

May 18, 2022

The Lincoln County Board of Commissioners met for a regular session on May 18, 2022 in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, 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.**

9:30 AM Republican Central Committee: Present were Jennifer Curtiss, Kathleen Johnson, Donna Martin, Veronica Bovee-Anderson, Tom Lane, Dave Flagtwet, Julie Flagtwet, Ray Stout and Rebecca Nelson.

30 By 30 Program

Kathleen Johnson read from the following letter:

The 30 X 30 program is a plan advanced by radical environmental activists to permanently protect 30% of America's land and oceans by 2030. The program is being advanced by the Biden Administration through Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad" (86 Fed. Reg. 7,619), signed January 27, 2021.

Proponents argue that climate impacts are human-caused, and permanently preserving 30% of America's land and oceans is necessary to reverse climate change. This action must be taken immediately, they claim, to avoid impacts on the ecosystem and wildlife. However, the science and data do not justify these extreme policy measures.

30X30 is an unconstitutional policy shift, moving us from a nation founded on private property principles to one controlled by the administrative state.

Thank you for joining Governor Gianforte and other MT Counties, Grazing Districts and Conservation Districts in doing all that you can do to help stop this agenda.

American Stewards of Liberty is a non-profit organization dedicated to protecting private property rights, defending the use of our land, and restoring local control. Our strategies are unique, effective, and the cause of some of the most important victories for property rights in America over the last twenty years.

Jennifer Curtiss read from the following letter:

May 18, 2022

Lincoln County Republican Central Committee

P.O. Box 296

Fortine, MT 59918

Dear Lincoln County Commissioners Bennett, Letcher and Teske,

On April 14, 2022, the Lincoln County Republican Central Committee (LCRCC) voted to bring forward this letter requesting that our Lincoln County Commissioners join other Montana Counties and Grazing Districts in opposing the Biden 30 x 30 Initiative (please see attached Instructions for Adopting Resolution Opposing the 30 x 30 Agenda).

March 9, 2022, Governor Gianforte announced the State of Montana declines to participate in the U.S. Department of the Interior's (DOI) efforts to advance President Biden's "30 by 30" initiative. Governor Gianforte listed four reasons why Montana will not participate in the effort. (please see attached letter)


The sheer number of acres in Lincoln County, not on the tax rolls, already places an overbearing burden on landowners. These acres numbers are recorded, as best as is available, and are presented to our Commissioners. We are a County with over 78% State and Federally managed lands. (please see attached Land Classification document)

In addition to the LCRCC request that our Lincoln County Commissioners pass a resolution opposing 30 x 30, we also request that Commissioners adopt a resolution for Lincoln County to investigate, research or "discover" how much acreage in Lincoln County is held in Wilderness Study Areas (WSA), and parts of the surrounding National Forest, and for the good of Lincoln County, that these acres be released into National Recreation Area (NRA).

Your participation, by officially opposing the 30 x 30 initiative, is critical to the successful outcome of the Citizens of Lincoln County and of Montana in securing and protecting private property in Montana. The important first step in that process is hearing from County Commissioners who have willingly stepped up to represent the great Citizens of Lincoln County and of Montana.

As a solid team of conservative Republicans, we must all stand strong and unified to maintain the principles we all hold so dear.

Sincerely,



Jennifer Curtiss, Chair

Lincoln County Republican Central Committee

Jennifer said she is respectfully asking commissioners to adopt a resolution in opposition of the 30 By 30 Program.

Kathleen handed out other county resolutions showing opposition.

Commissioners said they will look at all the information submitted and request the Clerk and Recorder to draft a resolution of opposition.

Commissioner Teske commented that he will be sending out instructions to attend the meeting via Zoom or Website in Ravalli County regarding Mark Cook and election equipment on May 23, 2022.

9:45 AM School Land Trade: Present were Donna Martin, Veronica Bovee-Anderson, Tom Lane, Dave Flagtwet, Julie Flagtwet, Ray Stout and Rebecca Nelson.

Commissioner Letcher talked about a land trade between the Eureka School District and Lincoln County. The land swap cleans up the lease, insurance and will save cost on maintenance. The land involves 20 acres of school property and 9 acres of county property where the school track and softball fields are located.

Estimate from Kootenai Surveyors boundary line adjustment is \$8,830 and there will be some filing fees. The School Board voted to split that cost with the county. Commissioner Letcher said he is requesting approval to move forward.

Motion by Commissioner Teske to move forward with the land swap and boundary line adjustment survey by Kootenai Surveyors. Total cost to be split 50/50 with the school district. Second by Commissioner Letcher, motion carried unanimously.

10:15 AM **ARP Update:** Present were Amanda Harcourt, Donna Martin, Veronica Bovee-Anderson, Tom Lane, Ray Stout and Rebecca Nelson.

The following report was submitted by the ARP Department.

[Asbestos Resource Program \(ARP\) Report for Commissioner's Meeting](#)

May 18th, 2022

10:15 – 10:30

In April, ARP received 28 hotline calls. 25 were from Libby, 3 from Troy. Most of the requests were for U.S. Environmental Protection Agency (EPA) comfort letter/MT Department of Environmental Quality (DEQ) status letter requests.

ARP also received 105 utility locate tickets from properties within the Superfund site in April: 87 from Libby, 18 from Troy.

ARP completed 28 site visits within April. Most of these site visits were to confirm digging locations for utility locates and to active asbestos abatement/sampling projects.

ONGOING/PLANNED ABATEMENTS:

386 Riverside Drive, Troy – planned soil removal – on going; ARP has been waiting for the property owner to respond with a signed SOW. Work was tentatively scheduled Spring of 2022. ARP has been unable to contact the property owner to move forward with abatement activities. If contact with the property owner is not made by the end of the month, this call will be closed out.

713 Michigan Avenue, Libby – planned indoor removal from residential building; waiting to hear from property owner about hiring a contractor.

42162 US Hwy 2, Libby- NOPEC- Property owner encountered Vermiculite Insulation falling out of the ceiling of an old outbuilding on the property. The property owner plans on demolishing the structure. ARP is drafting a SOW to have the building demolished and will be running oversight on the project. Property owner has received one bid and is currently soliciting a second bid from a different abatement contractor.

757 E 5th St, Libby- Property is currently under contract to the perspective buyer. VCI was released on the East side of house, contaminating a large area of the side yard and a portion of the understructure. ARP has been in contact with the new property owner and will be drafting an abatement SOW when the property closes.

Asa Wood School, Libby-Possible indoor and outdoor abatement needed. Will be a big project, waiting for more information.

ONGOING/PLANNED SAMPLING:

GID 11192, Troy – Property was designated a non-use area during the time of investigation. The property has since been developed. The sampling SOW will be finalized next week, and the property owner can move forward with soliciting a contractor for sampling.

287 Terrace View, Libby- ARP identified gross levels of VV on areas of the property where tree stumps had been removed. ARP conducted a second site visit, and the property owner is planning significant construction near the area where the stumps had previously been removed. ARP will be conducting oversight during his work activities to see if the SOW needs to be modified.

42162 US Hwy 2, Libby-NOPEC Property owner plans on selling the property. ARP provided oversight for the property owner while they self-performed their own soil sample collection. Samples came back ND for LA. The exterior of the property currently meets EPA criteria for outdoor removal not required.

FUNDING

The ARP program is funded through a Memorandum of Agreement with DEQ. This is funding coming from a cooperative agreement between DEQ and EPA. The agreement designates \$600,000 over two years starting with costs from July 1st, 2020, until May 31st, 2022. Total costs incurred by ARP & reimbursed by DEQ since July 2020 is approximately \$528,754 leaving a remaining balance of \$71,246. The last reimbursement came in in March. Claims for April reimbursement will be sent to DEQ on the 19th May.

DRAFT MEMORANDUM OF AGREEMENT

The ARP has completed the draft Scope of work and 2-year budget for the new Memorandum of Agreement between Lincoln County ARP and DEQ. This MOA financially supports the ARP program beyond the current MOA which ends in May 2022.

Instead of a 2 year agreement, DEQ has written a 13 month agreement. This is because, DEQ's Cooperative Agreement (CA) with EPA for O&M ends on June 30th 2023. DEQ wants to try and align the CA and the MOA so DEQ is accurately capturing budget needs from Lincoln County in the CA with EPA. The expectation is that when we renew the MOA next year it will return to a 2 year agreement.

10:30 AM **Administrative Issues/Old Business:** Present were Art Walters, John McKay, Mark Mohr, Sandra McIntyre, Stan & Blanche Hudson, Donna Martin, Veronica Bovee-Anderson, Tom Lane, Ray Stout and Rebecca Nelson.

- Robin submitted the minutes for May 11 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Teske, motion carried unanimously.
- Commissioners signed a Cost Share Agreement between Lincoln County and the Forest Service, KNF. The purpose of the agreement is to document the cooperation between the parties to improve and restore trails

accessible to the Cabinet Mountain Wilderness. Funding for this project was approved by the Lincoln Resource Advisory Committee.

- Commissioner Teske brought forward a letter from the City of Libby dated March 7, 2022 requesting the county to authorize by resolution, to initiate a ballot to electors concerning the question of applying a tax on the retail value of marijuana and marijuana products sold as Adult-Use Dispensary or Medical Marijuana Dispensary capped at 3%. The tax revenue would go towards public safety. Tabled for further review.
- Commissioner Bennett received a request for a short road closure June 11 in Woodway Park for a retirement party from 10:00 AM to 2:00 PM. The road closure would assist a safe environment during the event as people move from house to house.
- Commissioner Bennett said he will provide \$1,500 out of the Economic Development Fund for the Unite for Youth leadership youth camp.

10:45 AM Public Comment Time: Present were Nick Raines, Jesse Haag, Donna Martin, Tom Lane, Ray Stout and Rebecca Nelson.

There were no public comments.

11:00 AM DUI Task Force/Annual Report: Present were Sindy Filler, Nick Raines, Jesse Haag, Tom Lane, Donna Martin and Ray Stout.

Sindy submitted the DUI Task Force Annual Plan to be approved by the Commissioners and then it will go to the State for approval allowing the DUI Task Force to operate for another year. Sindy discussed 3 Problem Identifications:

1. Lincoln County has high number of alcohol related DUI, crashes with injuries and fatalities. Lincoln County continues to be on the top 15 counties in Montana.
2. Underage drinking and impaired driving by youth. Underage drinking and impaired driving by youth are serious concerns. Binge drinking, underage drinking, and drugged driving continue to be problematic in Lincoln County.
3. Impaired driving under the influence of Drugs. Montana is ranked number 5 for the highest drugged driving rate in the United States. Lincoln County is not immune to the opioid crisis and access to drugs like marijuana has increased in our county as recreational use has been approved. 70% of marijuana users do not believe that impairment from marijuana causes traffic crashes.

Motion by Commissioner Teske to approve the Lincoln County, Montana DUI Task Force Annual Plan for FY 22/23. Second by Commissioner Letcher, motion carried unanimously.

11:15 AM Planning/Rural Propane Service Preliminary Plat/Lakeshore Permit-Royer (Glen Lake)/Lakeshore Permit-USFS Dickey Lake: Kristin Smith, Nick Raines, Jesse Haag, Donna Martin, Jennifer Curtiss, Tom Lane, Rebecca Nelson and Ray Stout.

Lakeshore Permit-Royer (Glen Lake)-postponed.

USFS Public Boat Launch Request on Dickey Lake: The Forest Service is intending to repair the concrete boat launch on the north shore of Dickey Lake. Kristin said planning staff and planning board has reviewed the request and recommends approval. **Motion** by Commissioner Teske to approve the USFS Dickey Lake Boat Launch subject to 5 conditions and based on planning staff recommendation. Second by Commissioner Letcher, motion carried unanimously.

Rural Propane Services Subdivision, Developer Lincoln Electric. Proposal is to create 3 commercial lots, located on US Highway 93, 1 mile north of the intersection with Highway 37. A portion of the site (proposed Lot 1) is currently used by Rural Propane Services and many properties along the corridor are somewhat commercial in nature. Planning staff and planning board recommends approval for preliminary plat to Rural Propane Services Subdivision. **Motion** by Commissioner Letcher to approve preliminary plat to Rural Propane Services Subdivision, subject to 10 conditions and based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

11:30 AM Tobacco Valley Industrial District: Present were Sandra McIntyre, Art Walters, John McKay, Mark Mohr, Tom Lane, Donna Martin, Jennifer Curtiss, and Rebecca Nelson.

Art Walters said bids went out for purchase of a Lot within the Tobacco Valley Industrial District property. Art said he is here to present to commissioners since the property is jointly held. Offer was under market value, and the TVID Board would like to go back with a counteroffer. County and TVID both will have to sign off. Requesting to proceed together, and the new property owner would get a clear, sole title. J. Tiffin Hall will draw up all the paperwork for recording, title work, and insurance.

Motion by Teske to move forward with the counteroffer and sale of Lot as presented. Second by Commissioner Letcher, motion carried unanimously.

11:45 AM Open Cut #3383: Present were John McKay, Mark Mohr, Blanche & Stan Hudson, Jennifer Nelson, Donna Martin, Tom Lane, and Ray Stout.

John said he is a resident on Farm to Market Road, near the TCI gravel pit is location. Public comments from neighbors have been submitted to DEQ. John commented that he supports zoning going forward because the property in question is within a residential area of approximately 65 homeowners. John explained that once a gravel pit goes in, how the residential development decreases, and further explained the assessment of current properties from a zoning/tax standpoint.

John talked about the TCI Project receiving deficiency notices and informed the commissioners that he will be going to see DEQ Friday, requesting them to explain their rationale regarding the new HB599 and TCI's lack of permit process.

Blanche commented that TCI is not following the application processes and neighboring homeowners have concerns with groundwater. Blanche said there are no straight answers from DEQ or DNRC although they are the water/soil experts to

protect properties. Blanche asked about the plan of operation, there are trucks at 4:30 AM to midnight, constant noise, and those are not normal working hours at one of the other TCI sites.

Commissioner Bennett said he will need to read through and review HB599.

Blanche questioned if Thompson is a habitual offender, not maintaining roads, dust abatement, and not operating according to current permits, those should be violations.

Commissioner Bennett commented that the health department would be involved.

Commissioner Teske provided a guideline from Sweetgrass County on how to initiate the zoning process.

Blanche questioned why HB599 does not talk about residence, yet there are 65 homes that are going to be directly affected by this gravel pit.

John asked if the commissioners could ask DEQ the same questions. We are asking as residents, but the commissioners should be asking DEQ the same questions since the location is affecting people within the county and their homes.

Stan asked about getting on the agenda again next week to provide more information and to talk about the visit with DEQ on Friday.

12:00 PM **Break**

1:30 PM **Preliminary Budget Meeting with Commissioners:** Fair Board 1:30 PM / EMA 2:00 PM

Fair Budget: Present was Fair Manager Pam Rackley.

Pam presented and discussed anticipated expenditures and revenues for the fair budget for FY 22/23. Pam talked about the light fixtures in the Event Building that are being replaced; will be receiving two bids. Pam asked about creating a Capital Improvement Account for future costs. There was a brief conversation about utility and maintenance cost for the fair grounds and buildings.

Commissioner Bennett noted that money coming in from the Rodeo Association loan agreement will go towards helping with the fair maintenance expenses.

EMA: Present was EMA Director Tom Lane.

Tom presented and discussed anticipated expenditures and revenues for the EMA budgets for FY 22/23. Tom discussed travel, communications, equipment, tower/repeater sites, and increased fuel costs. Currently running about \$150/week in fuel cost.

Tom presented and discussed the anticipated budgets for the Emergency Management Program Grant (EMPG) and Communications Grant.

Tom said there will be continuous communication requests and anticipates those costs will increase.

Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

ATTEST: _____
Robin Benson, Clerk of the Board