

## September 21, 2022

The Lincoln County Board of Commissioners met for a regular session on September 21, 2022 in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, County Administrator Jim Hammons, and Clerk & 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 Eureka Volunteer Fire Department Fee Increase:** Present were Ron Komac, Nikki Meyer, Kenny Rayome Jr., Craig Eaton, Dennis Radish, Ron Hvizdak, Guith, and Ray Stout.

Ron said the Eureka Volunteer Fire Department board is requesting a moderate fee increase due to increased cost of operations. The fire department members talked about aging equipment and trucks, maintenance, PPE, and new, larger homes, all requiring much more demand. The FSA has not requested a fee increase since 2010. The commissioners explained the public notice and public hearing process. Robin said she would help with the public notice process.

Fee rate proposal is as follows:

Class 1 – Present \$50 to Proposed \$65

Class 2 – Present \$101 to Proposed \$131

Class 3 – Present \$135 to Proposed \$175

Class 4 – Present \$268 to Proposed \$348

**10:15 AM ARP Update:** Present were Amanda Harcourt, Kenny Rayome Jr., Guith, and Ray Stout.

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

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

September 21st, 2022 10:15 – 10:30

In August, ARP received 24 hotline calls. 24 were from Libby, 0 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 72 utility locate tickets from properties within the Superfund site in August: 62 from Libby, 10 from Troy.

ARP completed 39 site visits within August. Most of these site visits were to confirm digging locations for utility locates and to active asbestos abatement/sampling projects.

#### ONGOING/PLANNED ABATEMENTS:

386 Riverside Drive, Troy – planned soil removal – on going; SOW has been signed by the property owner. The property owner will start solicitation for an abatement contractor and contact ARP when the bids have been received.

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

757 E 5<sup>th</sup> St, Libby- VCI was released on the East side of house, contaminating a large area of the side yard and a portion of the understructure. ARP conducted an inspection and identified VCI within two interior walls and one exterior wall. ARP drafted a SOW and was approved by DEQ and property owner. ER started abatement activities on the September 12<sup>th</sup>. Work activities were completed on September 16<sup>th</sup>. ARP collected air conformation samples and are waiting for results form EMSL.

289 Ave B, Libby-VCI was identified in the attic of the home. ARP conducted an invasive inspection throughout the entire house. VCI was not observed in any of the interior or exterior walls. A SOW has been drafted and approved by DEQ for the abatement of the attic space. The property owner has started solicitation for an abatement contractor.

154 Paulins Way, Libby- (NOEC Property) ARP was contacted by the property owner requesting information on how to get the NOEC removed from the property. The property has had a previous inspection resalting a trace LA existing on grater then 25% of the property. ARP will be drafting a SOW for an exterior abatement to reduce the percentage of trace below the 25%.

Asa Wood School, Libby- A site visit was completed at the property on 9-20-2022. On site was DEQ, The property owner, Compass Health, Ron goodman, Noble project manager, Browns field contractor, ARP, and NewFields.

#### ONGOING/PLANNED SAMPLING:

100 Manor Dr, Libby-NOPEC property. The property owner stopped by the ARP and requested a Sampling SOW be drafted for the property. A SI investigation was completed at the property in 2011. ARP is currently drafting a DI sampling SOW. The property owner has chosen to self-perform sampling with ARP oversight. Eligibility for possible reimbursement for the sampling will be discussed at the next LASOC meeting.

#### **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 13 months starting with costs from June 1<sup>st</sup>, 2022, until June 31<sup>st</sup>, 2023. Total costs incurred by ARP & reimbursed by DEQ since June 1<sup>st</sup>, 2022, is \$53,880.54 leaving a remaining balance of \$546,119. The last reimbursement for June has been received. Claims for July and August reimbursement have been sent to DEQ.

The Next LASOC Meeting will be held on September 29<sup>th</sup> from 1:00pm to 2:30pm in Libby.

10:30 AM **Administrative Issues/Old Business:** Present were Nikki Meyer, Kenny Rayome Jr., Guith, and Ray Stout.

- Robin submitted the minutes for September 14, 2022 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes with 2 corrections/spelling errors. Second by Commissioner Teske, motion carried unanimously.
- Commissioners signed the Professional Services/Scope of Work Agreement between NeighborWorks MT and Lincoln County for the Libby Creek Community Project. **Motion** by Commissioner Teske to enter into contract with NeighborWorks Montana for Grant Administration. Grant amount is \$36,712. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Bennett explained that the Troy Road Department has 2 pieces of equipment; a woodchipper and Unimog multi-purpose utility vehicle. One bid was received from Tom Steel for the Unimog. **Motion** by Commissioner Letcher to accept bid as submitted. Second by Commissioner Teske, motion carried unanimously. Commissioner Bennett noted that usually bids are listed on the calendar, but since only one bid was received is allowing the decision today.

10:45 AM **Public Comment Time:** Present were Nikki Meyer, DC Orr, Kenny Rayome Jr., Scott Shindledecker, Ray Stout, and Guith.

DC expressed that exculpatory evidence was held by the county attorney prior to his trial. DC talked about John Runkle operating a mobile food service that was licensed by the county. Runkle received a citation for operating on county property. DC said he heard the contract for concessions at the Kootenai Falls lapsed, therefore Runkle was not competing. A complaint was filed by Commissioner Jerry Bennett and he is requesting an explanation why the county is expending court costs to pursue a \$200 fine. Expect commissioners to be transparent in what they do. DC noted that his information is all second hand, but he will be following this case.

11:00 AM **Lakeshore Protection Permit / USFS (Bull Lake, Dorr Skeels):** Present were Jesse Haag, Jennifer Nelson, Karen Wickersham, Casey Cole, Julie Helback, Kenny Rayome Jr., Chanel Geer, Sheriff Darren Short, Tom Lane, Fulgham, Ray Stout, Maranda, Guith, Nikki Meyer, Blake Wilson, Mary Beth Nelson, Brad Holding, Mark and Sue Knudson, Michelle Byrd, Barbara Hurley, Bill Swope, Cody Parks, Wendy Parks and Scott Shindledecker.

Jesse explained the Lakeshore application submitted by the forest service is to build a retaining wall to protect the lakeshore from continued erosion and cosmetically improve a popular visitor site. Project should not affect water and will help improve water quality. Planning board reviewed the application last night and recommends commissioner approval. Commissioner Bennett noted the application has gone through NEPA review; it has been vetted. **Motion** by Commissioner Teske to approve the Lakeshore Construction Permit from the forest service. Second by Commissioner Letcher, motion carried unanimously.

11:30 AM **Happy's RV Park Decision-No public comment will be taken:** Present were Jesse Haag, Planning Consultant Kristin Smith, Jennifer Nelson, Karen Wickersham, Casey Cole, Julie Helback, Kenny Rayome Jr., Chanel Geer, Sheriff Darren Short, Tom Lane, Fulgham, Ray Stout, Maranda, Guith, Nikki Meyer, Blake Wilson, Mary Beth Nelson, Brad Holding, Mark and Sue Knudson, Michelle Byrd, Barbara Hurley, Bill Swope, Cody Parks, Wendy Parks and Scott Shindledecker.

Commissioner Bennett noted that commissioners have all had a chance to look at all documents and public comments and some of the issues have been addressed with additional language in the report; speed study and adding language for services. There are 15 conditions on the site.

Commissioner Letcher commented that under electric utility and telecommunication utilities, we should not single out businesses since there are several providers offering services.

Commissioner Bennett commented that additional in the findings, MDT is conducting a speed study in order to reduce the speed and may see a need for a turn lane.

Commissioner Teske explained that would be done in the approach design.

Commissioner Bennett said the MT Hwy Patrol is approximately a 30-minute response time. Commissioner Teske added that, that's true for everything in that area, not just the RV Park.

Commissioner Bennett commented that regarding any wastewater impacts, all these comments and findings will be forwarded to DEQ, so it will be a primary list for follow-up.

Commissioner Bennett noted that under public lands, there is added language in addition to the Greater Chain of Lakes, approximately 2 dozen lakes are managed by MT FWP.

Commissioner Bennett said under surface water, none in the original, but added on or near the property. Closest surface water is Lavon Lake, 1200 ft. away.

The Commissioners added language under growth policy, the Thompson Chain of Lakes plan enhances recreation using existing resources.

Commissioner Letcher said it has been a long process, lots of public comments both for and against; it's been a good process.

Commissioner Teske explained that he has compiled all the comments for and against and will get it to Robin for transfer to electronic file for public availability.

Commissioner Bennett stated this is a preliminary plat approval, with 15 conditions to be met, requiring DEQ and DNRC approval. This is not a simple process. It will be up to a 3-year window to look at the conditions and allows DEQ and DNRC time for water and wastewater review. They do a very thorough job.

Commissioner Letcher clarified that this is not the end of the process, but just one step in the process.

**Motion** by Commissioner Letcher to approve preliminary plat to Happy's RV Park including modified conditions, based on planning staff recommendation and findings in the staff report. Second by Commissioner Teske, motion carried unanimously.

Commissioner Bennett said it is challenging and difficult and he is open to further conversation. We all have competing rights and it can be difficult to wade through those. It's a continuing process.

12:00 PM **Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Jerry Bennett, Chairman

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