

June 18, 2025

The Lincoln County Board of Commissioners met for a regular session on June 18 2025, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Teske, Commissioner Hammons, Commissioner Duram, and Clerk and Recorder Corrina Brown.

Zoom participation: Deputy Clerk and Recorder Jessica Jenson, Adam Stephenson, Anthony Jenson, Bobbi McCanse, Chanel Geer, Dallas Bowe, Deb Burrell, Duane, Jesse Haag, Kathi Hooper, Maggie Craig, Melanie Howell, Ray Stout, Scott Shindledecker, Sierra Gustin, Stephanie Wilke and Tony Wickham.

10:00 AM **Administrative Issues/Old Business: Approve Minutes. Designate County Commissioner to LASOC. Snapshot Mining And Milling Authorization Letter. PILT Claims. Resolution 2025-23 Set Elected Official Base Salaries. Resolution 2025-24 Set Justice of the Peace Base Salary:** Present were Don Truman and Traci Street.

- Approval of the minutes: **Motion** by Commissioner Hammons to approve the June 11, 2025 minutes. Second by Commissioner Duram. No public comment. Motion carried.
- Designate County Commissioner to LASOC: Discussion on statutory requirements and Commissioner Teske's ongoing role. Discussion of Commissioner Teske's current role and involvement with the LASOC board. **Motion** by Commissioner Hammons to designate Commissioner Teske to stay on the LASOC committee. Second by Commissioner Duram. No public comment. Motion carried.
- Snapshot Mining and Milling Authorization Letter: Commissioner Teske reviewed a letter re-authorizing Robert Viergutz for five-year access to a closed portion of Granite Creek Road for mining activities on his claims with non-transferable access limited to small utility vehicles. **Motion** by Commissioner Duram to approve the letter. Second by Commissioner Hammons. No public comment. Motion carried.
- PILT claims: Richard Stem regarding MSA for \$1,947.50.
Motion by Commissioner Hammons to approve the invoice for Richard Stem. Second by Commissioner Duram. No public comment. Motion carried.
Professional fees from Ugrin Alexander Zadick, P.C. totaling \$3,894.94.
Motion by Commissioner Duram to approve. Second by Commissioner Hammons. No public comment. Motion carried.
Schwabe for MSA Libby conference in the amount of \$892.50.
Motion by Commissioner Hammons to approve the invoice for Schwabe. Second by Commissioner Duram. No public comment. Motion carried.
- Commissioner Duram read Resolution 2025-23: Set Elected Official Base Salaries. **Motion** by Commissioner Hammons to approve Resolution 2025-23. Second by Commissioner Duram. No public comment. Motion carried.
- Commissioner Hammons read Resolution 2025-24: Set Justice of the Peace Base Salary. **Motion** by Commissioner Hammons to approve Resolution 2025-24. Second by Commissioner Duram. No public comment. Motion carried.
- Commissioner Duram advised the Kootenai Valley Resource Initiative (KVRI) is interested in signing a shared stewardship agreement.
- Commissioner Teske noted that the landfill expansion encountered an unanticipated layer of mud. As a result, the engineer has submitted a change order resulting in about \$400,000 over the available grant and ARPA funds.
Motion by Commissioner Hammons to approve the change order and pay for it out of PILT. Second by Commissioner Duram. No public comment. Motion carried. Discussion of core drilling not initially revealing soil issues and the clay layer that prevented attaining the engineered depth for the liner which will now be placed on top of the clay requiring pond expansion.

10:15 AM **Public Comment Time Non-Agenda Items:** Present were Don Truman, Josh Letcher and Traci Street.

Josh Letcher heard the West Kootenai Y realignment project was mothballed and emphasized the importance of completing the project due to ongoing safety concerns. He referenced prior discussions with the Forest Service and the road foreman and provided related emails and a formal comment letter. He stressed that the project had already been approved, clearing work was completed months ago and only minimal work remains to finish the job. He also noted a significant rise in population in the area—stressing the need for timely completion to ensure public safety.

Don Truman stated that the Y intersection has been hazardous since it was built by the Forest Service and has caused confusion for decades. He noted frequent winter incidents with some requiring assistance to extract stranded vehicles. He noted the proposed realignment would create a safer, straighter road that is easier to maintain and plow, while also improving safety at the Dodge Summit Road pullout. He supported moving forward with the project, citing changes in traffic patterns and increased community use.

Josh noted the initial steps taken toward a potential land swap between Yorlum Cattle and Lincoln County, involving an exchange of farmland for land more suitable for county road use and gravel extraction. He expressed concern that the project appears to be on hold and noted the long-term importance of preserving quality gravel resources for county infrastructure. He raised concerns about the possibility of installing an incinerator at the landfill, citing potential air quality and odor issues for nearby residents. He pointed out that much of the gravel in the current pit turns to sand going north, while higher-quality gravel remains to the east—land that could significantly benefit county road development in the future. He questioned the financial rationale behind halting the project, arguing that producing gravel from quality sources is ultimately more cost-effective than purchasing it. Commissioner Duram commented on the importance of maintaining the land between the landfill and road department for potential future landfill expansion. Commissioner Teske noted that no final decision has been made regarding the land swap or the incinerator. Don reported that the county gravel pit is nearly depleted, mostly sand, with little coarse material remaining. He noted ongoing challenges in producing enough large rock to mix with the sand. Josh noted the presence of a landfill off Black Lake Road. Don commented that the sandy soil and underlying clay layer may restrict the potential for expansion of the current landfill.

10:30 AM **Preliminary Plat Decision Schrieber Meadows North and Schrieber Meadows South Subdivision:** Present were Andy Evenson, Charles Meienberg, Robin Brown, Ryan Jones, Traci Street and Travis Fisher.

Jesse Haag, Planning Director, provided an overview of the Schrieber Meadows North and South Subdivisions. He noted receipt of two additional public comments and no changes to the proposed 36 conditions for North and 34 for the South.

Commissioner Teske highlighted the engineer's proposal to amend Schrieber Meadows North subdivision condition #16, replacing the geotechnical evaluation requirement for slope stability with adherence to International Building Code (IBC) standards and recommending that the IBC building setback be included on the plat for lot 10. Jesse added that slope concerns also exist for the access road to Lot 10. **Motion** by Commissioner Duram to approve the change. Second by Commissioner Hammons. No public comment. *Motion carried.*

Commissioner Teske introduced proposed amendment to Schrieber Meadows North subdivision condition #31 to reduce the vegetated buffer from 150 feet to 100 feet and the building setback from 50 feet to 30 feet. Engineer Andy Evenson advised that Schrieber Creek dries up annually and shared Montana Code Annotated (MCA) definitions of perennial streams, questioning the consistency of Fish, Wildlife & Parks (FWP) standards. He emphasized that the setback is not part of subdivision regulations, but a condition imposed by the commission on development. **Motion** by Commissioner Duram to approve the 100-foot no-disturbance vegetative buffer with a 30-foot building setback. Second by Commissioner Hammons. Jesse noted the USGS stream gauge showed dry readings on 3 of 95 occasions, with FWP still classifying the creek as perennial and there are existing roads. Commissioner Teske read MCA 85-2-355. *Public comment:* Maggie Craig expressed concern over reclassifying Schrieber Creek from a perennial to an intermittent stream. She stated that, based on conversations with MDT, DEQ, and DNRC, the county lacks authority to make that determination unilaterally. She questioned the absence of involvement from the Lincoln County Conservation District, which plays a role in streamside development oversight. She referenced information from MDT indicating that Schrieber Lake's outlet flows year-round at 1–2 CFS and said any downstream water loss should be investigated. She suggested that drought or subsurface flow does not justify reclassification. She stated the contractor may have installed pumps illegally. She concluded the stream's classification should be decided with input from relevant state agencies, not solely by the county. Dr. Roberta McCanse, member of the County Planning Board, stated that reducing the buffer zone sacrifices the available space for a wildlife corridor, a key feature of this property. She noted that without fencing, enforcement of the no-disturbance area would be difficult and stated the contractor declined to install fencing. She advocated for at least a 150-foot buffer zone and opposed allowing a road to cross the creek. *Commissioner Duram and Hammons voted in favor. Commissioner Teske voted against. Motion carried.*

Commissioner Teske introduced proposed amendment to Schrieber Meadows North subdivision condition #34, which originally followed Montana Fish, Wildlife & Parks (FWP) recommendations for a 150-foot no disturbance vegetated buffer with an additional 50-foot building setback along both sides of Schrieber Creek. The developer proposed reducing this to a 100-foot vegetated buffer with a 30-foot building setback, with the area delineated by durable, unobtrusive signage as agreed upon by the developer and governing body. **Motion** by Commissioner Duram to approve proposal #34. Second by Commissioner Hammons. New public comments on changing the setback: Maggie Craig inquired about the Lincoln County Conservation District's role in the planning process. Jesse explained that while the district had not participated up to this point, their involvement would be required during the development phase through the issuance of a 310 permit for any construction near the stream. *Commissioner Duram and Hammons voted in favor. Commissioner Teske opposed. Motion carried.*

Commissioner Teske introduced proposed amendment to Schrieber Meadows South subdivision condition #30, Montana Fish, Wildlife & Parks (FWP) recommended a 150-foot no-disturbance vegetated buffer with a 50-foot building setback along Schrieber Creek. The developer proposed reducing this to a 100-foot no-disturbance buffer with a 30-foot building setback. **Motion** by commission Duram to approve. Second by Commissioner Hammons. No public comment. *Commissioner Duram and Hammons voted in favor. Commissioner Teske opposed. Motion carried.*

Commissioner Teske introduced proposed amendment to Schrieber Meadows South subdivision condition #32, the original recommendation was a 150-foot no-disturbance buffer and a 50-foot building setback. The developer again proposed a reduced 100-foot no-disturbance buffer and 30-foot building setback. **Motion** by commission Duram to approve. Second by Commissioner Hammons. No public comment. *Commissioner Duram and Hammons voted in favor. Commissioner Teske opposed. Motion carried.*

Motion by Commissioner Hammons to approve preliminary plat for Schrieber Meadows South and Schrieber Meadows North subdivisions. Second by Commission Duram. Jesse noted FWP recommended a 100' vegetative buffer with an additional 30' of building set back around the wetlands. **Motion** by Commissioner Duram to include the FWP 100' vegetative buffer with an additional 30' of building set back around the wetlands be noted on the plat. Second by Commissioner Hammons. *No public comment. Motion carried.* Discussion of all information being delineated on the plat. Public comment on preliminary plat approval:

Maggie Craig raised concerns about several issues she felt were ignored in this review process. She questioned the lack of follow-up on Hydro Solutions' finding of no direct connection between the subdivision aquifer and Schrieber Lake. She noted unaddressed concerns about slope instability and downstream water rights, noting these are current issues for existing water rights holders, not just future landowners. She cited DNRC guidance on "combined appropriations," asserting the two subdivisions should be limited to a total of 10 acre-feet per year unless it's proven they rely on separate aquifers. She expressed concern over construction activities—including road building, vegetation removal and utility installation—occurring before preliminary plat approval. She referenced a February 2024 cease and desist order and a DEQ warning letter. She criticized the approval process, stating all conditions appear to support subdivision development while ignoring environmental and regulatory concerns. She urged commissioners to question the planning board's recommendation and seriously consider impacts to water, wetlands and regulatory compliance. No further public comment. *Motion carried* and Schrieber Meadows North and South preliminary plats were approved.

11:00 AM **Title III Funding for DTSAR CAN-AM:** Present were Charles Meienberg, Robin Brown, Ryan Jones, Traci Street and Travis Fisher.

Ryan Jones, Training and Safety Officer for CAN-AM Search and Rescue, presented a funding request for \$57,596. He stressed the importance of investing in updated equipment, noting an increased call volume, population growth and aging gear, including expired safety items. He noted the team relies heavily on fundraising, grants and personal contributions from volunteers. Requested items include a Polaris side-by-side (\$45,927) and water rescue equipment (\$11,669).

Discussion of the Title III fund balance of \$40,929. County Forester Jennifer Nelson recommended delaying allocation until September, when fire season obligations and remaining funds are clearer. **Motion** by Commissioner Duram to approve \$11,669.10 for water rescue equipment to be obligated in September 2025, depending on fund availability. Second by Commissioner Hammons. No public comment. Motion carried.

11:15 AM **Lincoln Employee Pay for Upcoming Year:** Present was Traci Street.

Commissioner Hammons advised that the Lincoln County Compensation Board met and approved a 5% cost-of-living adjustment (COLA) for elected officials. Commissioner Teske noted that sheriff's deputies—sworn officers—do not receive a raise unless elected officials also receive one, as required by state statute. Commissioner Hammons referenced the cash reserve investment made last year, noting the intent was to use interest earnings to support county operations. He mentioned past COLA increases and stressed the importance of employee retention. He explained the rationale for the 5% increase: current interest earnings total \$243,689 and the 5% COLA would cost approximately \$289,390, leaving the remaining \$45,700 from the general fund. **Motion** by Commissioner Hammons to approve a 5% increase to the Lincoln County employees. Second by Commissioner Duram. Discussion of employee retention and training along with insurance benefits together with the investment making this a minimal budget increase. No public comment. Motion carried.

11:25 AM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Brent Teske, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board