

April 20, 2022

The Lincoln County Board of Commissioners met for a regular session on April 20, 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**.

10:00 AM **Republican Women' Club for Lincoln County:** Present were Dianne Hansen, Kathleen Roth, Kerry Finley, Graylynn Blanchard, Angela Miller, Arvid Miller, Gail Ambrose, Rebecca Nelson, Sharon Vieyra, PattiSue Stachofsky, Diane Watson, Evan Comella, Tom Lane, Adam Gill, Bryan Hoffman, Ray Stout, Solomon Alcain, Nathan Bilyeu, Paula Buff, and Tony Petrusa.

*Dianne submitted and read from the following document:*

**ELECTION INTEGRITY PRESENTATION TO COMMISSIONERS**

from individual members of the Republican Women's Club for Lincoln County

We, individuals from the RWCFCL feel that we are working together with our Election Officials and our County Commissioners to create the pressure needed to restore Americans' election process. We are willing to volunteer and to give input as well as help oversee on Election Day. We want to gather all people of Lincoln County together to care about our county's election integrity and help protect our systems. We have become skeptical people so we want to step forward to help.

Our over-arching concern is to eliminate ES&S equipment (except for the ExpressVOTE machines for the disabled) and establish for all future elections the hand counting of ballots.

About the hand-counting of ballots, we desire the establishment of a bipartisan citizen group to do the counting. When our county officials publicize this opportunity for citizens, we want to influence the elections department to advertise very thoroughly... FAR AND WIDE... something that has been noticeably lacking in the past. Evidently the cost of advertising adequately throughout the county for long enough periods, has been considered too expensive.

About the ES&S machines: their elimination would solve our county's problems that arise from having a 3<sup>rd</sup> party standing between the citizens of the county and our elected officials. At this point, we understand from Paula Buff, that ES&S expressly forbids anyone to inspect their machines internally.

On the other hand, our Montana legislature in the Montana Code of Law, in 13-17-101 Required Specifications For Voting Systems: *(1) allows auditors to access and monitor any software program while it is running on the system to determine whether the software is running properly.*

This is an amazing contradiction between our MT law and the ES&S manufacturers, an out-of-state company that stands between us and our election integrity.

That is why we must bring this information out into the open and ask our Lincoln County Commissioners to eliminate ES&S equipment from our election processes (except for the ExpressVOTE machines for the disabled).

*Thank you, County Officials, for listening to our concerns. We thank Jerry Bennett specifically for bringing to our attention the 10<sup>th</sup> Amendment which encourages The People to know their rights under the Constitution and to stand for our rights in local government. Like never before, we realize that We the People have hired our elected County Officials to work for all of us.*

*Thank you for putting us on the Agenda today and thanks for taking seriously our concerns over Lincoln County's election integrity and election processes.*

One of our sources of information has been the **Report of the Temporary Committee on Election Integrity by the Republican National Committee**. <https://delawaregop.com/news/2021/08/20/rncs-report-of-the-temporary-committee-on-election-integrity/>

Kerry Finley explained the Republican Women's Club for Lincoln County as being new and in no way is an attack on the election department or the clerk & recorder, but just wants to be involved in helping county election integrity.

*Evan Comella stated and submitted the following correction for the record.*

Correction to Election Integrity presentation made April 13, 2022 by Evan Comella

In my list of election integrity concerns I listed:

Citizenship verification (Montana DMV issues driver's licenses to illegal aliens)

After reviewing -

Montana Code Annotated 2021

TITLE 61. MOTOR VEHICLES

CHAPTER 5. DRIVER'S LICENSES

Part 1. Licensing Provisions

"When an applicant who is not a citizen of the United States applies for a driver's license, the department shall verify that the applicant is lawfully present in the United States by using the federal systematic alien verification for entitlements program."

That statement should be corrected to read:

Citizenship verification (Montana DMV issues driver's licenses to non-citizens)

Gaylynn Blanchard expressed that she moved to Lincoln County recently from Salt Lake City and enjoys community involvement and the Republican Women's Club. Gaylynn said she would like to see elections go back to paper ballots and hand counting, expressing concern of corruption in these systems.

Commissioner Bennett conveyed that it is encouraging to see people who are willing to hit the ground running and be involved. The Commissioners make weighty decisions every day and it's good to see involvement. We may not agree on all the details; there are a lot of moving parts. As people begin to gather, changes come, that's the way our system is set up. The legislature passed 6 really good election bills, unfortunately, they are tied up in court right now.

Kerry Finley talked about a video from a Nevada County, that was eye-opening and encouraged the commissioners to view it.

Commissioner Bennett explained there are a lot of moving parts, county, state and federal laws as well as individual rights. It takes all of us working together.

10:15 AM **ARP Update:** Present were Rebecca Nelson, Adam Gill, Ray Stout, Tony Petrusa, PattiSue Stachofsky, Sharon Vieyre, and Tom Lane.

Commissioner Bennett read the following ARP Update Report submitted by the ARP Department.

Asbestos Resource Program (ARP) Report for Commissioner's Meeting

April 20th, 2022

10:15 – 10:30

In March, ARP received 24 hotline calls. 22 were from Libby, 2 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 95 utility locate tickets from properties within the Superfund site in December: 77 from Libby, 18 from Troy.

ARP 22 visits within March. 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 is waiting for the property owner to respond with a signed SOW. Work will tentatively be performed Spring or 2022.

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.

ONGOING/PLANNED SAMPLING:

GID 11192, Troy – Property was designated a non-use area during the time of investigation. The property has since been developed. ARP is currently drafting a sampling SOW. Sampling event tentatively scheduled for Spring 2022.

287 Terrace View, Libby- ARP identified gross levels of VV on areas of the property where tree stumps had been removed. ARP is currently drafting a sampling SOW. Sampling event tentatively scheduled for May.

42162 US Hwy 2, Libby-NOPEC Property owner plans on selling the property. ARP will be providing the sampling SOW and oversight for the property owner to collect the samples themselves.

**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 1<sup>st</sup>, 2020, until May 31<sup>st</sup>, 2022. Total costs incurred by ARP & reimbursed by DEQ since July 2020 is approximately \$408,544 leaving a remaining balance of \$94,562. The last reimbursement came in February. Claims for March reimbursement have been sent to DEQ on the 15<sup>th</sup> April.

**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 30<sup>th</sup> 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:** Present were Mike McMahon, Rebecca Nelson, Tony Petrusa, Ray Stout, PattiSue Stachofsky, Sharon Vieyra, and Tom Lane.

- Robin submitted the minutes for April 13, 2022 regular meeting and April 14, 2022 Trego/Fortine/Stryker Public Hearing for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Teske, motion carried unanimously.
- Resolution 2022-10 Trego/Fortine/Stryker Fee Increase: Commissioner Teske read Resolution 2022-10 in it's entirety. **Motion** by Commissioner Teske to approve Resolution 2022-10 as presented. Second by Commissioner Letcher, motion carried unanimously.

Commissioner Teske commented that it was a good public hearing with good comments. There was one comment from a person expressing concern this would be a revolving door, but overall, it appeared that everyone was supportive and acknowledged that it is expensive to operate a fire service.

Commissioner Letcher commented that potential grants have matching funds, and the current TFS budget does not have any means to support those other sources of revenue.

PattiSue commented that the TFS volunteers do a good job, they service us if there is any need and are very dedicated. PattiSue said that as a property owner, she is more than in favor to support TFS. PattiSue expressed that at the public hearing, she felt there was no opposition and the \$50 increase is nothing compared to the service.

- Resolution 2022-11 Intent to Establish a City of Libby/Lincoln County PACE Program: Commissioner Letcher read Resolution 2022-11 in it's entirety. Commissioner Bennett explained the PACE Program is a finance option that allows folks to get upgrades for energy efficiency.

Adam thanked the county for taking up this program and moving forward to bring the program to Lincoln County.

**Motion** by Commissioner Teske to approve Resolution 2022-11 as submitted. Second by Commissioner Letcher, motion carried unanimously.

**All resolutions can be viewed in their entirety from the county website:** [www.lincolncountymt.us](http://www.lincolncountymt.us)

10:45 AM **Public Comment Time:** Present were Lary Smith, Solomon Alcain, Rebecca Nelson and Kirk Kraft.

Lary asked Commissioner Bennett about where publications are posted in Troy. Commissioner Bennett said public notices are in local newspapers and on the county website, but is willing to visit with Lary about posting in Troy specific locations.

11:00 AM **Board Appointments:** Present were Brent Holder, Ron Taurman, Steve Iker, LeeAnn Schermerhorn, Ray Stout, Tony Petrusa and Rebecca Nelson.

Robin commented that board vacancies were posted in the Kootenai Valley Record, Tobacco Valley News, County website, Libby courthouse public bulletin boards and the North Annex public bulletin board.

Robin presented board vacancies as follows:

Eureka Fire Service Area: 2 vacancies, 2 applications received/Ron Hvizdak and Shawn Vandenberg

Trego/Fortine/Stryker Fire Service Area: 3 vacancies, 2 applications received/Dawain Burgess and Mike McMahon

Upper Yaak Fire Service Area: 1 vacancy, 1 application received/Bill Sullivan

McCormick Fire: 3 vacancies, 1 application received/John Chott

Lincoln County Rural Fire: 1 vacancy, 1 application received/Gary Wood

Troy Park: 3 vacancies, 3 applications received/Jamie Campbell, Kyla Grose, Sheila Etienne

Libby Park: 4 vacancies, 3 applications received/Ben Scott, Marc McCully, Mark Peck

Troy Lake Creek TV: 1 vacancy, 1 application received/Clint Taylor

Tobacco Valley Industrial District: 3 vacancies, no applications received

Eureka Dispatch: 1 vacancy, 3 applications received/Steve Iker, Joel Cobb, Stormy Langston

Donna Lowery, Vice Chair of the Eureka Dispatch Board submitted a letter of recommendation requesting Chief Steve Iker to be appointed because the recent vacated position was that of an officer and the board wants to continue the tradition of having an officer on the board.

**Motion** by Commissioner Teske to reappoint/appoint all applicants as presented except for Eureka Dispatch. Second by Commissioner Letcher, motion carried unanimously.

Commissioner Teske commented that he understands the Eureka board recommendation, and the importance to have a law enforcement perspective on their board.

Commissioner Letcher commented that the issues with the Eureka Dispatch Board are not unknown to most people. The board has worked hard to get those resolved, and Steve Iker has helped with resolving issues, and totally supports his appointment.

Commissioner Teske added that the dispatch board's perspective is not refuted.

**Motion** by Commissioner Letcher to appoint Steve Iker to the Eureka Dispatch Board to fill an unexpired term through 6/30/2024 as recommended by the dispatch board members. Second by Commissioner Teske, motion carried unanimously.

Robin asked about who the contact person is for correspondence with the dispatch Board. LeeAnn said she will be the contact for correspondence and would forward any information to the board members.

**11:15 AM Lincoln Electric / Rural Propane / Propane Fuel Station:** Present were Brent Holder, Ron Taurman, Tom Lane, Ray Stout, Rebecca Nelson, and Tony Petrusha.

Brent Holder talked about Lincoln Electric Propane business and location in Eureka. They are looking into more energy efficiency options and will be moving forward with a propane fuel station, corresponding with the Clean Air Act. Brent Holder discussed current technology, cost, changes such as school buses moving to propane, and benefits to using propane.

Ron talked about liability, trainings and changes in technology to using and filling propane tanks and they are moving forward with providing propane auto gas availability. Initially at first, it will be geared more for trucks, fleet service, not necessarily for the personal auto at this time.

Tom Lane said there are no concerns, this is happening everywhere and he encourages it.

**11:30 AM Planning: Lakeshore Construction Permit-Tungsten Holding (Savage Lake):** Present were County Planner Nick Raines, Rebecca Nelson, Solomon Alcain, Ray Stout, and Tony Petrusha.

Nick said planning received an application for a Lakeshore Construction Permit to rebuild and extend a dock along Savage Lake. The application includes a request for variance as the total length of the proposed dock is 81-feet. Variance is required for any dock longer than 50-feet. The property where the dock is proposed sits at the relatively shallow southern end of Savage Lake. The Lincoln County planning Board recommends the approval of the Tungsten Lakeshore Construction Permit and variance request.

**Motion** by Commissioner Letcher to approve the Tungsten Lakeshore Construction Permit and variance request based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

11:45 PM Meeting Adjourned

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Jerry Bennett, Chairman

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