

February 21, 2018

The Lincoln County Board of Commissioners met for a regular session on February 21, 2018, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, County Administrator Darren Coldwell, Deputy County Attorney Josh Nemeth, and Clerk and Recorder Robin Benson.

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

10:30 AM **Administrative Issues:** Present were John Blodgett, Bryan Alkire, and Kathi Hooper, Libby via VisionNet.

Kathi talked about two seasonal positions budgeted to begin in April at the Libby landfill. One seasonal will not be returning and Kathi is requesting permission to move forward with the hiring process. The commissioners agreed to approve the hiring of a new seasonal employee for the Libby landfill.

Each year the Montana Department of Transportation (MDT) is required to determine fuel tax allocations distributed to Montana cities and counties. One of the factors used to calculate the amount allocated to each local entity is road mileage. Darren submitted a Mileage Certification Form to the commissioners indicating total county mileage of 2,415.510 per MDT. The commissioners requested to postpone sending the certification form until current mileage is validated.

Robin presented the February 6 & 7, 2018 minutes to the commissioners for approval. Robin reminded the commission that minutes will appear longer now that handouts from people/agencies are being inserted for public reference and information. Commissioner Cole commended Robin for this addition to the minutes. Commissioner Peck said it creates more transparency from a public standpoint. **Motion** by Commissioner Bennett to approve the minutes for February 6 & 7, 2018 as presented. Second by Commissioner Peck, motion carried unanimously.

Robin received a letter from the Em Kayan Water/Sewer Board requesting the commission to appoint Cathleen Broers to fill a vacated term until 12/31/18. Application was received. **Motion** by Commissioner Peck to appoint Cathleen Broers to fill vacated term on the Em Kayan Water/Sewer Board through 12/31/18. Second by Commissioner Bennett, motion carried unanimously.

Robin informed the commissioners that current report from MACo indicates there were three Worker's Comp (WC) Claims that reduced a total of \$43,000. The last WC claim from Lincoln County was in November. Robin said until the actual renewal is ready and all the claims information is up to date from the last three years, we will not know what the new mod factor is going to be and how that will affect the WC premium, but reductions are good news. Commissioner Cole commented that H.R. needs to send out a countywide notice regarding sexual harassment. Commissioner Peck agreed. Darren said he will coordinate with the H.R. Department.

Commissioner Peck expressed that it would be advantageous to set up a conference call with Matt Arno and Erik Warrington with DNRC to discuss the county forester position to replace Ed Levert who is retiring, and how to utilize that position. Commissioner Peck commented the state may have grant money available to offset that cost. Darren asked if there may be county employees that would be qualified to assume this position. The commission agreed to allow for a 48 hour internal job posting to employees before moving forward with the hiring process.

10:45 AM **Public Comment Time:** Present were Nikki Meyer. Also present were John Blodgett, Tina Oliphant, and Brett McCully, Libby via VisionNet.

Nikki asked about any action regarding jail heating and ventilation. Commissioner Bennett said ventilation will be worked on in the spring. Commissioner Peck reminded everyone that we pushed for more than just ventilation, we need to look at the long-term fix; it will be a multiyear process. Commissioner Cole asked to have this put on the agenda for further conversation.

11:00 AM **Port Authority Update/Board Member Review:** Present were Nikki Meyer. Also present were Alan Gerstenecker, Charles McFarland, John Blodgett, Tina Oliphant, and Brett McCully, Libby via VisionNet.

The Port Authority is requesting the approval from the commission to close out a BSTF Stinger Welding Grant #MT-BSTF-1-10-G. Extensions were approved to meet the job requirements. Currently 75 jobs have been reported of the 96-job requirement, which creates a deficit balance of \$141,586.20. To meet the remaining financial obligations of the grant, the Lincoln County Port Authority will fund the balance. **Motion** by Commissioner Peck to approve closing out BSTF Stinger Welding Grant in the amount of \$141,586.20 to be paid out of the port authority fund. Second by Commissioner Bennett, motion carried unanimously.

Tina summarized the recent activity for the Libby Asbestos Superfund Site and the status of O&M. The Port Authority sent a letter on January 5th, 2018 to express the concerns of the Port on the current draft of O&M. The Port Authority believes the O&M draft is incomplete lacking clarity on the 1) roles and oversight of the remedy and future encounters of asbestos and 2) financial responsibilities.

EPA has recently sent a response letter agreeing to update the O&M at a later date with the requested clarity. The updates will be addressed upon the completion of site wide institutional control and O&M Plan. Tina expressed the Port Authority is concerned about this ambiguity and uncertainty of the direction of the Port Authority's mission of future development.

Tina said the final O&M plan in its current state will require us to work with DEQ on a case by case basis, and the Port Authority is discouraged that EPA and DEQ would not work together to remove the ambiguities. Per the EPA's letter dated

February 15th, 2018, the Port Authority understands there is a commitment by EPA to revisit the OU5 O&M Plan sometime after the completion of the site wide O&M Plan, but there is no certainty of the timeline.

Tina said EPA believes a final O&M for OU5 is important and will protect the Port Authority as they can now fall under a Cooperative Agreement between the DEQ and EPA (OU1 and OU2 are now under a Cooperative Agreement), but the Port Authority does not know what will be included in the agreement nor is involved in a revised Cooperative Agreement. Tina summarized by saying the Port Authority has no indication of funding responsibilities/sources and layers of oversight or limitations that will impact the development of the Kootenai Business Park.

Commissioner Peck asked Tina's opinion on the Environmental Covenants. Tina shared the Port Authority was in receipt of the current version of comments from the September 27th, 2017 meeting; EPA, DEQ and LCPA met in Libby to review a joint version (EPA and DEQ) of the Environmental Covenants. LCPA had responded in advance with comments. Tina said DEQ admitted that they had not prepared adequately and needs to spend more time to review their own document. Tina expressed the current version of the edits surprises her; issues that seemed to be agreed upon during the meeting were not addressed and even more language, some conflicting, has been entered into the document. Tina commented that it is possible that DEQ did not study their own document, once again. Tina said LCPA will return their comments by end of February.

Robin explained the public notice process for the port authority board vacancies is complete. There were no applicants from the former LCPA board. Copies of all applicants will be given to the commissioners for review. Appointments will be placed on the Commissioner agenda for February 28<sup>th</sup>. Applicants received by the February 16 deadline were as follows:  
Paul Bunn  
Charles McFarland  
William Clark (Bill)  
Dave Etienne  
Ted Werner  
Laura Garner  
Janelle Lacefield  
Jeff Koskela  
Tony Petrusa

Commissioner Peck asked about status of the insurance payment for the finger jointer building. Tina said the port did receive that payment.

Brett said he will be discussing options and submitting costs to the commissioners next Wednesday for LCPA cleanup.

**11:30 PM Drug Task Force MOU Renewal:** Present were John Blodgett and Alan Gerstenecker, Libby via VisionNet. Commissioner Cole presented the Northwest Montan Drug Task Force Local Drug Task Force Memorandum of Understanding (MOU) for FY 2018-2019. The MOU is an annual agreement to establish guidelines for a multi-agency task force to address drug-related crime. **Motion** by Commissioner Bennett to approve the Drug Task Force MOU as presented. Second by Commissioner Peck, motion carried unanimously.

**1:30 PM Planning Department Update:** Cancelled

**1:00 PM Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

---

Mike Cole, Chairman

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