board chairman abiding by the law. Avoiding conflict is to deal with it as it comes, and the complaints have been festering for 7 months and nothing is being done. During the public comment period during meetings, there is no answer to questions, no answer by commissioners, automatically creating conflict. Answering questions would resolve conflict. Health officers do have authority to deliver mandates, but there are also other responsibilities. The health board has not proven eminent threat except people over 65 so there is no threat to kids going to school or younger people working. Right now, the mandates are destroying our school system and economy. The public cannot ask a question at a health board meeting, creating more conflict and the commissioners need to step in and abide by their oath of office and stand up for people to participate in what government is doing. Lincoln County has a history of board mismanagement and the commissioners have a responsibility to step in and do something about it. Orr talked about the port authority mismanagement and loss of funds to the county and the commissioners stepped in and restructured the port board.

People deserve answers and reasons instead of being ignored without answers. People have a right to be heard and participate. Orr said that Montana State Local Government puts on seminars teaching board members about responsibilities and expressed that board members should be attending. Books are also available and should be required material.

Orr said the BOH Chairman is not only rude, but she is wrong. A request by the public to be on the BOH agenda should be granted. Orr strongly encouraged the commissioners to take action and expressed this issue may potentially go to violence. Orr offered himself in service and said he is willing to help.

Orr said that meeting procedures are on the agenda during the next BOH meeting to make public participation more difficult and that needs to be stopped tonight. It's unconstitutional.

Commissioner Bennett commented that Dan Clark was coming to the county once a year for county board training and we may need to get back to that and board handbooks need to go out to new board members. As far as the legislation, he has been working the last two months on some of these issues and part of that is timing.

Orr stated that at the local level, commissioners can fire everyone on the health board and has authority to get people in that are willing to do what is it right. That would also affect how new members participate with citizens. Orr said he expects the commissioners to honor their oath of office.

Orr talked about closed meetings between the county attorney and Alan Payne as a deputy county attorney.

Commissioner Peck clarified that if two government entities are negotiating then there must be public meetings.

Commissioner Peck said it was ruled by MACo that Alan Payne (his firm) was a contractor, to do work for the county and was not a government entity even if doing work for a government entity. That is the premise the county was working under.

Orr expressed that Alan Payne was a deputy county attorney.

Commissioner Peck stated that he disagrees.

11:45 AM **Board of Health (BOH) District Representation Discussion:** Present were Sandi Sullivan, Stephen J. Allen, Holly Clark, DC Orr, Scott Slauson, Brett McCully, Will Langhorne, Ron Goodman, Chuck Gerheim and JP Nicoletto, MD, and Sheriff Darren Short. Present via phone were Lori H. Walsh, George Jamison, Nikki Meyer, Deb Armstrong, Ray Stout, Sandra Honeychurch, and Jake Mertes. Present in Eureka via VisionNet were James and Micki Handy, Beth Mocko, Heather Handy, Ed Kahle, and Catherine Kahle.

Commissioner Peck explained the discussion was tabled last week for the recommendation for the Libby position on the BOH. Commissioner Peck said he recognizes the misrepresentation of North Lincoln County and that is why a decision was tabled. Commissioner Peck recommended replacing his position to Commissioner Letcher and to open up George's position and fill it with a Eureka position; George has volunteered to step down. There is a viable candidate pool already. Commissioner Peck said he does recommend Mertes to be reappointed. Commissioner Peck said he does support discussion of a training day and getting Dan Clark here to educate board members of authorities and responsibilities.

Commissioner Peck talked about taking ARP and placing that strictly under the commissioners. Commissioner Peck talked about messaging, saying that a large part of public health is communication. Commissioner Peck clarified that he wanted to have this meeting today for further discussion in Eureka.

Commissioner Bennett said there are positions by each city and suggested the other 3 positions should come from each commissioner district, and to select those positions as commissioner appointed.

Commissioner Peck talked about the need to consider qualifications and to have some balance, with equal representation as much as possible.

Commissioner Letcher said that he would like to see by-laws change to state commissioner appointed positions for equal district representation and would like to have that in writing.

Commissioner Bennett commented that if George were to step down, would the BOH utilize applications already received or readvertise.

Commissioner Peck talked about creating a volunteer position for George to act as a liaison between ARP and the BOH because of his expertise and knowledge.

James Handy asked for clarity on how ARP and funding applies to the BOH.

Commissioner Peck said that now that we are in the O&M phase it would be more functional to have ARP under the commissioners.

**Motion** by Commissioner Bennett to replace Commissioner Peck on the BOH with Commissioner Letcher as of today and move forward with other appointments. Second by Commissioner Letcher. Commissioner Peck asked for further comments.

Deb said she supports decisions for more North Lincoln County representation.

George confirmed he is willing to step down from the BOH and also agrees and is willing to work as an advisory for ARP and county commissioners. George said he has two years left on his BOH term and is willing to serve until a replacement is appointed.

Jim talked about Commissioner Peck's medical history in the military and experience and expressed that he would hate to see Commissioner Peck step down. Commissioner Peck said that he appreciates the comment, but there is ample medical knowledge and expertise on the BOH and does not see that as his role.

Pierce expressed a concern of having too many experts on the BOH making it a difficult conversation of understanding for the lay person and encouraged Ivers to step down and allow for a new voice. The message from the public is to make things open and more welcoming for public participation.

Diane commented that she would like to see someone who is more holistically minded, a lot of this conflict could have been avoided and another message is to be active and proactive in your own personal health choices. The people on the board only think one way with a lack of understanding for both sides. Lockdowns are more tragic than helpful.

Chuck commented the holistic view has been messaged for decades, the view now is more near term and urgent to immediate mitigation of how to deal with the virus.

Commissioner Peck said the message needs to be balanced; it is not just about mandates and enforcement.

Jonathan commented that he has served on many boards and commended George, saying that from a strategic health benefit, his stepping down would be a huge loss of experience. Jonathan suggested not to eliminate George's position if there is any other way to reorganize, George is needed and would make a good chairperson.

George commented that his knowledge and expertise is better served on asbestos issues related to the superfund site and would like to get back to that. George said he appreciates the comment, but his desire to step down is not a health board decision.

Commissioner Peck thanked George for his time and dedication and willingness to serve the county.

Motion carried, unanimously.

12:45 PM **Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

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