

July 9, 2025

The Lincoln County Board of Commissioners met for a regular session on July 9, 2025, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Hammons, Commissioner Duram, Administrative Assistant Nikki Fox and Clerk and Recorder Corrina Brown.

Zoom participation: Bryan Alkire, Chanel Geer, Dallas Bowe, Deb Burrell, Darren Short, Feleisha Storkson, Jesse Haag, John Hyslop, Ray Stout, Seth Bonilla, Scott Shindledecker, Sierra Gustin, Suzanne Resch, Traci Street and Travis Sigea.

09:46 AM Administrative Issues/Old Business: Approve Minutes. Resolution 2025-11 Establishing a Fee Schedule for LC Animal Shelter. Board Updates. PILT Claims: Present was Tina Oliphant.

- Approval of the minutes: **Motion** by Commissioner Hammons to approve the July 2, 2025, commissioner meeting minutes. Second by Commissioner Duram. No public comment. Motion carried.
- Approval of the minutes: **Motion** by Commissioner Hammons to approve the June 26, 2025, budget meeting for the library minutes. Second by Commissioner Duram. No public comment. Motion carried.
- Approval of the June 26, 2025 minutes: **Motion** by Commissioner Duram to approve the Sheriff Department budget meeting minutes. Second by Commissioner Hammons. No public comment. Motion carried.
- Resolution 2025-11 establishing a fee schedule for LC animal shelter: Commissioner Duram read Resolution 2025-11. **Motion** by Commissioner Hammons to approve Resolution 2025-11. Second by Commissioner Duram. Discussion of a public comment requesting increased animal control services in North Lincoln County and concerns about license fees in relation to the limited coverage currently provided. At present, the animal control officer visits the area once a week; the Sheriff may consider adjusting this schedule. The status of Eureka City's animal control contract will be reviewed. No public comment was made during the meeting. Motion carried.
- PILT Claims: Schwabe law firm for \$7,455 for services related to the June 4 MSA Advisory Committee meeting. **Motion** by Commissioner Hammons to approve the Schwabe invoice for \$7,455. Second by Commissioner Duram. No public comment. Motion carried.
Jackson Murdo & Grant, P.C. statement of account related to the selenium lawsuit was reviewed. Due to questions on payment history, the board agreed to seek clarification on unpaid balances from Wendy Drake, Finance Director.
- Board updates: Commissioner Hammons reported that the Board of Health met in Eureka and discussed the administration's variance request procedure, the need to reestablish a crisis response team, and a letter to the EPA based on the LASOC information as presented by George Jamison with the Board of Health agreeing to send a letter. Commissioner Duram noted that the Eureka area is also seeking a crisis team presence. He reported the Eureka Dispatch Board is preparing its budget and will review the Town of Eureka's animal control agreements.

10:15 AM Public Comment Time Non-Agenda Items: Present were Amy Guth, Martin Dunbar and Vivian Grosch.

Martin Dunbar questioned why the Port Authority Board cannot be elected by the people, citing accountability and noting that Flathead County operates this way. Commissioner Teske responded that the Port structure is on the agenda and they can look into the legal parameters.

10:30 AM Public Hearing-Nordic Way II Subdivision: Present were Amy Guth, Ben Scott, Brett McCully, Calen Williamson, Dan Torgison, Jeremy Hageness, Jerry Bennett, Jesse Haag, John Damon, Kristin Smith, Kriston E. Martin, Martin Dunbar, Tony Petrusha and Vivian Grosch.

Kristin Smith, Contract Planner, presented the Nordic Way II Subdivision, which proposes dividing Lots 9 and 10 into 17 lots. She noted the project would not significantly impact local services and is consistent with the county growth policy. She advised the Planning Board has recommended preliminary plat approval with conditions. She suggested adding a clause to the water condition, subject to documentation from DNRC. **Motion** by Commissioner Duram to approve the subdivision with the recommended changes. Second by Commissioner Hammons. No public comment. Motion carried.

10:45 AM Public Hearing-Resolution 2025-25 Provide Organization of LCPA Board: Present were Agnes Kemp, Amy Guth, Ann German, Dan Torgison, Jennifer Nelson, Jeremy Hageness, Jerry Bennett, Jesse Haag, Kate Stephens, Kriston E. Martin, Martin Dunbar, Scott Shindledecker, Tony Petrusha and Vivian Grosch.

Commissioner Duram read Resolution 2025-25. The structure allows for up to seven board members, including one sitting County Commissioner and up to six members at large and reaffirms the authority of the Lincoln County Commissioners to appoint board members for five-year terms. Commissioner Teske opened public comment.

Dan Torgison questioned why the rules are being changed at this time. He referenced Resolution 999, which previously set the board composition and expressed concern that the Port Authority land requires county-wide representation, not just representation from Libby.

Martin Dunbar questioned the Board's ability to follow new rules, asking why we should believe the board would follow them now by changing them.

Ann German expressed concern of a provision in the resolution stating, "this resolution shall prevail if in conflict with prior resolutions." She asserted that this language effectively overrides Resolution 999 and suggested it amounts to a retroactive change and urged the commissioners to consult legal counsel before voting.

Kriston Martin suggested that vacancies for citizen-at-large positions be filled through public elections rather than appointments by the commissioners, in order to ensure fair representation.

Martin Dunbar questioned whether this restructuring had been attempted in the past.

Jerry Bennett, former Lincoln County Commissioner, expressed support for the resolution. He stated that the original plan was to have the board ultimately comprised primarily of citizen members rather than county commissioners and that under past larger board compositions, little was accomplished. He cited significant progress with most of the Brownfields work completed and stated there is currently a letter of intent with the State DEQ to complete the remaining 120 acres. He explained that all county committees have been structured to be appointed rather than elected- avoiding costly elections.

Ann German questioning the logic of expanding the board from five to seven members if the original nine-member board was deemed ineffective. She reiterated that public accountability comes from elections and emphasized her belief that all three elected commissioners should sit on the LCPA board to maintain transparency and trust with constituents.

Jennifer Nelson stated her belief that this resolution is an effort to legitimize prior actions that were not properly authorized. She expressed concern over the new February bylaws and noted the change in language from “shall be audited annually” to “may be.” She also pointed out that while state law permits the sale of property, the original LCPA resolution does not directly address that authority. She encouraged the commissioners to review the history of all resolutions relating to the Port Authority for legal consistency. No further public comment was received.

Motion by Commissioner Hammons to approve Resolution 2025-25. Second by Commissioner Duram. Commissioner Duram questioned the inclusion of the common blanket provision in resolutions that allows the current resolution to prevail over any conflicting previous resolutions. He questioned if this allows retroactive modification. Attorney Seth Bonilla clarified that Resolution 2025-25 pertains to the composition of the board itself. Commissioner Duram questioned if a resolution has precedence over by laws. Seth stated that under Montana law, the Board of County Commissioners has the authority to appoint LCPA board members. He confirmed this resolution defines the lawful composition of the Port Authority Board and is controlling in that regard. With no further discussion, the motion was called to a vote. Commissioners Teske and Hammons voted in favor and Commissioner Duram in opposition. Motion carried.

11:00 AM **Planning Decision Amended Plat of lot 2 of Kootenai Ridge Subdivision:** Present were Daniel Green, Jesse Haag John Damon and Olivia Green.

Jesse Haag, Planning Director, presented a family transfer request for Lot 2 of the Kootenai Ridge Subdivision. Daniel Green’s request sought to transfer a 15.13-acre portion of his 16.85-acre property to his wife, Olivia Green, using the family transfer exemption. Jesse advised planning recommends denying the request based on Lincoln County Subdivision Regulations, citing a potential intent to evade review due to a recent quit claim transfer between spouses and the parcel being in a platted subdivision. Jesse noted the stated intention of disposition—separating the commercial and residential portions of the lot to secure a construction loan—could be achieved through a mortgage survey as provided under MCA 76-3-201(4)(b). Commissioner Teske questioned if the property owner is aware of this mortgage option and emphasized that the request violates current subdivision regulations, particularly because the property was transferred from and to the same party, which is inconsistent with the intended use of the family transfer exemption. **Motion** by Commissioner Duram to allow the family transfer and later clarified that approval was for use of the exemption only and a separate action item would be brought forward to finalize the transfer, subject to conditions including DEQ approval. Second by Commissioner Hammons. Daniel Green advised the purpose of the family transfer was to obtain a loan for a residence and to separate the residential portion of the property from the commercial business. He advised that, to his understanding, DEQ had already reviewed and approved the plans. Jesse clarified that the DEQ approval applied to the property as one lot and the creation of a second lot would require a revised DEQ review. Daniel confirmed there had already been some revisions to the property for their commercial building. He noted he was unaware of the mortgage survey option discussed and explained that multiple lenders in the Eureka and Kalispell areas would not approve financing unless the business and home parcels were separated. He added that Breckenridge Surveying recommended proceeding via the family transfer exemption. The motion was updated. No further public comment. Motion carried.

11:21 AM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Brent Teske, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board