

**November 1, 2023**

The Lincoln County Board of Commissioners met for a regular session on November 1, 2023, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Hammons, Commissioner Letcher, Administrative Assistant Jennifer Brown and Clerk and Recorder Corrina Brown.

Meeting allows for Zoom participation. Present online were Chanel Geer, Rebecca Nelson, Melanie Howell, Kathi Hooper, Michelle Byrd, Scott Shindledecker, Ray Stout, Thomas Lane and Wendy Drake.

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

10:00 AM **USFS**: Present were Nate Gassmann, Jerry Regh, Veronica Bovee-Anderson, Jennifer Nelson, and Kathleen Sheffield.

Nate Gassmann of USFS advised on the planned 2024 sales and opportunities in Libby. Snowshoe Granite, the state, is working on NEPA to build capacity but received no bids. They will work with the state to repackage and send it out again. It's for Granite Lake, Granite Creek Road, and the Flower Creek area to clear a 1000-foot centerline for fuel treatment on roughly 1,200 acres. Nate advised that Jennifer Nelson, County Forester, attended the kickoff for the non-time critical CERCLA action requirements for OU3. They are coordinating the environmental engineering cost analysis for the hazard removal, with anticipation of releasing the document in late spring. Nate mentioned that the Miller West Fisher Project is underway, and they are in discussions with the state regarding the GNA project for 100-200 acres. The poor road conditions are affecting feasibility. The Noman McCedar Project is still not scoped yet due to the logistics involved with the Forest Plan Amendment. They will have more information in December. The WHODO project of 1,200 acres in the Wildland-Urban Interface (WUI) is complete. Nate advised that <https://public.govdelivery.com/accounts/USDAFS/subscriber/new> is where a person can sign up to be automatically emailed updates of changes once topics of interest are selected. He noted that winter sports, Turner Mountain, are doing a great job utilizing volunteers. The Snowmobile Club is getting started. Nate advised that the RAC national charter termed out and is being reworked. Nate advised of trail projects and mentioned Bobtail Ridge and Windy Peak coming up. He also advised that the Forest Service national office will not have as many 1039 or temporary employees. Nate advised that this region's summer season will have about 17 permanent seasonal hires, with 13 pay periods worked and 13 pay periods laid off, with unemployment benefits being job dependent. Nate stated that on October 19th the Forest Service announced hire dates, and they are advertising in schools as a great opportunity. Commissioner Letcher stated there is limited scenic opportunities on Highway 37. Nate mentioned that there will be more work done at the Warhorse timber sale under GNA, which will provide more opportunities to see more water.

10:30 AM **Administrative Issues/Old Business: Approve Minutes / Fisher River Valley FSA Loan Request / Victim Witness Advocate – Apply for National Crime Victim Week Funding / Libby Asbestos OU3 Early Restoration Scoping**: Present were Jennifer Nelson, Kathleen Sheffield, DC Orr, Veronica Bovee-Anderson and Scott Shindledecker.

- Minutes of October 25, 2023, regular meeting for approval: **Motion** to approve the October 25, 2023 regular minutes by Commissioner Teske. Second by Commissioner Hammons. No comments. Motion carried.
- Fisher River Valley Fire Service Area county loan request for a Pierce Fire Engine purchased in 2021 with an adjustable rate that has increased to 6%. Commissioner Teske referenced the conversation and read a submitted letter after asking if this is something the board wants to entertain. The request is a county loan of \$274,000 for an 8–10-year period at a fixed rate around 1.65%. Commissioner Teske advised that in the past, the funds have been taken from PILT, referencing a loan to Troy Rural Fire District and the Sheriff's Office Canine unit. Commissioner Letcher suggested 2% with an 8-year term. Commissioner Teske emphasized this benefits all entities, including taxpayers. Commissioner Hammons questioned if Inter-cap has an early payoff penalty. Commissioner Teske will work on these details and present an agreement.
- Kathleen Sheffield Victim/Witness Advocate asked permission to apply for the National Crime Victim grant of \$5,000 and reviewed the required details and benefits to our communities. Kathleen provided informational samples focusing on raising awareness and prevention. She stated the materials and resources produced have added value. She advised they targeted social media last year. She mentioned the Facebook page during that period reached nearly 5,000 people, with 90% being non-followers. She plans to update the website to offer more information and resources. **Motion** by Commissioner Hammons to approve the application for the National Crime Victim grant application for \$5,000. Second by Commissioner Teske. No public comments. Motion carried.
- Libby Asbestos OU3 Early Restoration Scoping: Commissioner Hammons advised they met with this group and there is restoration funds available. He advised The Kootenai River Network is seeking funding for recreational and educational improvements along the river. They are requesting a letter of support for a management plan of the river development associated funding request. Commissioner Teske mentioned a Natural Resource Development meeting at the Ponderosa Room Thursday November 20, at 7pm regarding funding opportunities arising from the settlement of WR Grace. **Motion** by Commissioner Teske to approve the support letter for the Kootenai River Network. Second by Commissioner Hammons. Commissioner Letcher expressed concerns wanting to know the agenda for the group. Commissioner Hammons advised this group wants to be able to keep the recreation, update facilities and educate the public on the river. No further comments. Motion carried.
- Commissioner Hammons advised the Troy Road Department is doing a purchase/lease for a John Deer Road Grader after having reviewed with county finance. **Motion** to approve the Road Department lease/purchase agreement by Commissioner Hammons. Second by Commissioner Teske. No further comment. Motion carried.

10:45 AM **Public Comment Time:** Present were Nick Rains, Jesse Haag, DC Orr, Veronica Bovee-Anderson and Scott Shindledecker. Suzy Rice.

DC Orr expressed his concerns about election integrity in Lincoln County. He stated that it started with the Chamber of Commerce making false accusations against him. The County Sheriff's Captain suppressed exculpatory evidence in his case. Judge Sheffield issued an arrest warrant without probable cause. Marcia Boris maliciously prosecuted him because he was acquitted, and even Judge Cuffe would not allow him to produce evidence. He mentioned that he has spent tens of thousands of dollars defending himself from this election fraud. Today, he was in the County Annex building and saw a person carrying an open-top tote into the building. He asked Melanie Howell Election Administrator to confirm the contents. Corrina Brown Clerk and Recorder clarified this was US mail being delivered by two county employees to the Election Office. Commissioner Teske confirmed it was a US Postal Service mail delivery container, and stated he will take DC's concern under consideration. DC requested the board make a decision on whether election integrity is important or if they will stonewall efforts to ensure it. Commissioner Teske advised he will reach out to the Secretary of State's office.

Susy Rice extended an invitation to the Commissioners to a forum on housing insecurity scheduled for Tuesday, November 14<sup>th</sup>, at the Memorial Center at 7 pm. There will be a five-person panel available to address any questions.

11:00 AM **Final Plat: Braach Subdivision / Bighorn Subdivision:** Present were Jesse Haag, Nick Raines, Veronica Bovee-Anderson and Scott Shindledecker.

Jesse presented the Bighorn Subdivision advising they have met all sixteen conditions and recommend approval.

**Motion** by Commissioner Teske to approve the Bighorn Subdivision. Second by Commissioner Hammons. No public Comments. Motion carried. Jesse presented the Braach Subdivision for final plat approval having met all conditions.

**Motion** by Commissioner Teske to approve the Braach Subdivision. Second by Commissioner Hammons. No public comments. Commissioner Letcher questioned driveways in relation to county addressing regulations. Commissioner Teske rescinded his motion to approve Braach Subdivision until approaches can be confirmed with county addressing by County Planning.

11:15 AM **KDID Spillway Construction Update:** Present were Nick Raines, Veronica Anderson and Scott Shindledecker.

Nick Raines from WR Grace provided an update on the KDID spillway construction site. He presented a video showcasing the site and spill way. He reported the upper half of the spill way is complete. Nick mentioned the contractor has worked roughly 220,000 man-hours with no reported incidents. Nick stated that the design for the lower spillway has been finalized and will involve 20-30% more concrete, featuring about a 10% grade. They anticipate a 4-5-year project timeline. They are facing challenges in finding contractors willing to bid due to their existing workloads. Commissioner Hammons inquired, and Nick explained that the purpose of the spillway is to manage a massive storm event by filling the impoundment and diverting the storm around the dam itself. Commissioner Teske asked about tours. Nick mentioned that due to the ongoing construction, public tours are not being conducted and access is limited to individuals directly involved in the project, including EPA, DNRC, and local and state elected officials. Commissioner Teske inquired about any issues arising from the removal of the lower gate and the opening of Rainy Creek. Nick reported that there was initial interest and increased traffic in the Gultch direction after the change. Nick provided an update on the OU3 superfund remedial investigation feasibility study. They continue to collaborate with EPA, DEQ, and the FS on the EFS, and a significant portion of the evaluation has been submitted. They are actively working with these agencies to expedite the schedule and are on track to submit a full draft feasibility study in May.

11:30 AM **Clerk and Recorder Office – Reassigning Addressing Duties to Different Department:** Present were Veronica Bovee-Anderson, Michelle Byrd and Scott Shindledecker.

Clerk and Recorder Corrina Brown informed of a shift in demands within the Clerk's office, where there has been a notable change. She mentioned that the availability of public records via the county website has led to fewer requests for actual documents, and more for research projects related to those documents. Additionally, entities like the Department of Revenue have indicated that, by statute, certain requirements now belong to the county, necessitating coordination with other departments and diverting one of our two recorders. We are asking you to consider reassigning county addressing to another department. Michelle Boyd, Deputy Clerk and Recorder, expressed her interest in taking on more responsibility in research and becoming acquainted with requirements in a pre-recording review process. When queried, Michelle mentioned that the workload for addressing has slowed somewhat, but it still varies daily based on incoming calls. Commissioner Teske shared that he initially envisioned County Planning to encompass someone handling planning addressing and providing assistance, before a budget shortfall of 1.6 million dollars. He advised the idea of consolidating planning, county addressing, and GIS in one department makes sense, but the question arises of how to fund it. A discussion ensued about fees, GIS contracting payments, and various county departments with budgets allocated for outsourced GIS services. Commissioner Teske also inquired about the specific job responsibilities associated with this planning position, including phone calls, walk-ins, GIS work, and site visits.

11:47 AM **Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Josh Letcher, Chairman

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