

February 7, 2018

The Lincoln County Board of Commissioners met for a regular session on February 7, 2018 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, Clerk and Recorder Robin Benson and Deputy Clerk Maranda Davis. Commissioner Peck and County Administrator Darren Coldwell were absent.

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

9:00 AM **EPA Update:** Present were Dania Zinner, Christina Proggess, Mike Cirian, Alan Gerstenecker, Deborah McKean, Brett McCully, John Blodgett, Tina Oliphant, Noah Pyle, Amanda Hardcourt, Elzhon Anderson, Kathi Hooper and Brent Teske. Present via phone conference were Melanie Keller, Ron Catlett, Chad Campbell, and Lisa Dewitt.

**Agenda submitted by Mike Cirian
Update with Lincoln County Commission on Libby Asbestos Superfund Site
February 7, 2018**

- I. Site-Wide (Operable Units 4 and 7)
 - Construction Update
 - Institutional Controls/Operations & Maintenance (O&M) update
 - Notice of Environmental Conditions update
- II. Industrial property/ Port Authority (Operable Unit 5)
 - DEQ Environmental Covenant
 - Draft Final O&M Plan
 - Nov 9th Superfund Redevelopment Stakeholder Meeting-Summary
- III. Former Mine Site (Operable Unit 3)
 - Winter logging activity based sampling-February
 - LARP Exercise-March
- IV. O&M (Operable Units 1 and 2) DEQ Update
 - OU1 Environmental Covenant
 - Evaluating partial deletions

Mike Cirian stated that clean up on Residential/ Commercial interiors has been ongoing all winter long and will continue. This year is the last year of construction and he hopes it will be done by September depending on weather conditions. There are 75 properties scheduled for cleanup and 65 properties scheduled for inspections for this season. There were 56 inspections that came in from last call efforts. The Notice of Potential Environmental Conditions Letter that went out to property owners that have refused EPA access will be filed with the Clerk and Records Office.

Cirian said EPA is meeting with the IC Steering Committee and the Lincoln County Board of Health (BOH) to share IC basic visions. Current discussions are about permitting, education, the database and what is going to be successful. EPA is waiting to hear from the BOH. Noah Pyle said the IC Steering Committee will present their IC ideas and comments to the BOH.

Commissioner Bennett asked Lisa Dewitt when the revised draft for the Environmental Covenants will be completed. DeWitt responded that she has a draft and will send it to Tina Oliphant.

Dania Zinner said the draft final O&M Plan is finished for OU5/Port Authority site and recommends approval with update next year when IC's are complete. Zinner said she is still accepting comments. Tina Oliphant commented that if pieces of the O&M Plan are missing it may have a direct effect on financials and questioned who is the responsible party for work to be completed; those are big unknowns.

Christina Proggess explained summer and winter commercial logging based sampling. This will help determine what potential exposures there may be for loggers. Winter Work will start Mid-February and results will help evaluate controls to avoid exposures. The Forest Service and DNRC are very supportive. EPA is hopeful to see a reduction of asbestos dust in the feasibility study. Proggess said the annual Libby Asbestos Response Plan (LARP) will conduct a table top exercise March 5 and all agencies will be represented. The exercise is specific to fire season at the mine site and focuses on messaging, communication and asbestos response.

Proggess said WR Grace plans to install the Coffey Dam this spring and the design has been approved. Brent Teske commented that he is monitoring Rainy Creek and working on finalizing the Emergency Action Plan.

Lisa DeWitt said DEQ has provided the OU1 Environmental Covenant for county and city review. Teske questioned how the contaminated groundwater fits into the covenant. DeWitt said when the Environmental Covenant is complete, will look into partial deletion.

10:00 AM **Crisis Intervention Proposal/Jennifer McCully:** Present were Kathy Hooper, Nancy Huus, Jeff Koskala, DC Orr, John Blodgett, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet.

Crisis Intervention/Emergency Mental Health Services Proposal for Pilot Project
Lincoln County Public Health
2/7/2018 Lincoln County Commissioner Meeting
Submitted by Jennifer McCully

Goals:

- Reduce number of mental health evaluations through diversion
- Create an education campaign for the community on what to do, where to go and who to call in the event of crisis emergency

Program Proposal

Three levels of care for patients in crisis:

1. **Contract for Safety or diversion:** The plan is to create a Behavioral Health Network (BHN) of local mental health providers. Each of these providers will commit a minimum of one hour per week for crisis intake or consultation. There will need to be a lead or liaison for this service. An education campaign will be developed to educate the community to seek local providers versus Cabinet Peaks Medical Center (CPMC) during a mental health emergency. If patient does go to CPMC ED, then CPMC will reach out to the patient's primary mental health provider (if they have one) before calling on the liaison to go to the BHN. We will continue to work with CPMC to screen patient needs for the most appropriate, least restrictive level of care. If the patient is not in any imminent danger to harm themselves or others, then they do not require an evaluation by a Certified Community Mental Health Provider (CMHP). If the patient does not need to be placed into a voluntary hospital but needs to be connected to a supportive network, CPMC can send them to a local resource, the open BHN provider or home with a contract for safety.
2. **Voluntary commitments:** Again, educate community the closest facility for this level of care located in Kalispell, Pathways, a Neuro-behavioral Health Unit (NBHU) of Kalispell Regional Medical Center. CPMC does not have a NBHU. Pathways can work with CPMC staff to screen for this level of care if needed, as it is a doctor to doctor decision. Brief emergency consultations can be done by phone or, if available at the hospital. Any BHN licensed provider can assist if requested and there is no need to call a CMHP for this level.

*Lean on case management/care coordination at CPMC to assist or complete placement. *

3. **Involuntary commitments:** Not much will or can change for this District Court Process. We are attempting to create a program to be able to pay and incentivize CMHPs in the community to respond to these calls. Create a list of local CMHP, and protocol for a CMHP response to include, time on call, time to respond, evaluate imminent danger, prepare report, testify in court, a second interview, etc.

Responsibilities:

Behavioral Health Liaison (county employee) and public health duties:

- Become Mental Health First Aid trained
- Become Question, Refer, Persuade trained
- Offer free training to the community
- Handle invoicing for local providers contracts
- Maintain contact list of providers and their specialties for referral
- Coordinate the Mental Health Coalition and the Behavioral Health Network
- Community education campaign

Local mental health provider expectations:

- Sign MOU/contract with Lincoln County
- Engage in the Behavioral Health Network
- Respond to commitment calls

Hospital:

- Credential providers so they can practice at CPMC
- Screen patients in crisis for necessary level of care
- Provide (some level) case management for voluntary commitments

Continuing issues

- Transportation to and from crisis houses
- Sustainable funding
- Case management for voluntary commitments
- Care coordination or "warm handoff" from other facilities

Request:

Half-time mental health liaison:

- For FY 17/18
 - \$7,000 in wages
 - \$1,500 in employee contributions
- For subsequent years
 - \$21,000 in wages per year
 - \$4,000 in employee contributions per year
- Plan to supplement training costs, meeting costs, etc. with grant funding from the Montana Healthcare Foundation

Behavioral Health Network incentive program:

- Keep the \$18,500 that once went to WMMHC for crisis services
- Pay local providers \$100 per mental health evaluation at the hospital whether voluntary or involuntary commitment
- Pay \$300 for involuntary commitments, including court time

Jennifer McCully said Sunburst Crisis Line has offered their expertise and crisis number for a 24/7 Line for the County. The commission will take the proposal under advisement. McCully said she will schedule a meeting with the commissioners to go over financials. Commissioner Cole said we need to establish this quickly and we need to discuss sustainable funding. Commissioner Bennett said we need to find a balance with budgeting, stating that everyone wants a piece of the pie.

10:30 AM Administrative Issues: Present were Jeff Koskela, DC Orr, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Robin informed the commission that she will be inserting handouts into the minutes that are presented or submitted to the commission during meetings, allowing the public to see the documents in their entirety. If documents are lengthy, Robin will add a comment that it can be obtained from the Clerk and Recorder's office. Commissioner Bennett commented to put in a disclaimer, stating which agency/person submitted the document to be inserted. Commissioner Cole commented it was a very good idea. Robin presented the January 10, 2018 minutes to the commission for approval. **Motion** by Commissioner Bennett to approve the January 10, 2018 minutes adding any disclaimers for documents inserted. Second by Commissioner Cole, motion carried.

10:45 AM Public Comment: Present were Jeff Koskela, DC ORR, and Nikki Meyer, Eureka via VisionNet. Jeff Koskela commended Robin for the new information of submitting documents directly into the minutes, stating the public does not always see those documents. Koskela commented about the real estate prices in relationship to Port Authority land saying, basically it's a gold mine. Koskela told the commission to keep up the good work restructuring and moving forward with the Port of Authority. Commissioner Bennett said it's a positive effort and he is looking forward to the work.

DC Orr said the property values are dropping rapidly and his focus lays in future liabilities on the port super fund site. Orr elaborated that the concern is with the ROD and how the language creates a potential financial liability on every single property owner forever. Orr said to attain protection, we need to revisit the ROD and tell the EPA the language is fraudulent and have it removed. Orr said the language in the ROD will stagnate economic development and the commissioners need to play hard ball, not soft ball; revisiting the ROD is the correct legal mechanism to ensure liabilities do not fall on property owners.

11:00 PM Kootenai Disposal: Present were Kathi Hooper, Bryan Alkire, Jerry Snell, Dale Evans, John Blodgett, DC Orr and Nikki Meyer, Eureka via VisionNet.

Jerry Snell thanked commissioners for the county contract for green box sites and is here respectfully asking what Kootenai Disposal can do better to serve the county. Commissioner Cole commented there are Canadian holidays and that seems when sites in North Lincoln County have over fill issues. Commissioner Bennett said we need to look at and be cognizant of holidays. Commissioner Bennett commended Kootenai Disposal stating they have responded to this very well.

Dale Evans discussed cameras and signage saying that sites are under surveillance and he is not hearing of any tickets or enforcements of what is and is not allowed to be dumped at these sites and/or acknowledging vandalism issues; would like to see law enforcement brought into this. Evans said uncovered loads are also an issue and there needs to be authority to hand out tickets to stop roads from having garbage leading to the sites. Evans informed the commission there is a lot of money being spent to repair vandalism and he has submitted pictures of real evidence to the county, but has not heard of any tickets or enforcements. Hooper said tickets for uncovered loads have been done and warning letters have gone out to citizens of violations. Commissioner Bennett said there needs to be a deterrent, but the county does not want to be known as intentionally seeking revenue from citing people. Commissioner Bennett said the county is currently going through ordinances and all current ordinances are being looked at. Commissioner Bennett expressed that part of the solution is getting information out to the public.

Evans asked about juveniles conducting basic maintenance work; can we put that into the system to clean up these sites by using this as a way to pay off their fines. Evans said using juveniles would be beneficial to the county, Kootenai Disposal and possibly people who need to pay off fines. Commissioner Bennett said it is something we need to work on together, the more work you have to do; contractually. Evans said that in the past two years, Kootenai Disposal has seen the volume double at the county dump sites. Evans commented that there are signs that say no wood products, furniture, appliances, engine blocks, but all of that is still being dumped and this does damage our trucks. Snell suggested having a floater that checks on sites to determine who habitual offenders may be; people are not taking these items to the landfills, they are using the dump sites instead. Hooper said she has spoken to the Chief of Police to do patrolling at the Troy Ball Park site.

Snell asked moving forward, what commissioners would like to do regarding habitual offenders, mentioning that every truck has cameras. Hooper said to send the pictures to her, she does send out letters every time. Hooper said she can do citations with the new regulations. Hooper commented that she has a meeting with the county attorney's office about this process. Hooper said education and warnings are first; tickets are just for those habitual offenders that repeat violations.

Evans mentioned an assault on a floater at one of the dump sites; Commissioner Bennett stated that assault is assault; there will be no tolerance for that kind of behavior.

1:30 PM Planning Department: Whitetail Hills Final Plat/ Hall Subdivision Final Plat/ Kearney Family Transfer/ Reeves Family Transfers

Present were Kristin Smith, Jake Mertes, Brett McCully, Maranda Davis, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

- **Hall Subdivision Final Plat:** Jake said all conditions have been satisfied and planning staff recommends final plat approval. **Motion** by Commissioner Bennett to approve final plat of Hall Subdivision based on planning staff report and recommendation. Second by Commissioner Cole, motion carried.
- **Whitetail Hills Final Plat:** Jake said all conditions have been satisfied and planning staff recommends final plat approval. **Motion** by Commissioner Bennett to approve final plat of Whitetail Hills Subdivision based on planning staff report and recommendation. Second by Commissioner Cole, motion carried.
- **Kearney Family Transfer:** Jake said the family transfer request could be presumed to be an attempt at evasion; however the timeline and absence of an obvious “plan of development” suggest that it is not. **Motion** by Commissioner Bennett to approve the Kearney Family Transfer based on planning staff report and recommendation. Second by Commissioner Cole, motion carried.
- **Reeves Family Transfer:** Jake said the Reeves Family Transfer request meets all criteria for family transfer; no previous exemptions have been used. Planning staff recommends approval of the Reeves Family Transfer request. **Motion** by Commissioner Bennett to approve the Reeves Family Transfer based on planning staff report and recommendation. Second by Commissioner Cole, motion carried.

2:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board