

December 15, 2021

The Lincoln County Board of Commissioners met for a regular session on December 15, 2021 in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Bennett, Commissioner Letcher, Commissioner Teske, 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**.

10:00 AM ARPA Application for Libby Creek Water/Sewer: Present were Danielle Maiden, Tom Lane, Tony Penfold, Nick Raines, James Niemi, DC Orr, Rebecca Nelson and Ray Stout.

Danielle talked about upcoming funding support for the Libby Creek Water/Sewer Project and is requesting Lincoln County's support/sponsorship for submitting two grant applications; the Competitive ARPA Infrastructure grant and a CDBG Public & Community Facilities grant. The Competitive ARPA Infrastructure grant is a 1 to 1 match and total project cost is estimated at 1.8 million. Danielle said she is submitting a DNRC grant and other grant opportunities to help with the matching portion.

Commissioner Bennett talked about the ARPA fund uses within the county and what is being spent, but the county will have some money left over. Commissioner Bennett reiterated that Danielle is looking at 4 other grants to help with the matching portion and can have further discussion when funding sources are clarified.

Commissioner Teske commented that there is no risk supporting Danielle to submit the grant applications.

Commissioner Bennett agreed, but with the caveat that there is no liability placed on the county.

Motion by Commissioner Teske for Lincoln County to sponsor the Competitive ARPA and CDBG grants with language that the claw back should they not meet requirement, the repayment of funds should not fall to the county. Second by Commissioner Letcher, motion carried unanimously.

10:15 AM ARP Update: Present were Amanda Harcourt, DC Orr, Will Langhorne, Tony Penfold, Rebecca Nelson, Ray Stout and Tom Lane.

Amanda gave a brief overview of ARP activities and submitted the following report:

[Asbestos Resource Program \(ARP\) Report for Commissioner's Meeting](#)

December 15th, 2021 10:15 – 10:30

In November, ARP received 30 hotline calls. 28 were from Libby, 2 from Troy. Most of the requests were for U.S. Environmental Protection Agency (EPA) comfort letter/MT Department of Environmental Quality (DEQ) status letter requests.

ARP also received 46 utility locate tickets from properties within the Superfund site in November: 41 from Libby, 5 from Troy.

ARP took 26 site visits within November. Most of these site visits were to confirm digging locations for utility locates and to active asbestos abatement/sampling projects.

ONGOING/PLANNED ABATEMENTS:

153 Bighorn Way, Troy – ARP met with the property owner earlier this week and reviewed the invoice for abatement work performed by Environmental Restoration (ER). ARP submitted the reimbursement documents to DEQ.

117 Mineral Avenue, Libby – ARP collected the last round of confirmation air clearance samples within the building. All samples collected met removal criteria. The property owner will contact ARP with they receive the invoice for abatement work performed by ER.

386 Riverside Drive, Troy – planned soil removal – on going; ARP is waiting for the property owner to respond with a signed SOW. Work will tentatively be preformed Spring or 2022.

713 Michigan Avenue, Libby – planned indoor removal from residential building; waiting to hear from property owner about hiring a contractor.

ONGOING/PLANNED SAMPLING:

GID 11192, Troy – Property was designated a non-use area during the time of investigation. The property has snice been developed. ARP is currently drafting a sampling SOW. Sampling event tentatively scheduled for Spring 2022.

287 Terrace View, Libby- ARP identified gross levels of VV on areas of the property where tree stumps had been removed. ARP is currently drafting a sampling SOW. Sampling event tentatively scheduled for spring 2022.

GID 2029, Libby-NOPEC. Sampling SOW has been drafted. Waiting in property owners' signature and a time to meet at property so ARP can assist property owners with collecting samples. Sampling SOW tentatively scheduled for 2022.

FUNDING

The ARP program is funded through a Memorandum of Agreement with DEQ. This is funding coming from a cooperative agreement between DEQ and EPA. The agreement designates \$600,000 over two years starting with costs from July 1st, 2020, until May 31st, 2022. Total costs incurred by ARP & reimbursed by DEQ since July 2020 is approximately \$408,544 leaving a remaining balance of \$191,456. The last reimbursement came in in November. Claims for November reimbursement will be sent to DEQ after the 15th of this month.

DRAFT MEMORANDUM OF AGREEMENT

The ARP is currently working on drafting an amended Scope of Work for a new Memorandum of Agreement between Lincoln County ARP and DEQ. This MOA financially supports the ARP program beyond the current MOA which ends in May 2022.

DEQ DOCUMENT REVIEW

ARP has reviewed the OU5 Environmental Covenant and provided DEQ with comments. Commissioner Bennett and ARP had a meeting with Jason Rappe last week to discuss the document. DEQ has agreed to make some of the recommended edits to the document including adding a section referring to the Property Evaluation notice (PEN) and adding figures to better delineate areas of concern within OU5. DEQ estimates a final draft of the document will be available in January 2022.

ARP has reviewed the DEQ Annual Inspection Report and we will be providing comments this Friday.

LIBBY ASBESTOS SUPERFUND OVERSIGHT COMMITTEE (LASOC)

The next LASOC meeting will be held in March 2022.

10:30 AM **Administrative Issues:** Present were DC Orr, Tom Lane, Tony Penfold, Ray Stout and Rebecca Nelson.

- Robin submitted the minutes for December 8, 2021 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Teske, motion carried unanimously.
- Libby Area Chamber of Commerce reached out to ask if the county wants to participate in their award presentation. Commissioner Bennett said the commissioners will take a look at the materials and the County Administrator will follow up.
- Commissioner Bennett commented that he has been working with a property owner, and the county road was put in going through his property. The owner is selling part of the property and the road is going through that portion. Commissioner Bennett said the county will pay for a boundary line adjustment and other fees, guessing at \$800 to \$1,000 to fix the road issue.
- Commissioner Bennett noted the Dept of Commerce notified TFS Community Hall, that they were selected to receive a CDBG Grant CARES award in the of \$24,972 for HVAC improvements to the TFS Community Hall.
- Commissioner Bennett said he signed a modification to a DEQ Contract extending the contract till June at which time a rewrite will be done on the agreement.

10:45 AM **Public Comment Time:** Present were DC Orr, Will Langhorne, Ray Stout and Rebecca Nelson.

DC Orr commented about a past situation regarding a police officer that accosted young girls, and expressed there have been crimes committed by police officers, judges, county attorneys, and commissioners and they have all gotten away with their crimes. DC said he is a victim of crimes but cannot find anyone who will investigate. DC stated that he was accused of a crime, went to court and found out in court that he did not commit any crime. DC clarified that his camper is still being held at the landfill because nobody will investigate the crimes committed against him, and commented the City destroyed thousands of dollars of his property, but nobody will investigate. DC said the false allegations against him are a crime but felt that because he is not a high profile, political leader, nobody will take his complaints. DC claimed there are threats to his life, but nobody will investigate and the commissioners not acting on investigating crimes against him is a crime.

11:00 AM **District Board Appointments / Resolution 2021-40 Board Appointment Process:** Present were Rebecca Nelson, Tom Lane, Tony Penfold, Ray Stout and Will Langhorne.

Clerk and Recorder Robin Benson said board vacancies were public noticed in the Kootenai Valley Record and Tobacco Valley News November 10 and 17, 2021. The public notice was also posted on the Lincoln County Website, and two courthouse public bulletin boards as well as the public bulletin board at the N. Annex in Eureka.

Robin presented the board vacancies and applications received as follows:

- City/County Board of Health / 1 Vacancy / 1 Application received from Jan Ivers to be reappointed.
- Em Kayan W/S District Board / 2 Vacancies / 2 Applications received from Mary Ann Arnold and Robert Soppe to be appointed.
- Boyd Hill Advisory Cemetery District Board / 1 Vacancy / 1 Application received from Craig Johnson to be appointed.
- Eureka Cemetery District Board / 1 Vacancy / 1 Application received from Pam Pluid to be reappointed.
- Troy/Lake Creek TV District Board / 2 Vacancies / 2 Applications received from Michael Giesey and Ted Dodson to be reappointed.
- Tax Appeal Board / 1 Vacancy / No applications received
- Lincoln County Port Authority Board / 1 Vacancy / 1 Application received from Tony Petrusha to be reappointed.
- Lincoln County Planning Board / 5 Vacancies / 7 Applications received from Tracy McNew, John Damon, Michael Hobbs, and Scott Mattheis to be reappointed. County Planner Nick Raines and Planning Consultant Kristin Smith discussed the applications and recommend Tracy McNew, John Damon, Michael Hobbs and Scott Mattheis to be reappointed because they have all developed a strong understanding and working knowledge of the County and State Subdivision Regulations. The Planning Board will review 3 applications received for the one (1) vacancy remaining that will be open starting 1/1/2022 and will make a recommendation for appointment following their January 2022 meeting.

Nick and Kristin also recommend that the appointments be staggered to prevent such a large number of expiring terms at one time. Term lengths were selected randomly, and the recommendation is as follows:

- John Damon to expire 12-31-2023
- Michael Hobbs to expire 12-31-2024
- Scott Mattheis to expire 12-31-2022
- Tracy McNew to expire 12-31-2024

- Lincoln County Fair Board / 5 Vacancies / 4 Applications received from Dan Williams, Lena Webb, Svea Jorgensen, and Twila Webb to be appointed.

Motion by Commissioner Teske to appoint all applicants as presented and recommended by the boards. Second by Commissioner Letcher, motion carried unanimously.

11:15 AM **Public Hearing for LCRFD Annexation:** Present were Melissa Brandon, Rebecca Nelson, Tom Lane, Ray Stout,

Commissioner Letcher read Resolution 2021-39 Annexation into the Lincoln County Rural Fire District. There were no public comments. **Motion** by Commissioner Teske to approve Resolution 2021-39 as submitted. Second by Commissioner Letcher, motion carried unanimously.

Commissioner Teske commented that he appreciates the way the resolution is laid out clarifying the entire process, noting that it is one property owner surrounded by the rural fire district.

11:30 AM **USFS Update:** Present were Seth Carbonari, Melissa Brandon, Telly Stanger, Rebecca Nelson, Tom Lane, Tony Penfold, Ray Stout and Will Langhorne.

Seth briefed the commissioners and submitted the following USFS Update Report:

Updates from the Rexford/Fortine Ranger Districts:

- 1) Current planning projects:
 - a. Working on Edna-Fortine roadside fuel reduction/wildfire resiliency project. CE. Pre-scoping mid-January
 - b. Preliminary work on Sunday Creek. Likely targeted CE for fuels reduction and wildfire resiliency.
 - c. Quite a few small NEPA related to road access, special uses, etc.
- 2) Timber Sales Update:
 - a. In progress
 - i. Thirsty Frank- ~18,000 ccf Sold to Stoken for \$22.07 a ton (41,327 tons)
 - ii. Green Poverty advertisement sold 8-17 ~3 ccf -Sold \$51.00 per ccf
 - iii. Deep Grave- just finished- ~10,000 ccf
 - iv. Highway Dickey- ½ finished- ~12,000 ccf
 - v. Laughing Ant- not started-~800 ccf
 - vi. Hagadore Frass- ¾ done- ~14,000 ccf
 - b. Recently Sold
 - i. Williams Grave ~2,300 ccf Sold to Burk Construction (\$28.45/ton) (7,389 tons)
 - ii. Dead Triangle ~10,000 ccf Sold to Stoltze Lumber Company (\$48.89/Ton) (26,335 tons)
 - c. Future
 - i. Meadow GNA ~6,500 ccf- 1st GNA sale on district.
 - ii. Dream Weaver ~11,000 ccf
 - iii. Still Pinkham ~26,000 ccf
 - iv. Banks Saddle ~11,500 ccf
 - v. Young Dodge- possible small sale through GNA ~100 acres
- 3) Fire/Fuels-
 - a. Burned over 1,100 acres of piles this fall
- 4) Recreation
 - a. Snowmobile fun run coming up in January.
- 5) Other
 - a. Still sorting out what the Infrastructure Bill will mean at the ground level. Looks promising for the Joint Chief's project. Likely get an infusion of funding for fuels specific projects.
 - b. Working on lots of new road requests or amendments to maintenance agreements with realty sales and subdivisions.



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Caring for the land and serving people

Seth briefed the commissioners and submitted the following USFS Update Report on Firesheds

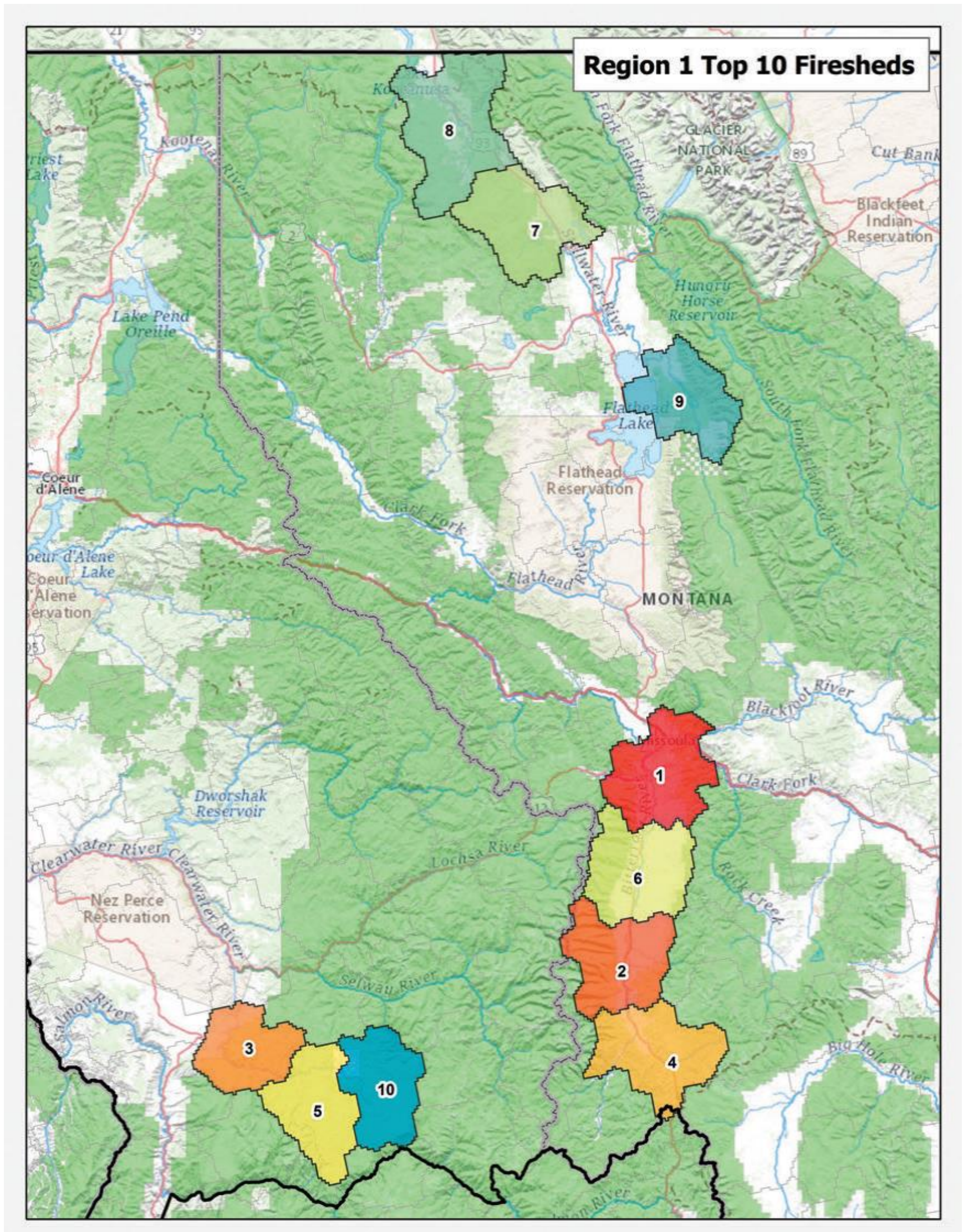
A little more on firesheds.

Basically, Firesheds were developed at the national level to help prioritize where funding would best be used in fuels reduction efforts to protect communities.

I don't think the details of how they determined the firesheds is that important. Mostly it is important to know that Fireshed 8 is a significant part of this portion of Lincoln County.

As it ties to the Infrastructure Bill:

Focus on reducing the risks of catastrophic wildfires. In order to create near-term actions and long-term strategies to reduce risk to communities and infrastructure the Forest Service built a national team, led by Brian Ferebee, the Wildland Fire Risk Reduction Infrastructure Team (WRRIT). This team is working to build a phased approach to management of critical landscapes for targeted investment of that funding using best science, partnerships, equity & inclusion, and outcome-based strategies. The first phase will seek to leverage and expand existing planning and implementation work, including the focused investment projects developed in consultation with the National Leadership Council in 2020 and existing Joint Chiefs' Landscape Restoration Partnership and Collaborative Forest Landscape Restoration Program projects. **The second phase will focus on additional needs for projects that align with high-priority Firesheds** and provide for the addition of priority projects that have been identified through other prioritization processes such as State Forest Action Plans, Shared Stewardship agreements, Quantitative Risk Assessments, etc.



Commissioner Letcher asked about the scenic view off of Highway 37, commenting that it has been discussed for several years with Bryan Donner to increase the view. It is supposed to be a scenic highway but cannot see past the guardrails.

11:45 AM **Lincoln Electric:** Present were Molly Davidson, Carly Andregg, Diane Watson, Melissa Brandon, Telly Stanger, Rebecca Nelson, Tom Lane and Ray Stout.

Molly talked about the Lincoln Electric FEMA Grant Application for the BNSF Rail Project / Lincoln Electric Overhead to Underground Hazard Reduction Project. Grant application is prepared and is being reviewed by the County DES and also by the State. Final application will go to FEMA before the deadline, January 28, 2022.

Carly provided a PPT Presentation and briefed the commission on the history and schedule for the project. Carly talked about the scope of work commenting on the damages, freight delay, loss of power, benefits of the project, and provided mapping to show the 13 miles total that will be moved to underground. 5.3 million is the estimated total project cost. Expecting an 88% grant match from FEMA, but if that does not come through, it will be 70%.

Lincoln County is the entity on the application supporting the project and to sponsor the grant application.

Memorandum Of Understanding will clearly define the County's and Lincoln Electric's roles and responsibilities.

Motion by Commissioner Letcher to proceed with the BRIC grant for the Lincoln Electric Underground Project as presented. Second by Commissioner Teske, motion carried unanimously.

12:00 PM **Regional Grant support for Volunteer Fire Departments:** Present were Tom Lane, Rebecca Nelson, Tony Penfold, and Ray Stout.

Tom Lane informed the commission that West Kootenai Fire Protection Company (WKEPC) with support from LCEMA and LCSO sponsored a regional grant through FEMA for 5 departments in the county: Eureka Rural Fire, TFS FSA, Eureka Ambulance, Yaak Fire, and WKFPC. Funding is for P25 radios for improved communication. As host, WKFPC is requesting support through the counties financial management system as they are anticipating funding over \$500,000 if the grant is awarded. Tom commented about how communication is expected to change over the next 3 years, and the importance to continue supporting the fire districts to compensate for these rising costs.

There is no cost to the county, this is an informational briefing about improving communications for the fire districts.

11:40 AM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

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