

April 24, 2019

The Lincoln County Board of Commissioners met for a regular session on April 24, 2019, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Peck and Clerk and Recorder Robin Benson. County Administrator Darren Coldwell was absent.

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

9:45 AM **Weed Grants:** Present were Weed Director Dan Williams, Alan Gerstenecker, Ben Kibbey and Kurt Hafferman. Dan presented annual weed grants for commissioner signature. Dan submitted two Tansy Ragwort grants and one Rush Skeleton Weed grant to help provide weed mitigation in Lincoln County.

Commissioner Letcher talked with Dan about weed mitigation projects in North Lincoln County.

10:00 AM **Best Beginnings Budget Resolution/Public Hearing:** Present were Jennifer McCully, Sheriff Darren Short, Undersheriff Brian Griffeth, Kurt Hafferman, Ben Kibbey and Alan Gerstenecker.

Jennifer presented Resolution 2019-07, a resolution to allow budget authority increase of \$60,000 to be given to Early Childhood Best Beginnings Grant.

Jennifer said she spoke with the county auditor and he suggested all separate grants have their own fund number.

Motion by Commissioner Bennett to approve Resolution 2019-07 as presented. Second by Commissioner Letcher, motion carried unanimously.

10:15 AM **Fire Service Area (FSA) Board Appointments:** Present were Alan Gerstenecker and Ben Kibbey.

Robin said District Board Vacancies were advertised in The Western News 2X, The Tobacco Valley News 2X, County Website, Courthouse Public Bulletin Boards, and the North Annex Public Bulletin Board. Letters were mailed to each board to confirm vacancies of record prior to advertisement.

Robin presented FSA Board Vacancies as follows:

Eureka FSA-3 vacancies, application received from Ron Hvizdak for reappointment.

Trego/Fortine/Stryker FSA-3 vacancies, applications received from Mike McMahan and Dawain Burgess for reappointment.

Upper Yaak FSA-1 vacancy, application received from Bill Sullivan for reappointment.

Motion by Commissioner Bennett to appoint all applicants for reappointment as presented. Second by Commissioner Letcher, motion carried unanimously.

10:30 AM **Administrative Issues:** Present were Alan Gerstenecker and Ben Kibbey.

- Robin presented the Hospital Provider Agreement for Emergency Detention Patients for Pathways Treatment Center. The current FY 2019/20 will reflect a 3% increase in fees; the contract presented is for FY 2020/21 and will not have a fee increase. The agreement is between Kalispell Regional Medical Center and Lincoln County. The county represents patients admitted to the hospital under the conditions of an emergency situation detention "Emergency Detention" and negotiates fees for medical services provided for under Montana State Law. **Motion** by Commissioner Bennett to approve the Hospital Provider Agreement as presented. Second by Commissioner Letcher, motion carried unanimously.
- Robin presented the minutes for April 17, 2019 for Commissioner approval. **Motion** by Commissioner Bennett to approve minutes as presented. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Letcher submitted two lease agreements for commissioner approval as follows:
 - Lincoln County leases to Yorlum Cattle Company - 17 acres of pasture land located in S35 T37N, R27W, in Eureka. Lease is for \$250.00 annually. Term of the lease is for a period of five years ending April 30, 2024.
 - Lincoln County leases to Adrian Miller - Room 102 in the North Lincoln County Meeting Hall building located at 2 South Dewey Avenue, Eureka. Lease is for \$200.00 per month for the use and occupancy of the premises. The term of the lease is for a period of two years ending April 30, 2021.

Motion by Commissioner Letcher to approve lease agreements as presented. Second by Commissioner Bennett, motion carried unanimously. Commissioner Letcher commented that the county attorney did write the agreements.

- Commissioner Bennett commented that he has researched a property near the Troy Cemetery that has a 40' right-of-way easement going through private property that was deeded to the State of Montana. Commissioner Bennett is attempting to release the property to adjacent property owners.
- Commissioner Peck talked about moving forward with Leadership Training to be conducted by Dr. Larry Iverson. Larry is a psychologist, author, keynote speaker and executive coach and is also the Director of The Institute for Advanced Development training firm. Since 1979, Larry has worked with individuals, professional athletes, corporations, online businesses, government agencies and universities. The Commissioners encourage all department heads, elected officials and chief deputies to attend. The training could potentially be opened to city leadership.

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

1:30 PM **Planning Update:** There were no agenda items for planning.

2:00 PM **EPA Update:** Present were Field Rep. for Senator Daines Ron Catlett, Tony Penfold, George Jamison, Kurtis Hafferman, Marcus Hafferman, Bill Pickens, Katherine Jenkins, Lisa DeWitt, Carolina Balliew, Stan Christensen, Mike Cirian Virginia Kocieda, Tina Oliphant, Dania Zinner, Jody Osterdorf, Alan Gerstenecker and Ben Kibbey.

Agenda submitted by EPA:

Agenda
Update with Lincoln County Commission on Libby Asbestos Superfund Site
April 24, 2019

Conference line: 1-720-642-6536 Code: 1202349#

- I) Site-wide Operations & Maintenance (O&M) – Libby OUs 4/7
 - O&M long-term funding
 - Legal and financial responsibilities for material left behind
 - O&F Period Timeline
- II) Libby OUs 1, 2, 5, 8 (Lead: Montana DEQ)
 - OU2 Partial Deletion
 - Environmental Covenants for OUs 1 and 5
- III) Libby OU3
 - Libby OU3 Public Meeting-April 24th at K.W. Maki Theater 5:50-7pm
 - Feasibility Study
 - Phase 1-Forested Areas
 - Phase 2-Mine and Waterways
 - Dam Safety Construction Work-Anticipated Late Spring/Summer 2019

Mike talked about the long-term federal funding at 12 million now, MTDEQ funding is 5 million. There is leftover W.R. Grace funds at 7 to 10 million set aside for the Libby site to be used after O&M funding is spent. HB30 is approximately 600,000 annually for 10 years.

Mike commented that it is stated in the ROD that homeowners are responsible for home maintenance but not responsible for vermiculite left behind. Mike said EPA is committed to working with the County ARP and Commissioners. Mike reminded everyone that vermiculite removal is part of the institutional controls. Commissioner Peck said the county is concurrent with language in the ROD.

Mike talked about the O&F timeline, saying EPA could have done better with recent communications and EPA has some culpability. Mike said he has talked with DEQ and is looking forward to communicating further with the commissioners, stating that EPA is committed to responding to any commissioner concerns.

Lisa said OU2 partial deletion is completed. Dania said she is hopeful that many operational units will follow. Currently working with the City of Libby on the Environmental Covenant for Riverfront Park (OU1) and the Port Authority (OU5). Lisa said OU5 was put on hold to work out issues regarding the CGA, but it is ready to be looked at again with the goal of moving towards conducting annual inspections and 5-year reviews after the Environmental Covenant is complete.

Dania said there is a public meeting tonight regarding the former W.R. Grace Mine Site (OU3). Currently working on feasibility study for phase 1 which are the forested areas and phase 2 which is the mine and water ways. Tony said that dam safety construction work is being conducted and said the process is to design a new spillway, start excavations and preparations this summer, understanding the project will take approximately 4 years in phases.

Commissioner Peck commented the commissioners have not heard anything from the public about the dam, although there have been individuals at meetings who have been outspoken, but those people do not live in Lincoln County. Commissioner Peck wants everyone to understand there has been no public comment to the commissioners about the dam. The county has not taken an official stand one way or the other.

Commissioner Bennett commented with 4 different pots of money, is there a formal process to protect it and put it into one fund. Mike said the federal 12 million is for O&M and federal regulations determine how it is spent. State regulations apply to the MTDEQ funds of 5 million. Spending rules are written within the HB30 bill. Leftover W.R. Grace funds are to be spent last after O&M. Tina asked who will have authority to work through all this. Commissioner Peck said monies will be managed by DEQ and the Oversight Committee; we are still working out those details.

Alan asked what the cleanup procedures are now that ER has left; there will be instances where vermiculite is left. Mike said he is looking for an alternative mechanism and is communicating with contracting folks to deal with homeowner concerns and procedures.

3:00 PM Meeting Adjourned
LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

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