

**April 26, 2023**

The Lincoln County Board of Commissioners met for a regular session on April 26, 2023, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Hammons, Lincoln County Administrative Assistant Jennifer Brown and Clerk & Recorder Corrina Brown.

Meeting allows for teleconferencing and VisionNet availability.

Present online were Ray Stout, Darren Short, Rebecca Nelson, Andy Evensen, Micky Handy, Anthony South, Chanel Geer, Bree Adamson, Jesse Haag, Dianne Hansen, Diane Watson, Jennifer Curtiss, Kerry Finley, Amanda Eckart, Michelle Byrd, Paula Buff and Susan Resch.

Commissioner Letcher opened the meeting with the **Pledge of Allegiance and Prayer**.

**09:45 AM Planning: Cannon Subdivision Final Plat, Revise CC&R for Pine Creek Meadows:** Present were Byron Sanderson, Jesse Haag, and Veronica Bovee-Anderson.

Cannon Subdivision Final Plat: Jesse provided a summary and history of subdivision advising all eight conditions have been met. Jesse advised the Planning Department recommends approval. **Motion** by Commissioner Hammons to approve Cannon Subdivision Final Plat. Second by Commissioner Teske. No public comment. Motion carried.

Pine Creek Subdivision Revised Covenants, Conditions & Restrictions. Jesse commented that Andy Evensen is online representing the developer. Jesse provided an update of ownership and amendments requested. Jesse advised of Planning Department recommendations after reviewing the proposed CC&R revisions. Andy stated the Planning Department recommendations are inline with the new developers' request and there are no issues with the amended CC&R's. **Motion** by Commissioner Teske to approve Pine Creek Meadows subdivision final plat subject to Planning Department recommendations and conditions. Second by Commissioner Hammons. Commissioner Teske questioned if these changes were brought on by developer. Jesse confirmed. Motion carried.

**10:00 Eureka Airport Bid Openings:** Present were Nick Enblom and Veronica Bovee-Anderson.

Nick opened a package advising it was a bid for the Eureka Airport from Granite Petroleum out of Spokane, WA. Nick skimmed the packet to ensure it was complete advising schedule 1: jet fuel tank \$497,515 and schedule 2: tank site work \$5,293. Nick advised he will give the bid packet a final review and if it's complete, seek approval next week.

**10:15 ARP Updates:** Present were Amanda Harcourt, Veronica Bovee-Anderson and Donna Martin.

04-26-2023 ARP Commissioners Update

Amanda presented: Today's ARP Update will cover activities completed and ongoing since we last met December 28th 2022.

ARP responded to 70 hotline calls, 192 utility locate tickets and conducted 42 site visits between December 2022 and April 2023.

**Libby and Troy SOW completed.**

289 Ave B, Libby-Interior abatement of the attic space. 66 Cross Roadway-Interior abatement of the subfloor.

GID 5730 (Port property) Exterior excavation to facilitate fence installation.

**Libby/Troy Properties (Upcoming Apartments or Sampling)**

**The following properties have approved SOWs and construction activities are scheduled for this spring.**

713 Michigan Ave- (INT Removal) Subfloor.

154 Pauline's Way -NOEC- (EXT Removal) Yard areas 386 Riverside Ave (EXT Removal) Yard area

100 Minor Dr -NOEC- (EXT Sampling)

**The following properties have approved SOWs and ARP is waiting on bid packages**

1218 Dakota Ave (INT removal) Eaves

Port Blvd-Central Maintenance Building (Phase 1 of INT Removal) 164 White Ave (EXT Removal)

Garden area

**Libby/Troy Active Properties (SOW Development)**

**ARP is currently drafting SOWs for the following properties.**

36573 US Hwy 2 -NOPEC- (EXT Sampling)

GID 8060 -NOPEC- Former NUA (EXT Sampling)

3274 Farm to Market Rd -NOPEC- (Multiple INT inspections needed EXT Sampling)

**Three out of the three properties ARP is currently developing SOW for are NOPEC properties. Once the SOWs have been drafted and approved. They will be sent out to bid. Once ARP has received bids, the property will be added to the next LASOC Agenda to discuss eligibility for reimbursement.**

10:30 AM **Administrative Issues/Old Business:** Present were Ed Levert, Solomon Alcain, Veronica Bovee-Anderson and Donna Martin.

- Corrina submitted the minutes for April 19, 2023, regular meeting for approval. **Motion** by Commissioner Teske to approve minutes of April 19, 2023, with the addition of Kathleen Sheffield's title of Victim/Witness Advocate. Second by Commissioner Hammons. No public comments. Motion carried.
- Weed District Board Appointments: 2 vacancies. No applications. Board requests another advertisement.
- Montana Forest Stewardship Foundation: Ed advised MFSF is a non-profit organization with the mission of educating and informing landowners, natural resource professionals and the general public about the principles of sustainable forest land management. Ed is looking for sponsorship for the 13<sup>th</sup> Montana Forest Landowner Conference Friday May 5<sup>th</sup> at Delta Hotel Helena Colonial in Helena. Commissioner Teske commented there is not a lot of educational materials for property owners. **Motion** by Commissioner Teske to support the 13<sup>th</sup> Montana Forest Landowner Conference Friday May 5<sup>th</sup> with \$500 from PILT. Second by Commissioner Hammons. Commissioner Teske advised the educational aspect is great. Motion carried.
- Commissioner Hammons requested signature on a grant required FAA risk assessment.
- Commissioner Teske commented he was asked to bring attention to an old movie prop tower at the Libby Airport which is needing reinforced or moved to a new home.
- Solomon presented an update on new doors and coding systems and is seeking funding to cover this cost. Commissioner Teske provided a history defining the need to upgrade the security system. Solomon suggested in the future Lincoln County continue to use Mountain Alarm due to their support of the technology involved in these systems. Commissioner Hammons questioned the life span of this system and would like to see this budgeted in the future. Solomon expects ten years. **Motion** by Commissioner Hammons to pay for new door upgrades. Second by Commissioner Teske. Commissioner Letcher clarified this will pay from PILT. Motion carried.

10:45 AM **Public Comment Time:** Present were Veronica Bovee-Anderson, Donna Martin, Kathleen Sheffield, Les Nelson and Scott Shindledecker.

Kathleen, Lincoln County's Victim/Witness Advocate, invited everyone to join her April 26<sup>th</sup> at 6:30 pm in front of the Courthouse 512 California Ave, Libby for a candlelight vigil to support victims and survivors of crime. Kathleen encouraged support of family, friends, neighbors, and community members who have been victimized by crime.

11:00 PM **Lincoln County Speed Study:** Present were Rebecca Franke, Veronica Bovee-Anderson, Donna Martin. Les Nelson and Scott Shindledecker.

Rebecca Franke introduced herself as the District Traffic Engineer for MDT.

- Speed Limit Recommendation Montana 37 (P-33) – Libby. Rebecca reviewed this speed study request, history of work in the area and study data. Rebecca read MDT conclusion and recommendations of maintaining the existing 70 MPH speed limits along the roadway. MDT however recommends extending the 35-mph and 45-mph special speed zones to at least 1,600-feet to provide appropriate length transitional speed zones. Commissioner Teske inquired how the public comment process will work. Rebecca advised of 60 days, from today, for public comment to be directed to Lincoln County Commissioners who will forward to Rebecca. Veronica questioned if Highway 37 construction was taken into account. Rebecca advised it did not.
- Limit Recommendation US 2 (N-1) – Happy's Inn. Rebecca presented the study information regarding the request for a speed conclusion and recommendations, MDT recommends "No Change" to the existing statutory speed limit through Happy's Inn. Citation data indicates law enforcement is present and targeting those motorists traveling outside the norm. Commissioner Teske commented that other highways around here have reduced speeds with far less traffic congestion. Rebecca restated that public comment period is 60 days with comments to be sent to the County commissioners who will forward them to Rebecca.

11:30 AM **Parks District Manager Update & Contract Renewal:** Present were Veronica Bovee-Anderson, Donna Martin, Les Nelson, Evon Comella, Tony Petrusa, Jane Maahs, Roger Larson and Scott Shindledecker.

Tony Petrusa of Cabinet Country Consulting LLC reviewed the Snowshoe and Flower Creek Trails, Kootenai Wellness Aquatic Center "The Pool project" is officially closed and archived, a new aquatic feature with flow-through water from Libby Creek is being designed. Tony advised funding will be the next step. Tony spoke of a series of trails called the "Logger Trail", efforts to establish pathways and priorities. Tony presented an Independent Contractor Agreement Lincoln County Park District, Cabinet Country Consulting LLC / Paul Petrusa to provide contract services for the identification, detailed development and initial implementation of recreational projects in the Libby area. Tony presented quarterly report from Cabinet Country Consulting LLC. Commissioner Teske commented that payment can be brought to Finance attention and the final payment will be made. Commissioner Hammons questioned if \$10k will cover six more years. **Motion** by Commissioner Teske to approve the extended contract. Second by Commissioner Hammons. No public comment. Motion carried.

11:45 AM **Election Reform:** Present were Scott Shindledecker, Donna Martin, Les Nelson, Veronica Bovee-Anderson, Roger Larson, Jane Maahs, Mike France, Kate France, Ann German, Scott Rodich, Anita Short, and Evon Comella.

Josh read a statement from MACO advising the Commissioners to inform meeting attendees if questions are asked, there is not to be any discussion regarding employees or relating to pending litigation. Only general questions about elections may be answered. Ann advised that she asked to be put on the agenda to comment on misinformation. Ann read a letter stating she had sent it to the Commissioners and Robin Benson; Clerk & Recorder previously urging their public support of elections and received no response. Ann referenced online research she has done offering it to anyone upon request. Ann stated ballot stuffing has been proven incorrect. Commissioner Teske clarified his comment last week was in reference to consolidation of polling locations as related to election security as well as encouraging the group to research MCA in relations to their concerns with the election process. Ann suggested the County Attorney be used for legal reference. Donna advised she was an election judge in the last election participating in training, primary, hand count, preparation of absentee ballots, observing the machine count and the audit. Donna says she read all public notices and election information. Donna stated Lincoln County had an excellent election that was open, professional and sees no need for election reform. Jane was an Election Judge for the first time during the last election and feels there was no need for fraud given the political leanings of this area. Jane feels the elections in Lincoln County have always been safe and secure. Jane feels the double checks will not allow for stuffing ballot boxes. Jane has seen nothing wrong with the rules and information processes conducted by Paula, Amanda and Robin. Jane feels the machine is by the book and eliminates manual counting errors. Diane Watson commented via zoom that she would like to know what actual concerns are and no bullying or name calling. Diane feels if she were involved she would want to present her case and not see it as an attack. Diane Hanson stated she is not accusing election officials but feels machines are susceptible to fraud. Diane wants same day voting, hand counting and no machines. Diane has no hard feelings toward election officials or those with ideology. Jane doesn't think party makes a difference to those wanting safe elections. Jane would like to see ballots counted on the same day they come in, even absentees, and that the software can't be changed. Jane doesn't want it to be made harder to vote but voting made to feel safer. Micky stated she has campaigned for and voted for Robin yet the audit committee meeting created concerns in her mind. Scott advised he trusts Robin and thought the election ran smoothly and doesn't think it needs changed. Mike is concerned about the scoffing he sees feeling is an indication of underlining issues. Mike stated most of Europe hand counts with larger populations. Jane is concerned about Lincoln County not outside locations and would like to see more dialog to sort out concerns. Commissioner Letcher advised they go twice a year to meetings and hear about cyber security in all fields. Commissioner Letcher advised one of the things he'd like to see is a 100% audit of elections. Commissioner Teske advised of a memo from the SOS stating one method of count can be used, hand or machine but not a mix for a given election. Evon asked about the rationale behind this MCA. Commissioner Teske read the SOS response. Donna commented that we need to clarify our understanding of the tabulator in relation to the internet. Diane Hanson commented that ES&S machines can be hooked to the internet.

12:26 PM Break

1:30 PM **Preliminary Plat Review: Snowy Valley:** Present were Crawford Dinning, Chris Faulkner, Kristin Smith and Jesse Haag.

Kristin outlined the Snowy Valley Subdivision requested by Tungsten Holdings. Planning Department recommendation is to grant preliminary approval to Snowy Valley Subdivision, subject to seven conditions with an exemption from DEQ for a preexisting shared well. Commissioner Teske confirmed addressing is complete. Crawford commented driveway and approaches are in place. **Motion** by Commissioner Teske to approve the Snowy Valley Subdivision with seven conditions. Second by Commissioner Hammons. No public comment. Chris advised a 2008 COSA and septic are approved. Motion carried.

2:00 PM **Adjourn**

## LINCOLN COUNTY BOARD OF COMMISSIONERS

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Josh Letcher, Chairman

**ATTEST:** \_\_\_\_\_  
Corrina Brown, Clerk of the Board