

December 1, 2021

The Lincoln County Board of Commissioners met for a regular session on December 1, 2021 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Teske, Commissioner Letcher, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

Commissioner Bennett opened the meeting with the **Pledge of Allegiance and Prayer**.

9:45 AM Lincoln County Sub-Contract/Jennifer McCully: Present were Tony Penfold, Will Langhorne, Nikki Meyer and Ray Stout.

Jennifer submitted the CDPHP Program Sub-contractor Agreement between Lincoln County and Flathead City-County Health Department to assist in providing Montana Tobacco Use Prevention Program services to the residents of Lincoln County. This multi-county area consists of Flathead and Lincoln Counties. Jennifer commented this is an annual contract, no changes except a small increase approximately \$1100.00. **Motion** by Commissioner Teske to approve the CDPHP Program Sub-Contractor Agreement as presented. Second by Commissioner Letcher, motion carried unanimously.

10:00 AM USFS: Cancelled

10:30 AM Administrative Issues: Present were Tony Penfold, Marty Dunbar, Will Langhorne, Rebecca Nelson and Ray Stout.

- Robin submitted Resolution 2021-38, Resolution of Intent to Annex into the Lincoln County Rural Fire District. Proposed property is Nordic Way Subdivision, Parcel A of COS 4348, 70 acres. A Public Hearing will be held December 15, 2021 at 11:15 AM. Steve Lauer presented the annexation request to the commission on November 17, 2021. The property to be annexed has only one property owner, so the 40% rule has been met. A Notice of Public Hearing will be published pursuant to 7-1-2121 MCA. **Motion** by Commissioner Teske to approve Resolution 2021-38 Intent to Annex as presented. Second by Commissioner Letcher, motion carried unanimously.
- Robin submitted the minutes for November 17, 2021 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Teske, motion carried unanimously.
- Commissioner Letcher presented a lease agreement for renewal with Adrian Miller. Lease is Room 102 in North Lincoln County Meeting Hall, Eureka for \$280.00/mo. Commissioner Letcher said the only change is added language by Kevin Peck of Glacier Insurance. The lease ends December 31, 2023. **Motion** by Commissioner Teske to approve lease agreement as presented. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Bennett submitted a renewal contract with Fraser Management & Consulting, PLLC to provide general consulting services to the County from January 1 thru December 31, 2022. **Motion** by Commissioner Teske to approve contract as submitted. Second by Commissioner Letcher, motion carried unanimously.

10:45 AM Public Comment Time: Present were Marty Dunbar, George Jamison, Tony Penfold, Will Langhorne, Ray Stout, and Rebecca Nelson. There were no public comments.

11:00 AM EPA Update/Beth Archer: Present were Virginia Kashdan, Mandy Harcourt, Elzhon Anderson, George Jamison, Pamela Baltz, Jennifer Nelson, Bryan Alkire, Moira Davin, Tony Penfold, Dania Zinner, Stan Christenson, Max Greenblum, Jason Rappe, Carolina Balliew, Jessica Wilkerson, Will Langhorne, Ray Stout, and Rebecca Nelson.

Dania talked about partial deletions for OU 1,2,6, and 8.

- Operable Unit 1 (Former Export Plant) Partially deleted in May 2020
- Operable Unit 2 (Former Screening Plant) Partially deleted in April 2019
- Operable Unit 8 (Transportation Corridors) Partially deleted in September 2021
- Operable Unit 6 (Rail line, right-of way, and rail yards) Anticipated to be partially deleted in 2022.

Jason said he is still working with Tina Oliphant on the Environmental Covenant for OU5 (former Stimson Lumber Mill). Commissioner Bennett informed Jason of Tina's recent retirement and expressed concern on some of the language in the covenant and would appreciate time to go over that. Jason commented he would schedule a meeting with Commissioner Bennett.

Jason talked about the GIS and Response Manager for OU4 and 7 (Libby and Troy Residential and Commercial Properties), trying to capture property splits through GIS.

Jason explained DEQ is trying to create one unified document for the Sitewide Operation and Maintenance Plan and is currently going through all comments before finalizing.

Jason said he is working on the draft Sitewide Institutional Control, Implementation and Assurance Plan.

Tony said there will be a lot of detailed analysis conducted in 2022 on OU3 (Former Mine Site). There is still a lot of work to be done before completion of a feasibility study as a whole but commented there has been significant progress. Tony spoke about a long-term maintenance plan, the new spillway and informed the commission there will be a lot of concrete work and crews working during next year's construction season.

Virginia gave a summary on this year's ARP's activities. There was a total of 345 hotline calls, noting that 86% of the calls were from Libby. ARP received the highest number of 811 call backs in 2021 since 2014. ARP responded to an average

of 32 site visits per month throughout the superfund boundary. Site visits were for construction crews, confirmation of vermiculite, confirming utility locate areas and oversight on abatement and sampling projects.

11:30 AM **Angel Island Bridge Bid Opening: Cancelled until the 8th of December.**

11:45 AM **DMA Redistricting/Joel Cobb:** Present were Will Langhorne, Ray Stout, and Rebecca Nelson. Joel talked about his research to implement a designated marketing change moving from Spokane to Missoula to receive Montana News and information. The county attorney is looking for previous documentation regarding the reclassification or transfer of one market area to another so Lincoln County citizens can receive Montana news instead of Washington news.

Commissioner Bennett suggested a countywide survey monkey to attain more public input.

12:00 PM **Break**

1:30 PM **Planning:** Present were County Planner Nick Raines, Planning Consultant Kristin Smith, Brett McCully, Byron Sanderson, and Wayne Hirst.

Amended Preliminary Plat of Ekholt 2 Subdivision: Planning received a request to change the sizes of Lots 1 and 2 from what was originally approved (6 and 12 acres) to 2 and 16. All other aspects of the proposed and approved preliminary plat remains the same. Kristin commented the change is insignificant and planning staff recommends commissioners to approve the proposed amendment. **Motion** by Commissioner Letcher to approve amendment to Ekholt 2 Subdivision Preliminary Plat subject to conditions and based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

Templin-Agricultural Exemption: Nick explained the owners request to use the agricultural exemption to create a parcel of land which will be used to protect an existing surface water right (spring) used for irrigation on nearby parcels. Planning staff recommends commissioners to approve the use of this exemption as presented. **Motion** by Commissioner Letcher to approve use of exemption based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

Nelson Family Transfer: Planning department has received a request from Sam Cordi Land Surveying, on behalf of their client James Nelson to transfer 93 acres to his five children in 5 separate parcels. Planning staff confirmed it is within the law for Mr. Nelson to transfer one parcel to each of his children and recommends the commission to approve request to use exemption conditional upon the owner clarifying access to Tract 5. **Motion** by Commissioner Letcher to approve the Nelson Family Transfer request as presented with condition of owner clarifying access through lots 4 and 5 based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

Little Bear Subdivision Ext. Request: Little Bear Flats Subdivision consists of 12 lots north of Troy. The developer has been coordinating with USFS to remove an unused roadway currently owned in fee by USFS. To complete this process, the developer has requested a one (1) year extension. Planning staff recommends commission to approve a 1-year extension until December 8, 2022. **Motion** by Commissioner Letcher to approve a one-year extension for Little Bear Flats Subdivision until December 8, 2022 as recommended. Second by Commissioner Teske, motion carried unanimously.

Final Plat Meyer Subdivision: Kristin commented that preliminary plat was approved, and all conditions have been met. Planning staff recommends final plat approval. **Motion** by Commissioner Letcher to approve final plat for Meyer Subdivision based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

Final Plat Bradshaw Flats Subdivision: Kristin commented that preliminary plat was approved, and all conditions have been met. Planning staff recommends final plat approval. **Motion** by Commissioner Letcher to approve final plat for Bradshaw Flats Subdivision based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

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