

July 26, 2023

The Lincoln County Board of Commissioners met for a regular session on July 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 Chanel Geer, Scott Shindledecker Reporter-Western News, Rebecca Nelson Reporter-Tobacco Valley News, Ray Stout Reporter-Kootenai Valley Record, Sheriff Darren Short, Alyssa Ramirez, and Susan Vincent.

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

09:30 AM Lakeshore Permit Dickey Lake – Spackman; Lakeshore permit Middle Thompson - Grant: Present were Veronica Bovee-Anderson and Director of Planning Jesse Haag.

Director of Planning presented Lakeshore permit on Dickey Lake submitted by property owner, Spackman. Jessa advised the proposal is to construct a 2' high and 145' long stacked rock retaining wall directly at the shoreline to prevent further erosion. Jesse stated there is also a plan to remove an existing rock wall within the Lakeshore Protection Zone and reconstruct it as a 2-4' tall wall using square rocks in the same location. Commissioner Hammons inquired about the duration of the existing dock on the property. Jesse advised it's unclear as there are no records of permits for the wall or docks. Jesse pointed out in the photographs the property had no water's edge vegetation, only lawn. Jesse advised the regulations stipulate that retaining walls are only allowed if there is erosion, which didn't seem to be the case for this property. Jesse stated the Planning Board recommends denying the 145' retaining wall, deeming it purely cosmetic and suggests exploring alternative options. Jesse advised the Planning Board recommends approving the reconstruction of the existing rock wall with the same dimensions and location. Jesse advised the project consultant, Bob Cuffe, was present during the discussion at the Planning Board meeting. **Motion** by Commissioner Teske, per Planning Board recommendation, to deny the 145' retaining wall and approve reconstruction of the existing rock wall, in addition, the applicant shall submit an after-the-fact permit for the dock prior to issuance of the permit along with the other five conditions. Second by Commissioner Hammons. Commissioner Teske expressed appreciation that the applicant sought permission from the board before proceeding with construction. Motion carried.

Jesse provided information about a proposal by the owners, Grant, on Middle Thompson Lake. Jesse stated they propose installing a 15x20' deck with stairs down to the lakeshore. The location of the construction is within both the Lakeshore Protection Zone and a private 130' ACM easement, and the work is planned to be done using hand tools and a small excavator on a steep bank. Jesse advised the Planning Board recommends approval subject to seven conditions. Commissioner Teske questioned the project layout, pointing out the owners have lakeshore property but lack lakeshore access. Jesse confirmed a dock is planned for the site at a later date. **Motion** by Commissioner Hammons to approve the Grant, Lakeshore application on Middle Thompson Lake per planning staff recommendations subject to seven conditions. Second by Commissioner Teske. No further comments. Motion carried.

10:00 FVCC/LCC Update: Present were Jane Karas FVCC, Megan Rayome LCC, Michael Roediger, Peggy Williams Libby Mayor and Veronica Bovee-Anderson.

Jane Karas introduced herself as president of Flathead Valley Community College and Megan Rayome as Director of the Lincoln County Campus. Jane advised FVCC offers Associate of Arts & Science and Applied Science degrees as well as a number of certificates. Megan advised starting today they offer CNA along with the RN and LPN programs. Megan stated 42 individuals have received CDL's through the college. Jane highlighted that the college has a partnership with three high schools in the county through the Running Start program, where students take college courses earning both High School and college credits with the first six credits free. Jane discussed expanded distance learning opportunities through remote and hybrid classes, as well as providing workforce training for businesses or industries at a reasonable rate. Jane mentioned the existing 5-year Community College Service Region, which was last updated in 2012, and clarified that once it is established, it stays in place unless rescinded per MCA 20-15-241. Jane advised the County Commissioners have an opportunity to appoint a Service Region Advisory Board representing the County interests with members from various communities. Megan expressed a desire to receive feedback from an advisory board on how best to serve the community's needs. Jane offered to send the Commissioners a draft agreement for their review and future discussion.

Jane said she makes an effort to visit all the communities every year, meeting with community leaders to explore better ways to serve their needs. Commissioner Teske questioned availability of CDL course in Libby as they benefit the road crew. Jane advised FVCC has a weekend CDL course in Kalispell to accommodate individuals who can't take time off work. Jane said they can expand trade programs and apprentice opportunities currently only offered in Kalispell to Lincoln County. Jane advised learning hands-on is beneficial to both the employer and the student. Commissioner Teske stated there is an issue with getting qualified applicants and interest in the jobs. Jane advised they offer micro or career credentials where a course builds on workplace skills and individuals can continue on to gain certificates or degrees. Commissioner Letcher questioned class offerings at the Eureka HS. Megan advised Running Start is in the HS and Jane stated they can offer classes in Eureka if there is sufficient interested or use remote sessions. Commissioner Teske mentioned expansion discussions at the Library in Troy may bring opportunities. Megan confirmed she regularly collaborates with Alyssa at the Library, as their missions align. Jane thanked the commissioners for their time.

10:30 AM **Administrative Issues/Old Business: Approve Minutes. Board Appointments. Interbel Easement. Resolution 2023-22 Intent to Hold a Special Election Marijuana Tax. Resolution 2023-24 Fire Restrictions.** Present were Veronica Bovee-Anderson, Michael Roediger, Peggy Williams Libby Mayor, Melanie Howell EA, Mike Rooney, Sheriff Darren Short, Scott Shindledecker Reporter-Western News, and Tom Lane EMA.

- Minutes of July 19, 2023, regular meeting for approval. **Motion** by Commissioner Teske to approve minutes of July 19, 2023. Second by Commissioner Hammons. No comments. Motion carried.
- Clerk and Recorder Corrina Brown advised of Libby Asbestos Superfund Oversight Committee, Citizen of Lincoln County: 1 open position, 1 application received. **Motion** by Commissioner Teske to reappoint George Jamison to the LASOC Committee. Second by Commissioner Hammons. No comments. Motion carried.
- Corrina advised the Lincoln County Planning Board: 2 open positions; 1 Libby District resident and 1 at large. 1 application received for the at large position. **Motion** by Commissioner Hammons to appoint Doug Fryer to the LC Planning Board. Second by Commissioner Teske. Commissioner Teske affirmed the board still has an opening for a Libby District resident. Motion carried.
- Commissioner Letcher discussed an Interbel Utility Telephone Coop. easement located at Tobacco Valley Business Park S3, T36N, R27W Lot 8 Acres 1.165 COS 6918. **Motion** by Commissioner Teske to approve the utility easement agreement with Interbel Telephone Coop. and Lincoln County. Second by Commissioner Hammons. No comments. Motion carried.
- Commissioner Letcher introduced Resolution 2023-22 Intent To Hold A Special Election For The Purpose Of Adopting Or Rejecting A Local-Option Tax Of Three Percent (3%) On Recreational and/or Medical Marijuana Sales within Lincoln County. Commissioner Teske read Resolution 2023-22, including the ballot question. Commissioner Teske inquired whether the election would be conducted through mail-out ballots. Election Administrator Melanie Howell clarified the special election will take place alongside the November General Election and voters in outlying areas of the county will receive mail ballots, while those within the municipalities will vote their polling place ballot. **Motion** by Commissioner Hammons to approve Resolution 2023-22. Second by Commissioner Teske. Commissioner Teske advised they have received letters of interest from the three municipalities listed requesting the tax. Forester Jennifer Nelson raised concerns about potential state-level issues regarding the marijuana tax and whether the county should investigate further before proceeding. Commissioner Teske clarified that this local option tax would be added to the local dispensaries' sales and is separate from state tax funding currently being negotiated. Commissioner Teske stated he has not heard of any issues from counties that have already approved this tax. Mayor Peggy Williams confirmed municipalities had been informed during the June meeting of MT league of Cities and Towns this does not affect their request of a 3% tax. Commissioner Teske affirmed this is separate from the state marijuana tax and the additional fee through sales has to be approved by voters. No further public comment. Motion carried. Commissioner Teske announced a public hearing is scheduled for August 16th, 2023, at 11am in the commissioner meeting room.
- Commissioner Letcher introduced Resolution 2023-24 Emergency Resolution Prohibiting Open Burning. Commissioner Teske read Resolution 2023-24 in its entirety. Commissioner Teske mentioned that it is common to implement at least stage 1 fire restrictions during the summer. EMA Director Tom Lane provided additional information stating there are currently eight active fires being monitored and the intent is to keep the resolution in effect for the shortest period possible. Tom acknowledged the duration of the restriction will depend on weather and available resources. Tom advised they have prepared an information package and would like it to be shared with the media throughout the county to raise awareness of the open burning prohibition. **Motion** by Commissioner Hammons to approve Resolution 2023-24. Second by Commissioner Teske. Commissioner Teske clarified the restriction takes affect after midnight Friday night July 29th, 2023. No further comments. Motion carried.

10:45 AM **Public Comment Time:** Present were Mike Rooney, Tom Lane EMA, Scott Shindledecker Reporter-Western News, Michael Roediger, Kirk Kraft, Gary Edwards, and Jerry Auger.

Mike Rooney addressed the commissioners as an interested party in the selenium issue in the Kootenai River. Mike presented copies of two articles, one from a study by the Fish, Wildlife, and Parks department and another written by Jim Robbins of the New York Times, both concerning selenium levels in the river. Mike advised, as an avid fisherman, he is concerned about the noticeable decline in the Whitefish population, which serves as an indicator species for the health of the river. Mike stated the Whitefish population has decreased at least 50%, and there is a significant increase in selenium levels in the eggs and ovary samples of the fish. Mike informed the Commissioners that scientific studies show selenium levels are increasing in the Kootenai River below the dam. Mike encouraged the Commissioners to visit the mining operation and consider the significant environmental impact it may have as a legacy left behind. Commissioner Letcher clarified he doesn't believe any of the Commissioners are advocating for the mining company.

11:00 PM **Fisher River Fire Budget Discussion:** Present were Scott Shindledecker Reporter-Western News, Tom Lane EMA, Michael Roediger, Jerry Auger, Gary Edwards, and Kirk Kraft Fisher River FSA.

Kirk Kraft, Volunteer Fire Chief, presented Fisher River Valley FSA budget and requested an increase. Kirk provided the following information about their operation: they cover 125 square miles, have 21 volunteer responders, have ISO city class 6, operate two fire stations about 10 miles apart and respond to fire, ambulance and rescue calls. Kirk stated they respond to all calls by resolution due to their remote location and average 30-60 calls per year. Kirk said the last fee increase was in 2008, raising it to \$140 per structured property. Kirk advised they have about 383 structured properties and are seeing growth with four new subdivisions and an RV park.

Kirk mentioned they started contracting wildland equipment to the DNRC about 20 years ago, and this funding now supports around 50% of their operational budget, yet they have no guarantee on any wildland funding, and this has also been subsidizing the ambulance services. Kirk advised they seek to correct this and have the assessment fees cover operation expenses. Kirk stated insurance has more than doubled in the last 10 years. Kirk advised their audit is complete and available. Kirk advised they request a general budget fee increase of \$68,152 which is less than \$15 per month per resident. Commissioner Letcher questioned the total annual increase. Kirk advised fee would increase from \$140 to \$317 a \$177 increase per year, for all classes 1-3. Kirk discussed the EMS fee and the need to assess individual areas for ambulance services separately. EMA Director Tom Lane advised the Ambulance Board's working on a mechanism to break down the tax dollars and funding for replacement ambulances. Tom advised they currently request funds for training purposes from their host ambulance district. Kirk advised they are working with Tom on EMS and more importantly today's visit is requesting the fee increase in the fire service area. Commissioner Teske stated the outcome of the EMS evaluation will affect the numbers presented and the \$177 dollar increase. Commissioner Teske expressed concern about the how the public may react to the significant increase. Kirk stated the community is aware as this has been in the works over the last five years. Commissioner Teske advised there is an MCA regarding the public process in requesting fee increases. Jerry acknowledged this is over a 50% increase from what they are at now and encourages the county to look at incremental increases going forward to avoid this situation. Kirk advised the ISO class 6 rating saves folks a lot more than this increase on their insurance. Commissioner Teske commented there are folks unable to get insurance because of wildland issues and are not in a fire district. Mike commented that three years ago the commissioners had a meeting, and the majority of the folks are totally unaware of this situation and don't attend FSA meetings. Mike is concerned with the FSA equipment acquisitions, building growth and associated maintenance required, perpetuating increasing expenses. Mike would like publication of numbers to encourage public involvement. Commissioner Teske advised this increase request will go through a public process to include a public hearing. Commissioner Teske stated he has discussed with representatives the situation where folks buy land and live in a camper all summer with no impact or liability for any of the services needed. Kirk reviewed the equipment replacements required to keep IO6 status. Commissioner Letcher ended the topic due to time constraints and confirmed working together to schedule a public hearing.

11:30 PM **Electrical Update LC Fairgrounds:** Present were Randy Brown, Tyler Remp, Michael Roediger and Scott Shindledecker Reporter-Western News.

Randy Brown introduced himself and Tyler Remp from Lincoln Electric stating Fair Director Pam Rackley requested they answer questions regarding the Fairgrounds. Commissioner Letcher advised Pam is unable to attend and questioned the consolidation from 9 to 3 meters. Randy advised the meters will be reduced to 2 and would like to spread this process out over a couple years to minimize disruption during fair activities. Randy stated initially they would work on the new building, Pam's office, the 5-meter cluster on one pole for the shacks and upgrade the 200-amp meter to a 400 for the RV spots. Commissioner Letcher advised Pam provided work estimates last week and asked what the difference consists of. Randy stated the \$11,198 dollar estimate is to upgrade the one meter to 400-amps, upgrade overhead secondary wire and transformer. Randy explained after reviewing the site, they provided a second option for approximately \$17,000 to be done over 2 seasons which would involve putting all overhead secondary wire underground and splitting the load with two transformers and the only thing remaining in the air would be the light circuit. Randy stated the second option would consolidate the meters down to 2. Commissioner Hammons questioned Lincoln Electric's base fee for each meter. Randy advised it is \$47 per month. Commissioner Letcher asked if Lincoln Electric will help fund these upgrades. Randy confirmed they are discussing some options and intend to budget something in the fall. Randy suggested meeting onsite to further discuss the details. Commissioner Teske expressed the importance of seeing the site firsthand. Tyler confirmed a tentative meeting at the fairgrounds for Thursday August 3rd at 10 am to view and discuss the site.

11:50 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board