

March 13, 2019

The Lincoln County Board of Commissioners met for a regular session on March 13, 2019, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Peck and Clerk and Recorder Robin Benson. Also present were Commissioner Letcher, Eureka via VisionNet. County Administrator Darren Coldwell was absent.

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

**9:45 AM Follow Up Letter to EPA Region 8 Administrator/OU4 Agreement:** Present were Alan Gerstenecker and Ben Kibbey. Also present were Nikki Meyer, Eureka via VisionNet.

Commissioner Peck spoke about conversations with the EPA Region 8 Administrator who in the last discussion assured the county that leftover money from cleanup would stay designated to the Libby site and also assured that legacy material left in homes would not be the homeowner's financial responsibility in the future. This language needs to be clarified in the Record of Decision (ROD). Commissioner Peck said he has drafted a letter that will be from the Commissioners and Board of Health requesting this to be memorialized and put in writing.

Commissioner Peck explained that when you close out a superfund site, the state and county conduct a joint site inspection, properties are looked at and the goal is to determine if the remedy is working before moving into the Operation & Function phase for one year and then moving into the Operation & Maintenance phase. The results of the joint inspection raised some concern on quality issues and it was deemed important to look at 10 more properties.

Commissioner Peck said the county received a letter from EPA today stating the issues were mitigated. Commissioner Peck said he does not agree anything was mitigated and those 10 properties still need to be looked at. Commissioner Peck said the bottom line is we cannot allow EPA to treat us this way. Commissioner Bennett agreed that EPA is discounting our questions and by looking at the 10 more properties, means there is apparently more to be looked at and more discussion to take place.

**10:00 AM Margaret Truman Tax Penalties Review:** Present were Alan Gerstenecker and Ben Kibbey. Also present were Margaret Truman and Nikki Meyer, Eureka via VisionNet.

Commissioner Letcher recused himself stating that Margaret Truman is his Aunt.

Margaret explained that property was transferred to her and her husband's names and she received notice there were penalties, interest, fees and taxes past due. Margaret said all amounts due have been paid, but she is respectfully questioning if past due penalties and fees can be waived because she was unaware at the time.

Commissioner Bennett commented the county needs to check with the Treasurer to determine process and authority and can place this back on the agenda at a later time.

**10:30 AM Administrative Issues:** Present were Dallas Bowe, Alan Gerstenecker and Ben Kibbey. Also present were Nikki Meyer, Eureka via VisionNet.

- Robin presented the minutes for March 6, 2019 for Commissioner approval. **Motion** by Commissioner Bennett to approve minutes with one correction. Second by Commissioner Letcher, motion carried unanimously. Robin discussed adding links to documents that are submitted during commissioner meetings that are too lengthy to insert into the minutes. Robin said she will be adding links on the county website, so the public can view documents in their entirety.
- Robin informed the commission that Clint Taylor submitted a letter of resignation from the Troy Area Dispatch Board effective March 9, 2019. The commissioners signed a thank you letter to Clint Taylor expressing appreciation for Clint's time serving on the Troy Dispatch Board.
- **Motion** by Commissioner Bennett to send yearly certification of roadway mileage verification to the State of Montana DOT with the correction of approximately 3 additional miles in the Libby District. Second by Commissioner Letcher, motion carried unanimously. There were no changes to the Troy and Eureka mileage. Silver Butte is 2.5 miles longer than it shows on the map and new road Mountain Meadows Road Extension is .8 miles.
- Commissioner Peck said he received a request from Rotary for support of the annual Missoula Children's Theater and will be donating \$300.00 from the Libby Economic Development Fund. The play is called Black Beard, the Pirate and will be showing April 22 through 27.
- Ernie submitted a quote from Frontier for MyVoice for commissioner review. Ernie said he did have a phone conference with Frontier and received additional costs/fees of \$15,476.80 for licenses and equipment necessary to complete the project which were to be included in the original bid when we upgraded our phone system. Ernie suggested having the county attorney look at the contract with Frontier. The commission agreed to have the county attorney review the Frontier Contract and the additional pricing quote. **Motion** by Commissioner Bennett to have the county attorney review the frontier contract and additional fees. Second by Commissioner Letcher, motion carried unanimously.

**10:45 AM Public Comment Time:** Present were D.C. Orr, Dallas Bowe, Alan Gerstenecker and Ben Kibbey. Also present were Nikki Meyer, Eureka via VisionNet.

Mr. Orr asked the commissioners how he could get information from any of the agencies regarding the controlled groundwater area (CGWA). Mr. Orr commented that he pursued payments issued to Allen Payne two years prior to the county raising the issue. Now the County is going to pay back what he (Orr) considers is a bribe in regard to the Allen Payne/ARP issue.

Mr. Orr commented that George Jamison is meeting with numerous agencies and having secret meetings. Mr. Orr stated the City Council is clueless about the CGWA but has voted to search for an attorney to help with the International Paper (IP) settlement. Mr. Orr said he has found out that George Jamison has met with IP and that the Port Authority has acquired an attorney, KLB Law to assist with the CGWA and IP. Mr. Orr stated that nobody will answer his questions, and the line was crossed when the BOH illegally closed a session and himself and Rob Dufficy were ejected from the meeting. Mr. Orr said the BOH has no right to kicking a council member out of the meeting when the council member has authority to be in attendance. Mr. Orr questioned who he should ask to get answers to his questions. Commissioner Peck suggested Mr. Orr to get on the agenda. Mr. Orr said he will ask for a criminal investigation of the BOH since its inception. Commissioner Peck reminded Mr. Orr that the commissioners cannot conduct any action during public comment time.

11:00 AM **Karen Murphy/US Census Bureau:** Present were Alan Gerstenecker and Ben Kibbey. Also present were Nikki Meyer, Eureka via VisionNet.

Karen, representing the US Census Bureau, said they have started hiring for the 2020 census. She is looking to engage and communicate with the public to let people know what will be going on next year. The final questionnaire has not been finalized but to expect questions on gender, home ownership, race and relationship to head of household. The longform has been removed from the census and has been added to a different questionnaire that is sent to over 3 million people yearly. Karen said that people are by law supposed to respond to the questions. People can respond by mail, phone, online or in person. For every person that is missed the state can lose out on \$2,000 as the census information is used to allocate funding. If people don't self-respond (mailing response, phone, online), the Census Bureau will send workers to homes to gather the information. There will be 700-1,000 people hired in Montana to conduct census door to door. In Lincoln County they are looking for 325 people and it pays \$13.25 an hour. Karen is looking to form counting committees in area communities to help get the census information out and increase community involvement. Commissioner Bennett said they would like some time to discuss it and will get back to Karen. Commissioner Peck wondered if the chamber of commerce would be a good organization to get information out.

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

12:00 PM **Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

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