

May 20, 2015

The Lincoln County Board of Commissioners met for a regular session on May 20, 2015, in the Eureka Annex of the Lincoln County Courthouse. Present were Commissioner Mike Cole, Commissioner Greg Larson, and Clerk & Recorder Robin Benson.

Commissioner Cole **opened the meeting** with the Pledge of Allegiance.

10:00 AM **EPA Update:** Present are Mike Cirian, Rebecca Thomas, Jeni Flatow, Dania Zinner, Nick Raines, Mike Cuffe, and Bob Henline via Vision Net in Libby.

Rebecca updated the Commission on the EPA Proposed Plan stating it provides a much summarized fashion of what is in the feasibility study and is only 14 pages in length. There are 12 Institutional Controls that are general ideas on how to protect the remedy over time. Ongoing community meetings are taking place to attain public comment. The Proposed Plan does have flexibility for adjustments to be made down the road should it be determined that changes are necessary.

Nick attended the TAG/CAG meeting last night and conveyed concerns that the Proposed Plan is vague in details regarding the IC's. The TAG/CAG group expressed that the community cannot provide input on a vague plan and should not be expected to sign off before the IC's are clearly developed. TAG/CAG is requesting the Commission to extend the public comment period so more detail can be defined before a Record of Decision.

Rebecca suggested that EPA is open to a 30 day extension. EPA would select the remedy, work on the design phase and continue to receive public comment during the design phase. Rebecca said it would be appropriate to come up with a way to engage public comments during the design phase which can be modified over time to help develop the definition of the IC's. Nick feels a short extension would give ARP more time to attain further comments and engage the public in the process. ARP staff is conducting interviews with multiple groups and individuals to help EPA attain public comments about the Proposed Plan and IC's.

Commissioner Cole said the county will come up with a written request of what is expected moving forward.

Mike Cirian expressed concern that there are 37 investigations that have been conducted and should require cleanup, but EPA is being refused by the owner to access those properties for cleanup. Commissioner Larson suggested ARP staff communicate with those property owners. Nick thought this is a good idea, with EPA approval.

Bob asked how many properties that have contaminates in the walls are being left behind. Mike Cirian said he will do some research to come up with some numbers.

Rebecca submitted a handout title "Why Bother With an EPA Cleanup at Your Property" as a tool for organizations and agencies to use to help educate and inform the public. **(This handout will be appended to the minutes for public review).**

Rebecca commented that settlement funding is projected to stretch into 2018 which she feels is very good news.

Mike gave a brief overview of the test burn conducted at the mine site. There was a little rain, but the slash pile lit off, and it was a very typical slash pile burn. There were 4 directional monitoring stations set up at various yards out. Soil, ash, bark and dust samples were taken. The results of test samples will be put into a report form but it will be up to 2 months to complete that.

11:30 AM **Public Hearing: Airport Road Abandonment in Eureka:** Present are Krista Nemeroff, Dawn Marquardt, Lisa Oedewaldt, Bill Connelly, Richard Luciano and Michael Caruso.

A portion of the old Airport Road located in the SW4 of Section 1, T37NR27W. The Commission received a Petition To Abandon County Road signed on April 10, 2015 by 14 landowners. This road was relocated and is no longer used. The Commission is interested to hear public comment for or against the abandonment of the aforesaid road. A public notice was placed in the Tobacco Valley News on May 7 and 14 to notify the public of said hearing. County Planner Lisa Oedewaldt said the road has been on Cadastral as pending abandonment for many years and recommends abandonment stating it should have been done years ago. Commissioner Cole asked if there were any objections to the abandonment or any other public comments. There were no objections. The Commission will tour the road during their noon break and will continue the public hearing at 1:30 PM.

1:30 PM **Public Hearing: Airport Road Abandonment in Eureka:** Present are Kenneth E. Davis, Paul D. Wachholz, Dawn Marquardt, Sarah Arrigoni, Mike Cuffe and Krista Nemeroff.

Commissioner Cole asked if there were any objections to the Petition to Abandon County Road. There were no objections. **Motion** by Commissioner Larson to approve Airport Road Abandonment request. Second by Commissioner Cole and so ordered upon unanimous consent of the board.

1:40 PM **Planning Department, Lisa Oedwaldt:**

**Kiowa Hills Lots 5-7 Subdivision** located in Section 17, T36NR27W, Eureka. The Planning Department received a request for an extension to the preliminary plat approval period of the referenced subdivision from Massimo Amoroso, Property Owner. This is the first request to extend the preliminary approval. The Planning Department recommends a

one (1) year extension. **Motion** by Commissioner Larson to approve a one (1) year extension to the preliminary approval period for Kiowa Hills Lots 5-7 Subdivision until May 23, 2016 subject to planning staff recommendations and conditions. Second by Commissioner Cole and so ordered upon unanimous consent of the board.

**Flat Iron Subdivision** located in SW4, Section 18, T31N, R34W, Troy. Developer is Barton Stapley. The proposed subdivision is an approximate 17 acres; creating a 5 residential lot subdivision. The Lincoln County Planning Department recommends approval of Flat Iron Subdivision with conditions for approval. Ken Davis said the area is being annexed into Troy City limits, so would the county road approach permit still apply? Lisa said the condition will stand until Ken provides the appropriate documents from the City of Troy and the County that the road permit is not needed. **Motion** by Commissioner Larson to approve Flat Iron Proposed Subdivision subject to planning staff recommendations and conditions. Second by Commissioner Cole and so ordered upon unanimous consent of the board.

**Velvet Grove Subdivision** located in the SE4SE4 of Section 14, T37NR27W, Eureka. Developer is Paul Wachholz. This proposed subdivision will create 5 residential lots from a 20 acre parcel. The Lincoln County Planning Department recommends approval of Velvet Grove Subdivision with conditions for approval. **Motion** by Commissioner Larson to approve Velvet Grove Subdivision subject to planning staff recommendations and conditions. Second by Commissioner Cole, and so ordered upon unanimous consent of the board.

**Velvet Grove 2 Subdivision** located in the SE4SE4 Section 24, T37NR27W. Parcel D of CS 4336, Eureka. The proposed subdivision will create 2 residential lots and 2 commercial lots, from a 38 acre parcel. The Lincoln County Planning Department recommends approval of Velvet Grove 2 Subdivision with conditions for approval. **Motion** by Commissioner Larson to approve Velvet Grove 2 Subdivision subject to planning staff recommendations and conditions. Second by Commissioner Cole, so ordered upon unanimous consent of the board.

#### 2:30 PM **Administrative Issues:**

- The Commission read the minutes for May 6 and May 13. **Motion** by Commissioner Larson to approve minutes as written. Second by Commissioner Cole, and so ordered upon unanimous consent of the board.
- **Motion** by Commissioner Larson to approve Commissioner Cole as designated Environmental Certifying Official for the approved transportation project, Highway 37 Path – N of Eureka. The bicycle/pedestrian path is adjacent to Highway 37 from the intersection of Highway 37 and Highway 93 N, west to the intersection of Highway 37 and Douglas Hill Road. The path is projected to travel along the north side of Highway 37 and is approximately 12,000 feet in length.
- **Motion** by Commissioner Larson to approve the Hospital Provider Agreement for Emergency Detention Patients for Pathways Treatment Center effective July 1, 2015. Second by Commissioner Cole, and so ordered upon unanimous consent of the board.
- **Motion** by Commissioner Cole to approve tax abatement form signed by Bonnie Drews, DOR. Second by Commissioner Larson and so ordered upon unanimous consent of the board. Owners Donald M. & Theresa A. Jones, parcel # 6762. This parcel was annexed into the City of Troy in error back in 2008. Total refund is \$67.66.
- **Motion** by Commissioner Cole to approve tax abatement form signed by Bonnie Drews, DOR. Second by Commissioner Larson and so ordered upon unanimous consent of the board. Owners Donald E. & Della M. Holcomb, parcel # 6471. This parcel was annexed into the City of Troy in error back in 2008. Total refund is \$276.07.
- The Commission reviewed the contract between MT DPHHS and Lincoln County Health Department to cover services for the Maternal and Child Health Block Grant during FY 2015/2016. **Motion** by Commissioner Larson to approve Task Order 16-07-5-01-027-0 MCH Block Grant. Second by Commissioner Cole, and so ordered upon unanimous consent of the board.
- The following boards have members whose terms expired April, 2014 or earlier. Each board submitted a letter of reappointment for the following board members:  
**Motion** by Commissioner Larson to reappoint John Damon, Josh Letcher and Mark Romey to the Lincoln County Planning Board. Second by Commissioner Cole and so ordered upon unanimous consent of the board.
- **Motion** by Commissioner Larson to reappoint Chuck Leidigh and Jim Johnson to the Upper Yaak FSA Board. Second by Commissioner Cole, and so ordered upon unanimous consent of the board.
- **Motion** by Commissioner Larson to reappoint Russ Barnes to the Port Authority Board. Second by Commissioner Cole and so ordered upon unanimous consent of the board.
- Clerk & Recorder Robin Benson informed the Commission that Boyd Hill Cemetery Advisory Board and Troy Parks Board members all have terms expiring on the same date and year. The Election Department is in contact with those boards to stagger the years of members' expirations. The Commission agreed that terms for all boards should be staggered.

3:30 PM **House District 2 Rep. Mike Cuffe** expressed his appreciation to the Commission for their participation in the meetings held in Helena. Mike organized the meetings with the Commission, local Mayors, and Economic Development people to meet with state agency and legislatures. Mike said it was the first time anything like that has ever happened during his tenure and he believes those meetings will bear some fruit.

Mike discussed legislation passed this session that may someday benefit Lincoln County and it involves potential compensation to Lincoln County and Montana through the Columbia River Treaty. Lincoln County has never been compensated for impacts caused to the County by the Libby Dam or for the benefits water storage has meant to communities downstream. He feels Lincoln County should be compensated similar to funding compensation provided to British Columbia and Columbia Basin Trust. Mike said he has been doing research on treaty renegotiation and is hoping Lincoln County will be included in the next negotiation and receive funding similar to what Canada has received. He spearheaded legislation this past session that will provide Lincoln County 80% of any money ever received through the Treaty in the future and Montana 20% so a structure is now in place for receiving funding should any be received.

The Montana House of Representatives passed a resolution in support of Lincoln County receiving financial support for Libby Dam. Mike requested that the County Commission pass a similar resolution of support and said he will be seeking other letters of support from additional agencies and organizations. Commissioner Larson asked if Rep. Cuffe would provide a copy of any resolutions to date for review and to ensure proper wording and Mike said he would provide them. The resolution will be prepared for action and discussed at a future meeting in the near future.

4:00 PM The **meeting was adjourned.**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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



## Why *Bother* With an EPA Cleanup at Your Property?

*Sometimes it seems like there are not enough hours to get even the most basic things done. We focus on the day-to-day demands at the expense of what is important to our health and financial well-being. EPA and MDEQ recognize this and we want to point out some things you may not know about the residential cleanup program. We think this opportunity for cleanup is too important to be forgotten or overlooked.*

### **Reason #1. Protect the health of those you love and yourself!**

The recent risk assessment shows that cleanups completed are effective at reducing exposure to Libby amphibole asbestos (LA). Cleanups are protective and when you help the ones you love you also help your neighbors and your community.

### **Reason #2. Protect you and your loved ones from future financial costs!**

Homeowners who refuse to participate may be responsible for future inspection and cleanup costs.

### **Reason #3. Make it easier to sell your house in the future.**

For most of us, our home is our biggest financial investment and it is important to be able to sell it when we need to. Having inspection and/or cleanup documentation will make home sales easier because you will be able to provide potential buyers with proof that the property was inspected and that any needed cleanup was conducted to EPA protocols.

### **Reason #4. Help your community grow and prosper.**

Economic development and tourism are the life blood of any community. Knowing that the Libby and Troy areas are safe will have a positive impact on tourism – just ask the Chamber of Commerce or other organizations active in redevelopment. As properties are inspected and cleanups are completed, the focus of the community will be on positive news (new business, tourism, resilient community).

### **Reason #5. Chances are that you probably just need an inspection....**

Inspections are quick and easy and can be scheduled for a time and date that works for you. There is no lasting impact and less than 10 percent of the properties we inspect need a cleanup.

### **Reason #6. If you DO need a cleanup, EPA and their contractors are *really* good at doing them.**

The recent risk assessment shows that there is no need to change our cleanup procedures or return to properties already cleaned. While you will likely have to be temporarily relocated, it will be for a very short time and at no cost to you. We'll take care of everything. *We have a very high satisfaction rate and we invite you to ask people who have been through the process.*

### **Reason #7. Help those who help you!**

Reducing the number of properties that need to be cleaned makes it easier for emergency responders to help you in an emergency and gives them one less thing to worry about. We provide information on which properties have been cleaned to local emergency services so they can plan for encountering LA. Also, don't forget about the health of your electrician, plumber, HVAC repair person, or others who may work on your property. *Protecting people who come on your property is the right thing to do.*



*We're all busy. EPA and Montana DEQ recognize this, but we think the opportunity for EPA property inspection and cleanup is too important to be forgotten or overlooked. Please take a moment to think about the following reasons to participate. Then, call us for more info or to schedule an inspection.*

- #1. Protect the health of those you love and yourself!**
- #2. Protect you and your loved ones from future financial costs!**
- #3. Make it easier to sell your house in the future.**
- #4. Help your community grow and prosper.**
- #5. Chances are that you probably just need an inspection....**
- #6. If you DO need a cleanup, EPA and their contractors are *really* good at doing them.**
- #7. Help those who help you!**

**EPA Voluntary Recruitment Program— 406-291-7691**

Draft text for a 3x5 card for various agency, TAG, ARP, or other people to handout and speak from when they are trying to get people to sign up for inspection and/or cleanup.

