

August 21, 2024

The Lincoln County Board of Commissioners met for a regular session on August 21, 2024, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Hammons, Commissioner Letcher, Commissioner Teske and Clerk and Recorder Corrina Brown.

Zoom participation: Administrative Assistant Jennifer Brown, Brian Phillips, Chanel Geer, David Harman, Deb Burrell, Dustina Deans, Evan Comella, Feleisha Storkson, Jesse Haag, Jay Sheffield, John Davis, Kathi Hooper, Kayla, Maranda Davis, Mavis Vaillancourt, Melanie Howell, Mike Rooney, Noah Pyle, Noel Duram, Ray Stout, Roland Jorgenson, Ron Denowh, Sarah Long, Scott Shindledecker, Sierra Gustin, Vanessa Williamson, Veronica Bovee-Anderson, Wendy Drake and Zach Sherbo.

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

10:00 AM **Appointment of Election Judges and Designation of Polling Places – Melanie Howell:** Present were Alan Gilbertson, Douglas Gilbertson and Traci Street.

Melanie Howell, Election Administrator, presented designation of polling locations, list of judges to include alternates as well as the post-election audit committee with alternates. **Motion** by Commissioner Teske to approve the polling locations as described. Second by Commissioner Hammons. No comments. Motion carried. **Motion** by Commissioner Teske to approve the election judges as listed. Second by Commissioner Hammons. No comments. Motion carried. **Motion** by Commissioner Teske to approve the list of post-election audit committee as presented. Second by Commissioner Hammons. no comments. Motion carried.

10:15 AM **Cease and Desist Removal Request Regarding Construction in Floodplain – Linda Benedict:** Present were Alan Gilbertson, Douglas Gilbertson and Traci Street.

Commissioner Letcher noted Linda Benedict was not present. Planning Director, Jesse Haag, reported no new updates. He mentioned this Sinclair Creek area parcel is agricultural land with a significant floodplain and that agricultural covenants prohibit any commercial or industrial uses. Commissioner Teske asked if any construction was occurring on the property. Jesse confirmed that concrete forms for a larger structure were present, along with several existing smaller outbuildings. Commissioner Letcher inquired if there are permitting differences between outbuildings and larger structures. Jesse clarified the regulations for agricultural purposes exclude residential, commercial and industrial uses and structures. He noting a barn is a grey area on structures of any kind. He mentioned this case is complicated by the floodplain covenant, which prohibits certain uses and is tied to the land. Jesse confirmed a cease-and-desist order was issued upon becoming aware of construction activity. Commissioner Letcher suggested the property owner could hire someone to assist with the subdivision process and floodplain permitting. Jesse agreed and said they have been providing her with guidance.

10:30 AM **Administrative Issues/Old Business: Approve Minutes / Consulting and Lobbying Agreement – Allen Freemyer:** Present were Alan Gilbertson, Douglas Gilbertson and Traci Street.

- Review of August 7, 2024, regular meeting minutes: **Motion** to approve the August 7, 2024, minutes by Commissioner Hammons. Second by Commissioner Teske. Commissioner Letcher abstained due to not attending the meeting. No comments. Motion carried.
- Review of August 15, 2024, special meeting minutes: **Motion** to approve the August 15, 2024, minutes by Commissioner Hammons. Second by Commissioner Teske. Commissioner Letcher abstained due to not attending the meeting. No comments. Motion carried.
- Consulting and Lobbying Agreement – Allen Freemyer: Commissioner Teske noted that during the land transition process with the Forest Service through an appropriations bill, attorney Allen Freemyer was recommended to assemble a package for several entities in Montana to present to Congress. The agreement is for \$450 per hour, with an estimate of no more than twenty hours. It includes a bio and a scope of work outlining his tasks. Commissioner Teske stated that the agreement has been reviewed by the county attorney, who had no concerns. Commissioner Hammons confirmed that the payment would come from PILT funds. **Motion** by Commissioner Hammons to approve the Consulting and Lobbying Agreement. Second by Commissioner Teske. Commissioner Teske noted the currently proposed projects for acquisition include the Lincoln County Shooting Range, Troy Airport and one acre around the Yaak Community Center, which are currently under FS special use permits. Commissioner Letcher requested the West Kootenai Fire Hall be included. Commissioner Teske asked for the specific footprint and confirmed he will seek its inclusion once provided. No public comments. Motion carried.
- Commissioner Letcher advised he is scheduled to meet over the next two days regarding the Sofie Lake planning project to identify how this will best move forward.
- Commissioner Letcher stated the letter from the Town of Eureka has not yet been received. He added DNRC has stated the funding has to be obligated, which it is.
- Commissioner Letcher advised FWP Trails Grant funded trail near the highway to the sports park will start this fall.
- Commissioner Letcher encouraged to attend the Lincoln County Fair this weekend!

10:45 AM **Public Comment Time – Non-Agenda Items:** Present were Alan Gilbertson, Douglas Gilbertson, Larry Wilke, Robert Dittmer and Traci Street.

Noel Duram, via Zoom, advised the Barnabee Lake community had a well failure and has hired an engineer. Bob Dittmer then presented an easement for a 100-foot zone for wellhead protection. Commissioner Letcher received confirmation from Bob that this is a community well, there is no community septic system or septic issues and that two property owners are affected. Commissioner Letcher will review the documentation and schedule this for next week.

Mike Rooney, representing the Kootenai Valley Trout Club, via Zoom expressed concern about selenium pollution. He asked the commissioners their stance on the latest pollution standards. Mike noted that an International Joint Commission (IJC) is looking to form a study group due to rising selenium levels and expressed concern that the commission may not be adequately informed to make a one-size-fits-all decision. Commissioner Letcher explained that the state follows a legal process to establish rules and questioned the practicality of enforcing local standards on a foreign entity. Commissioner Teske pointed out that while the state's standard for selenium is 5, the EPA's is 1.5 and the state is trying to enforce a much stricter limit of .08 specifically for the Kootenai River and the reservoir. He expressed concern about how these standards would be enforced on an international company, noting that recent meetings with EQC, DNRC, and DEQ provided no assurances. Mike reiterated that the IJC is pushing to form another committee, emphasizing that local tribes are also raising concerns and there is an active group of people who feel the river is being harmed. Commissioner Teske stated nobody wants to see the river polluted in any way, shape or form. He questioned the necessity of further restricting this particular waterway, especially given the lack of enforcement. Commissioner Letcher criticized the process used to establish the new regulations, calling for more reliable science.

11:00 AM Lincoln County Tobacco Subcontractor Agreement – Zach Sherbo, Health Department: Present were Alan Gilbertson, Douglas Gilbertson and Traci Street.

Zach Sherbo, Health Department, advised they are renewing the Montana Tobacco Use Prevention Program contract FY2025 and provided. Sarah Long, Health Department, discussed the prevention program. **Motion** by Commissioner Hammons to approve the MTUPP Sub-Contractor Agreement with the Flathead City-County Health Department for tobacco prevention. Second by Commissioner Teske. No comments. Motion carried.

11:15 AM Approve Drop-in Center Contract – Vanessa Williamson: Present were Alan Gilbertson, Douglas Gilbertson Tara Letcher and Traci Street.

Vanessa, Probation Officer, presented job descriptions for a drop-in center coordinator, recovery support specialist and a behavior health specialist and noted the probation department, crisis response team and drop-in center report to Justice Court. Judge Sheffield stated the probation department falls under his jurisdiction but has its own funding. Commissioner Letcher clarified the probation department is within the Justice Court department, with Judge Sheffield as the head of the probation department. Commissioner Teske questioned if the contract will be brought to the commissioners to take action on. Vanessa confirmed the contract will be forthcoming and discussed specific structure, training and funding.

Justice Court (3 employees)	Probation Department (1 probation officer)
Crisis Response Team (1 behavior health specialist & 1 other)	Drop-in Center (1 full time coordinator & 1 full time recovery support specialist & 1 part time specialist in Eureka)

11:30 AM Kootenai Vista Restroom Discussion: Present were Alan Gilbertson, Douglas Gilbertson Tara Letcher and Traci Street.

Douglas Gilbertson owner of Block 1, Lot 3 described vandalism to a motorhome he had on his lot and expressed frustration with the trash and toilet use on his land. He mentioned he has spoken with the sheriff's and posted "No Trespassing" signs office and has given a neighbor permission to remove trespassers. Douglas voiced concerns about foreign-owned property getting meaningful notifications. He noted that a portion of his land is frequently used as a turnaround spot. Although he has not yet installed a fence, he is considering it. He also mentioned the presence of the proposed toilet just 33 steps from his front door would be unpleasant. Douglas pointed out that there is no signage for the boat ramp and no designated parking for boats. He stated the area is too small for the county's intended use and suggested the boat ramp be moved to the end of the Waterfront Road, where the survey designates a county park on over four acres. Discussion of total park area being about 10 acres. Douglas believes that relocating the boat access to the existing park would better serve the community, given the available space for development.

11:45 AM Preliminary Budget Meeting: Present were Alan Gilbertson, Douglas Gilbertson Tara Letcher and Traci Street.

Wendy Drake, Finance Director, presented the preliminary budget via Zoom. Commissioner Teske confirmed some updates were made. He noted the mill is 58,571 and last year was 59,696, leaving a deficit of about \$500,000. **Motion** by Commissioner Teske to approve the preliminary budget for fiscal year 2024-25. Second by Commissioner Hammons. no comments. Motion carried. Commissioner Letcher expressed appreciation to all departments for helping get to this point.

11:54 PM Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board