

May 13, 2026

The Lincoln County Board of Commissioners met for a regular session on May 13, 2026, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Duram, Commissioner Hammons and Clerk and Recorder Corrina Brown.

Zoom participation: Jen Bernosky, Jesse Haag, Jessica Jenson, Kathi Hooper, Katie Anderson, Kristin Smith, Ray Stout, Scott Shindledecker, Sierra Gustin, Traci Street and Travis Sigea.

09:45 AM **GLID Grant Letters of Support:** Present was Brian Berreman.

Commissioner Teske introduced a request from Glen Lake Irrigation District for three commission support letters.

Commissioner Duram read the Grave Creek diversion and fish screen upgrade draft support letter. **Motion** by Commissioner Duram to approve the letter. Second by Commissioner Hammons. No public comment. Motion carried.

Commissioner Teske read the Supervisory Control and Data Acquisition System and Automation Project draft support letter. **Motion** by Commissioner Duram to approve and sign this letter. Second by Commissioner Hammons. Traci Street with TVN requested a copy of these letters. No public comment. Motion carried.

Commissioner Hammons read the Grave Creek stream restoration project phase 1- Hearn Site draft support letter.

**Motion** by Commissioner Hammons to write a letter of support for Grave Creek stream restoration project phase 1- Hearn Site. Second by Commissioner Duram. No public comment. Motion carried.

10:00 AM **Administrative Issues/Old Business: Tax Bill Discussion. Approve Minutes. PILT Claims. Hauling Contract. Commissioners' Report:** Present were Brian Berreman, Bryan Alkire, Kathi Hooper, Sedaris Carlberg and Zach Sherbo.

- Sedaris Carlberg, Treasurer, presented a tax bill for improvements (Tax ID 60016). She advised the structure was located on his mother's property and a bill was created for his portion of the improvement. The property has since been sold and the structure is included in the new property owner's tax bill. She stated there will be no future bill for this improvement and requested abatement of \$251.24. **Motion** by Commissioner Duram to allow the Treasurer to do an abatement for \$251.24. Second by Commissioner Hammons. No public comment. Motion carried.
- Approval of minutes: **Motion** by Commissioner Hammons to approve the regular commission meeting minutes of May 6, 2026. Second by Commissioner Duram. No public comment. Motion carried.
- Approval of the May 6, 2026, closed session County Administrator selection committee meeting minutes: **Motion** by Commissioner Duram to approve. Second by Commissioner Hammons. No public comment. Motion carried.
- Approval of the May 6, 2026, closed session selenium litigation strategy meeting minutes: **Motion** by Commissioner Duram to approve the minutes. Second by Commissioner Hammons. No public comment. Motion carried.
- Approval budget meeting minutes: **Motion** by Commissioner Hammons to approve the May 7, 2026, budget meeting minutes. Second by Commissioner Duram. No public comments. Motion carried.
- PILT claims: none
- Kathi Hooper advised the second Evergreen bid proposal omitted several sites. She presented a summary comparing the proposed five-year Evergreen contract and estimated county-operated hauling costs, noting the county-operated option could potentially increase service and transition some sites to roll-off containers, but would require startup costs, leased equipment, staffing and ongoing maintenance. Discussion included compactor truck expenses, leasing new equipment, future site improvements and possible roll-off conversions. The Evergreen proposal rates for Years 1–5 were reviewed and Kathi recommended approval of the Evergreen contract. **Motion** by Commissioner Hammons to approve the five-year hauling contract with Evergreen. Second by Commissioner Duram. Further discussion included possible interest from other bidders, refuse fee increases, transitioning to roll-off sites and concerns regarding long-term costs and equipment reliability. Commissioner Duram recommended rejecting the Evergreen proposal and exploring a two-year county-operated plan. Public comment from Brian Berreman suggested negotiating annual reductions to the contract, utilizing smaller non-CDL equipment for remote sites and allowing smaller companies to bid portions of the work. Kathi advised she had not continued negotiations beyond the submitted proposal. Discussion of contract severability language and the ability to terminate or modify services in the future. The Board agreed to **postpone the vote** until the next meeting pending additional information and review of contract terms.
- Commissioners' Report:
  - Commissioner Teske reported meeting with FEMA, DES and other agencies at several sites, including West Fisher, Champion Haul Road and Bear Creek (Poor Man Creek). The agencies indicated support for the proposed mitigation and repair projects, including road and culvert repairs and appeared to be on board with the listed projects.
  - Commissioner Duram noted attending ~~an ambulance meeting in Eureka~~ and a dispatch meeting with Ambulance staff, noting dispatch issues were resolved. He also reported that the Eureka fairgrounds are fully operational, with the first event held successfully and asphalt work is the only thing left to complete.

10:15 AM **Health Department:** Present were Brian Berreman, Bryan Alkire, Kathi Hooper and Zach Sherbo.

Kathi Hooper, Health Director, reported a successful burn season, with 35 days open in the Libby Air Control District with 28 days of good air quality. 1,190 residential burn permits were activated and 9 permitted management burns with 58 piles completed. She reported 62 licensed establishment inspections, 7 new establishments with 5 pending approvals, 24 COSA reviews, 5 revised lot layout reviews, 87 septic permit applications and 12 active litter/cleanup violations. Kootenai Pets for Life (KPFL) has Spay Montana scheduled for June and requested continued county support. The commission agreed to agenda this for consideration in coordination with the city agreement.

Zach Sherbo reported plans to begin enforcement of kratom prohibitions under applicable FDA food code authority, with formal communication and coordination underway with identified licensed establishments and law enforcement. He provided updates on a Montana DPHHS clean indoor air/smoke events grant to designate indoor air centers, progress on

a community health assessment with a survey planned for mid-June and rollout of a new Health Department website expected in late June. He discussed a Stryker proposal to install and manage approximately 15 AED units across county facilities under an 8-year plan, noting potential use of opioid abatement funds and coordination with the County Safety Committee and EMA for implementation, along with brief discussion of landfill debris and capacity planning efforts.

10:45 AM **Public Comment Time Non-Agenda Items:** Present were Brian Berreman and Melanie Howell.

Melanie Howell, Election Administrator, provided an update regarding a district court's preliminary injunction affecting Montana election law SB 490. She noted that the injunction restores prior election procedures, including Election Day voter registration through 8 p.m. and blocks the new Saturday voter registration requirement, superseding earlier Secretary of State guidance and outreach materials.

11:00 AM **Public Hearing: Subdivision Regulation Revisions. Buildings for Lease or Rent Regulation Revisions. Everett Subdivision Review/Decision. Nedved Subdivision Review/Decision. Martushev-Court Ordered Division, Comment to Court - Planning:** Present were Brian Berreman, Jesse Haag, Kristin Smith, Paul Johnson, Roberta McCause and Zach McNew.

Commissioner Teske opened the public hearing on proposed revisions to the Lincoln County Subdivision Regulations and Buildings for Lease or Rent Regulations. Kristin Smith of KMR Consulting reviewed the update process, including grant funding, steering committee participation, planning board review and public notice requirements. She summarized proposed changes intended to incorporate recent statutory updates, legal guidance from MACo, process clarification and structural revisions to improve usability and support more attainable housing opportunities while maintaining public health and safety standards. Commissioner Duram read Resolution 2026-14 to amend the Subdivision Regulations and Commissioner Hammons read Resolution 2026-15 to amend the Buildings for Lease or Rent Regulations. Zach McNew gave public comment supporting additional building code requirements for smaller multi-family developments. Additional public comment will be accepted through May 27, 2026, when action on both resolutions is scheduled.

Jesse Haag, Planning Director, presented the preliminary plat review for the Everett Subdivision, a proposed two-lot first minor subdivision west of Libby. He stated the subdivision was consistent with surrounding residential development and staff recommended approval subject to ten standard conditions. **Motion** by Commissioner Hammons to grant preliminary plat approval to Everett Subdivision subject to ten conditions and based on the findings in the staff report. Second by Commissioner Duram. No public comment. Motion carried.

Jesse presented the preliminary plat review for the Nedved Subdivision, a proposed two-lot first minor subdivision north of the Eureka Airport. He noted condition #4 would require the lots to remain subject to existing Border Acres II covenants prohibiting further subdivision, including family transfers. **Motion** by Commissioner Duram to grant preliminary plat approval to Nedved Subdivision subject to the sixteen conditions and based on findings in the staff report. Second by Commissioner Hammons. No public comment. Motion carried.

Kristin Smith presented the Martushev court-ordered division request involving property near Troy proposed to be divided into four equal parcels. She advised that the request could potentially be processed through the subdivision review process and expressed concern that use of the court-order process may be an attempt to evade review under the Montana Subdivision and Platting Act (MSPA), noting related prior family divisions of adjacent property. **Motion** by Commissioner Duram to notify the court there may be an attempt to evade the subdivision regulations MSPA identified with the Martushev petition for court order land division, with the five points of concern. Second by Commissioner Hammons. No public comment. Motion carried.

11:54 AM **Adjourned**

## LINCOLN COUNTY BOARD OF COMMISSIONERS

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Brent Teske, Chairman

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