

November 29, 2017

The Lincoln County Board of Commissioners met for a regular session on November 29, 2017, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson.

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

9:00 AM **EPA Update:** Present were Mike Cirian, Christina Proggess, Deborah McKeon, Noah Pyle, Amanda Harcourt, Kathi Hooper, John Blodgett, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet. Also present via phone conference were Dania Zinner, Lisa DeWitt, Caleb Hinkle representing Gianforte, Ron Catlett representing Daines, and Smith Works.

**Site-Wide/OU4&7):** Mike said **last call efforts** were very successful; there are now 60 clean ups on the books for next year. Construction is completed this year, but will still continue with interior clean up. EPA sent 267 letters of *Notice of Environmental Conditions* which has currently brought in approximately 30 responses from previous refusals.

The **Cooperative Agreement for the Asbestos Resource Program** has been approved and is in place.

**Institutional Controls(IC'S)/Operations & Maintenance(O&M):** Mr. Cirian said he is giving time for the IC Steering Committee to formulate their thoughts and questions. Mr. Cirian said there will be one year Operation and Functional (O&F) that helps determine if the remedy in place is working well. It is a couple years out before we are in the O&M phase.

Dania said she has met with the former **Technical Advisory Group(TAG)** to see if they are interested in continuing that work. Dania explained the Technical Assistance Services for Communities Grant (TASC) to the commission. TAG said they will get back to EPA about continuing those efforts of technical assistance.

**OU5/Port Property:** Dania updated the commission on the November 9<sup>th</sup> all day economic redevelopment event, including experts from Missoula who attended. Commissioner Peck commented that he feels the Port property needs to become privatized, but overall thought it was a good meeting. Commissioner Bennett said good points were brought up, although there may be differences in sites, there was plenty of information and points to move forward on. Dania said she would send out a short-term and long-term priorities summary to the commission to review. Dania said she is still working on the environmental covenant with the Port Authority, but she feels the O&M plan is ready to be finalized. Dania said there is a request for more detail on some things such as minor breaches and commented that you can always revise an O&M plan. Commissioner Peck asked about the process for changes. Mr. Cirian said a request for changes can be done and those changes can be made as long as everyone is in agreement. Lisa said the O&M Plan will be reviewed every year, it is not set in stone...changes will be able to be implemented. Ron asked if once you have an O&M plan in place, is it DEQ or EPA in charge? Mr. Cirian said it is DEQ in charge, but EPA will continue to work with DEQ. Change requests will initially go to DEQ first. Commissioner Peck asked what hurdles are left to move OU5 to partial delisting. Dania said the O&M Plan, Environmental Covenant, and IC's need to be in place before EPA can go to partial deletion. Commissioner Cole said we need to keep those efforts moving forward.

**OU3/Former mine site:** Christina said work is done for the year. After field work and sampling is done, then the design needs to be completed. We are a year away from construction completion. Christina talked about replacing the spillway and options for addressing tailings impoundment.

Lisa said **OU1&2** is officially in O&M. Annual inspections will be conducted. DEQ is reviewing evaluating partial deletion. Dania said she is putting together the partial deletion documents. Mr. Cirian said the Libby Project is 8 operable units; OU1 & 2 will be the first units to move to partial deletion.

Commissioner Cole commented about the economic development meeting and asked if there are any ideas on usability at the Port site? Commissioner Bennett mentioned available power and water and the former stinger building is now on the market for the appraised value of 3.4 million dollars.

10:00 AM **Treasurer Report/Nancy Higgins:** Present were Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Nancy discussed and submitted the Monthly Cash Reconciliation Report for October 2017, Cash Report of all county funds, and Investment Reports with supporting documentation for commission review.

Nancy informed the commissioners that the Treasurer's Department mailed out 17,980 tax bills; it was interesting information looking at the zip codes that 45 were International and 1,101 were Canadians.

Commissioner Cole presented a summary of property assessments on Dickey Lake in Trego and questioned how some properties can significantly increase, and some significantly decrease or stayed the same although there were no improvements. The commissioners discussed DOR assessment process and Commissioner Cole suggested that we may need to bring in the DOR for further discussion.

Nancy informed the commission that she has 7 baskets of mail that has not been processed yet because her staff has been reduced and it is the "busy" time for her office.

10:30 AM **Administrative Issues:** Present were Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Robin submitted the minutes for November 15, 2017 for commission approval. The commissioners reviewed the minutes as submitted. **Motion** by Commissioner Bennett to approve the minutes as presented. Second by Commissioner Peck, motion carried unanimously.

Darren said the detention officers are now administrative; there is nothing in the policy regarding uniforms. Darren has been visiting with the county attorney on how to acknowledge this. Darren submitted a draft policy for commissioner review and will place it on the agenda in December for further discussion.

Darren submitted a letter that has been signed by Mineral and Sanders county commissioners and is requesting Lincoln County signatures to be included. **Motion** by Commissioner Peck to sign the scoping letter to the Lolo National Forest in response to the Sunrise and Sheep Gap fires in support of maximizing restoration and salvage efforts. Second by Commissioner Bennett, motion carried unanimously. The letter states that our rural communities and counties economic stability is dependent upon your ability to maintain the highest economic recovery possible out of these projects and quickly develop a program to restore the health of our National Forest.

10:45 AM **Public Comment Time:** There were no public comments.

11:00 AM **Kootenai Stakeholders Memorandum of Agreement (MOA):** Present were Robyn King, Grete Gansauer, Jessie Grossman, Ed Levert, Tim Dougherty, Alan Gerstenecker, John Blodgett, and Nikki Meyer, Eureka via VisionNet.

Robyn thanked the county commissioners for their support to come alongside in partnership to enhance communication and coordination between Lincoln County and the Kootenai Forest Stakeholders Coalition (KFSC). The participants in this MOA recognize the importance of working together to create a strong partnership with the Kootenai National Forest creating a long-term vision for management of our public lands.

**Motion** by Commissioner Peck to approve and sign the MOA between the Lincoln County Board of Commissioners and the Kootenai Forest Stakeholders Coalition. Second by Commissioner Bennett, motion carried unanimously.

Robyn informed the commissioners that she received a signed Memorandum of Understanding between the KFSC and the Kootenai National Forest and has invited DNRC to attend meetings. Robyn suggested to start there with conversation regarding a natural resource plan.

Jessie discussed potential funding opportunities with Sustainable Forestry Initiative and will keep the commissioners apprised of any developments.

Commissioner Cole stated that our collective goal is to make our forest productive again.

1:30 PM **Community Action Partnership of NW Montana (CAPNW) Letter of Support:** Present were John Blodgett and Alan Gerstenecker.

Darren submitted a letter of support to the commissioners for Community Action Partnership of NW Montana in support for an Organizational Facility Relocation in the City of Kalispell. **Motion** by Commissioner Bennett to sign letter of support as presented. Second by Commissioner Peck, motion carried unanimously. The facility relocation is to reduce monthly operating expenses and if possible expand program services. The commissioners understand that all current services, if not new ones, will be provided at the new location and are thankful that CAPNW will continue its outreach presence in Lincoln County.

2:00 PM **Port Authority Discussion:** Present were Chas Vincent, Kevin Peck, Tina Oliphant, Brigid Burke, Marc McCully, Brett McCully, Brent Teske, Ben Scott, DanKneller, Alan Gerstenecker, and John Blodgett.

Commissioner Peck commented that the Port Authority(Port) has been active for approximately fourteen years.

Commissioner Peck clarified that the Port is the Commissioners legal responsibility, stating that it's a good time to sit and assess the organization and its structure moving forward. Commissioner Peck said it is prudent to reassess where things are at, in fact, any organization that has been in effect for 14 years should reassess its structure and its success.

Commissioner Peck expressed that he feels it's time to at least consider a new structure with a focus on privatization creating a very sound industrial district; to strategically plan the Ports future. Commissioner Peck also expressed the need to reassess board structure, saying there are a level of people coming to him with concerns and a lot of citizen tax money is involved. Commissioner Peck expressed there is a lot of opportunity at the Port site.

Commissioner Cole asked if there was a strategic plan in place. Kevin said there is not a comprehensive plan in place; it's been a band aid process with lack of funding. Commissioner Peck wanted to be clear this discussion does not take away the time and effort people have put into this over the years; that is not the purpose of today's meeting. Kevin shared his view that private ownership is the way to move forward.

Commissioner Bennett said the Port Board meets once a month, and we talk over the agenda but we are not involved in the day to day like Tina Oliphant and Brett McCully. Darren commented that the driving force should be getting the property back into the tax base. Brett informed the commissioners that International Paper submitted a revised action plan and they are waiting for EPA to review before moving forward with further conversation including a technical consultation. Commissioner Peck clarified that the liabilities have been weighing on the commissioners; the other critical thing is that the property must get cleaned up, further expressing there are a lot of complaints about the way the place looks. Kevin said that goes with the marketability process; its crucial and totally understood. Kevin said the Port needs a board that can act quickly. Commissioner Peck shared that he knows there is a new energy looking at Libby and the superfund piece is almost gone. Kevin commented in the 5 years he has been on the board, it has improved, but he feels the board size and historic process is first priority to tackle. Kevin also shared that he appreciates more county involvement.

Commissioner Bennett expressed the county commissioners are looking at long term and being proactive; the Port was established by the commissioners so it is ultimately our responsibility and with no infrastructure and no comprehensive strategic plan, we have nothing to sell. Commissioner Peck conveyed his desire to create a shift in focus to a mission of development, clean up, infrastructure and market to create an environment to the successful business folks and how to assist there. Commissioner Peck said instead of trying to create jobs, create an environment to bring the private business owners to the site which in turn will create the jobs. Kevin asked the commissioners to give the Port Board what a new board might look like and a written directive, assuming the current board would go through a re-application process. Tina commented that we do not have an action plan; but we do have those plans in our heads. The difficult thing to talk about are the liabilities, noting that they are isolated and they are from the past. Tina said the Ports only income is grants and insurance settlements; there is no way the current income can support that. Tina informed the commissioners that every building is rented out. Brent said the City has been asked if they can help with the infrastructure which seems late in the game, but expressed the idea of some platting and closed subdivision on the highway frontage portion. Brent said the City is available to help with in-kind or if there are little projects that we can help with, he is open to further conversation. Chas commented this conversation is very productive and speaking of committees, hard deadlines are crucial to accomplishments and moving forward. Chas commented that the City, County and Port all need to be actively involved in the IC conversations so those decisions are not made for us.

Commissioner Peck stated that we have the ideas and expertise, it should not take long to create this comprehensive plan; we need the right people sitting at the table and we can rapidly move this forward. If there are current businesses interested now, we can put them into play and let them know where we are and how we are moving forward.

3:00 PM **Meeting Adjourned**

#### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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