

January 19, 2022

The Lincoln County Board of Commissioners met for a regular session on January 19, 2022 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**.

9:45 AM **Planning Update:** Present were County Planner Nick Raines, Byron Sanderson, Brett McCully, Tom Lane, Derrick Perkins, Ray Stout, and Rebecca Nelson.

- Justus Agricultural Parcel Exemption Request: The owners request to use the “agricultural exemption” from subdivision review to create a parcel of land which is currently and will continue to be used for agricultural purposes. Nick commented this is a perfect example of what the agricultural exemption is meant to be used for and planning staff recommends commissioners to approve use of the exemption. **Motion** by Commissioner Letcher to approve use of exemption based on planning staff recommendation. Second by Commissioner Teske, motion carried unanimously.
- Cause No. DP-19-59 Court Ordered Split: Nick explained the court order split has been completed by District Court. The Court Ordered Split divides one parcel for distribution of estate planning. Nick discussed that under normal process, the planning department and the commissioners will receive a request for comment prior to an order being issued. The Planning Department will contact District Court to reaffirm this process. Planning staff recommendation is to approve the court ordered split as submitted. **Motion** by Commissioner Letcher to approve court ordered split as District Court has done. Second by Commissioner Teske, motion carried unanimously.
- Final Plat for Amended Plat of Lot 1 of Olson’s Place Subdivision: Nick said the final plat application meets the requirements and all 10 conditions of approval have been met. Planning staff recommends commissioners to approve final plat for Amended Plat of Lot 1 of Olson’s Place. **Motion** by Commissioner Letcher to approve final plat for Amended Plat of Lot 1 of Olson’s Place Subdivision based on planning staff’s recommendation. Second by Commissioner Teske, motion carried unanimously.
- Nick explained that Meadow Peak Subdivision is moving the main access to the subdivision. Byron clarified the purpose of the change was prompted from communication with DOT. The access change is DOT approved and is a better alternative, allowing for improved access to the subdivision. Nick said no action is required but wanted to inform the commission.

10:00 AM **Nick Enblom, Project Update:** Present were Bill Caldwell, Tom Lane, Derrick Perkins, Ray Stout, and Rebecca Nelson.

Nick submitted an invoice for Morrison Maierle for \$37,355.32 for reimbursement for the Libby Airport Pavement Rehabilitation 2021 Project. **Motion** by Commissioner Teske to pay invoice payment as submitted. Second by Commissioner Letcher, motion carried unanimously.

Nick said the proposed fuels system 2022 Eureka Project was not awarded grant funds. Nick said grant funds currently are going towards paving projects. The grant proposal was completely denied at this time.

Bill Caldwell commented the State did not approve the grant but questioned if the recent Infrastructure Bill that granted funds to the Libby and Eureka airports could be available for this type of project.

Nick clarified that money will not be available till October, which is the following fiscal year.

Commissioner Bennett asked if there are any other alternatives that would help meet some of that need in Eureka.

Bill said there may be some workarounds, there is an airport board meeting tomorrow and the board will discuss it.

Commissioner Bennett suggested the board explore alternatives and balance the need with the cost, especially since the fuels system project is estimated at \$500,000.

Nick said he is requesting commissioners to sign Appendix A, environmental documentation approved by FAA that will be good for 3 years and will remain in place for future grant opportunities.

Brent expressed support to sign Appendix A, environmental documentation as one less step down the road should funding become available at a later time.

Motion by Commissioner Letcher to sign Appendix A, environmental documentation approved by the FAA as submitted. Second by Commissioner Teske, motion carried unanimously.

10:15 AM **ARP Update:** Present were Elzhon Anderson, Tom Lane, Derrick Perkins, Ray Stout, and Rebecca Nelson.

Elzhon Anderson submitted the ARP Update as follows:

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

January 19th, 2022 10:15 – 10:30

In December, ARP received 11 hotline calls. 11 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 26 utility locate tickets from properties within the Superfund site in December: 23 from Libby, 3 from Troy.

ARP 7 visits within December. Most of these site visits were to confirm digging locations for utility locates and to active asbestos abatement/sampling projects.

ONGOING/PLANNED ABATEMENTS:

117 Mineral Avenue, Libby –The property owner will contact ARP when 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.

34268 US Hwy 2, Libby- A property owner encountered two deteriorating bags of Zonolite insulation within an attic of an outbuilding located on his property. ARP is currently drafting a SOW for the removal of the Zonolite bags and the apartment of any other impacted areas.

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 has been completed at the property. All samples collected were non detect for Libby Amphibole Asbestos. ARP has issued the property owner a new status letter and DEQ is working with the EPA to get the NOPEC removed from the property.

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 have been sent to DEQ on the 15th December.

DRAFT MEMORANDUM OF AGREEMENT

The ARP has completed the draft Scope of work and 2-year budget for the new Memorandum of Agreement between Lincoln County ARP and DEQ. DEQ is now reviewing the draft documents. This MOA financially supports the ARP program beyond the current MOA which ends in May 2022.

LIBBY ASBESTOS SUPERFUND OVERSIGHT COMMITTEE (LASOC)

The next LASOC meeting will be held on March 14th 2022 in Libby.

10:30 AM **Administrative Issues:** Present were Tom Lane, Derrick Perkins, Rebecca Nelson,

- Robin submitted the minutes for January 12, 2022 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Bennett, motion carried unanimously. Commissioner Teske noted that he did follow up on the finger printing discussion from last week's meeting and talked with Sheriff Short and the Sheriff's Office will be able to accommodate finger printing with the marijuana providers as required.

10:45 AM **Public Comment Time:** Present were DC Orr, Tom Lane, Derrick Perkins, and Rebecca Nelson.

DC Orr thanked Commissioner Teske for initiating procedures that he had been asking for. DC said he did file an administrative complaint against Police Captain White. DC said he is still a victim of several crimes and there are two investigations against Amber Holms taking place. DC said that any action to investigate the threats on his life have been refused and was told there was no probable cause. DC stated that he was acquitted of charges because there was no evidence, but it still caused him humiliation, thousands of dollars, and anxiety. DC said he received a file number for the theft of property by the City of Libby, but the county attorney refused to pursue investigation and pursue criminal charges. DC expressed the county attorney is not pursuing justice, pursues politics. DC commented the county attorney has falsely stated he has an attorney and refused to investigate action against the City of Libby. DC stated that he has not attained an attorney and is requesting a written explanation from the county attorney why an investigation against the City of Libby has been refused. DC explained to the commissioners that he is asking them to request Marcia Boris to present a written explanation as to why she refused pursuing investigating. DC said he realizes that Attorney Boris does have 5th Amendment rights, but she must claim those rights if she chooses to remain silent on this.

Commissioner Bennett said the commissioners will need to seek some legal counsel before requesting anything from another elected official. Commissioner Bennett clarified that commissioners do have authority over the budget but does not believe one elected official has authority over another elected official and the commission will seek legal counsel before moving forward.

DC stated he will want to see the result of that legal counsel in writing.

DC expressed there are serious issues in the county attorney's office and if there is nothing commissioners can do, who has authority. Is it the attorney general?

Commissioner Bennett said we can try to find that out.

11:00 AM **Libby Food Pantry request for ARPA funds:** Present were Tom Lane, Derrick Perkins, Ray Stout, and Rebecca Nelson.

The Commissioners received a letter from the Libby Food Pantry Board requesting \$15,000 from ARPA funds to be used to develop a Preliminary Architectural Plan of the JC Clubhouse located in Pioneer Park, Libby. With the sale of Asa Wood Elementary, the Libby Food Pantry is seeking a new facility to house its inventory and is easily accessed. Commissioner Teske expressed that both the County and the Food Pantry Board need to know what the electrical and infrastructure needs would be for that to be a viable facility.

Commissioner Bennett commented the JC Clubhouse building just sits without use and it costs the county to maintain and heat, but if it is a viable facility to house the food pantry, he would have no issue with moving forward.

Motion by Commissioner Teske to approve the request of \$15,000 ARPA funds as long as that money is available upon review. Second by Commissioner Letcher, motion carried unanimously.

11:15 AM **Mike Cole, Rodeo Arena:** Cancelled.

11:30 AM **EMA Quarterly Update:** Present were EMA Director Tom Lane, Derrick Perkins, Ray Stout, and Rebecca Nelson.

Tom gave an overview of EMA activities and submitted the following report:

Quarterly commissioners report

1) Ongoing Projects of the Department

Communications:

- Yaak Mountain repeater project: This was an open project started by my predecessor. At this point, this project is being labeled as completed and is moving over to a maintenance and upgrade needed status; the equipment is in place and operational. FCC Licenses are in place and forestry lease has started. There were some minor programming issues that were overcome quickly.
- Pinkham Tower Lease: Contract enacted for a new lease, IP Routing LLC., providing microwave internet service.

Ongoing review and implement:

- Continuity of Operations (COOP) plan
- Continuity of Government (COG) plan
- Information Management Plan and Processes
- Donations Management Plan
- Volunteer Management Plan
- Debris Management Plan
- Identification and inclusion of Critical Infrastructure
- Current Multi-Hazard Mitigation Plan
- Annual Review of Multi-Hazard Mitigation Plan

2) New Activities and Projects:

County Safety meeting: See attached meeting minutes

LC Fire Co-op chair and meeting: See attached minutes

Participated in AAR for 2021 pandemic with health department.

Lincoln County Ambulance board meeting. Participated and provided suggestions and guidance for updating their bylaws.

LEPC chair and meeting: restarted after two years of COVID. See attached minutes

Representing LCEMA on CWPP core team working with the county forester (Jennifer Nelson) to complete the new community wildfire protection plan.

LERP 101 for OU3 in preparation for wildland season.

Parmenter creek flood mitigation project: Reviewed history and flood response plan, identified missing maintenance project, and worked with other agencies on a solution to assist in preventing future issues.

Responded to weather related issue involving a generator failure on King Mountain during a windstorm. Monitored the weather event for EOC activation needs and provided the state DES with SITREP.

Conducted emergency alerting system test with CodeRed. Identified several system limitations and am looking to expand capabilities to IPAWS.

Working with NWS to assess feasibility of adding a NOAA transmitter to the area to address loopholes in broadcast notification of EAS messages in Lincoln County.

Worked with county response agencies to facilitate and support an AFG grant application for radio equipment.

Worked with LCSO on a rewrite for an antenna site bid spec for an open grant.

Monitored second weather related event associated with possible snow load, road conditions, and power outages. Provided SITREP to state.

Repeater site visits and maintenance. Scheduled generator maintenance and evaluated needs for improvement and upgrade. (All sites need new RMS, UPS.) In the process of getting bids and finding a vendor for a summer installation of the RMS system.

3) Personnel or Human Resource Matters.

This department is in need of a deputy position to handle refer to deputy job description

4) Training and Personnel Development.

Re-completed FEMA professional development series

Completed FEMA IPAWS administrator training

Completed FEMA IPAWS operator training

Completed FEMA using social media in incident management training

Provided communications training for DTSAR and local fire departments

Will be attending L-950 NIMS ICS All-Hazards Incident Commander Feb 14-18.

Will be attending MACo Midwinter conference for DES March 1-2 (tentatively).

Will be providing HazMat awareness to first responders Feb 2022.

Developing elected official, manager, and department head training for ICS, NIMS, and EOP for city and county operational continuity. (March)

Looking to bring in ICS 300/400 with 2022-2023 budget

5) Budget.

The biggest budget item that needs to be addressed is fuel usage. Currently, the rate is approximately \$483/month. This is not allocated for in the EMA budget. Due to several factors that require the EMA position to be both mobile and on call, the department's budget will need to be reviewed to address this recent development.

I have addressed several milage logging options with the state to facilitate some form of reimbursement.

6) Future Projects.

State the department's upcoming projects and any anticipated developments on it. The goals and objectives of these future projects must also be discussed in this portion.

Flower Creek flood plan review (before spring)

Budget 2022-2023

EMPG grant application

Communications system upgrades including replacing local government Quntar repeaters with ASTRO P25 repeaters allowing integration, linking and interoperability

Request ARPA funding (SPENDING ON GOVERNMENT SERVICES) to install Pinkham 100-foot guideline radio tower with donated free-standing 100-foot communications tower. The previous tower is over 40 years old and to sum it up it safety is in question. The replacement tower is a well needed improvement.

Requesting ARPA funding (SPENDING ON GOVERNMENT SERVICES) to Install 60-foot tower on Black Butte and adjust lease agreement to save \$1200/year.

Request ARPA funding (SPENDING ON GOVERNMENT SERVICES) to upgrade and replace repeater site uninterruptured power supplies (UPS) on all repeater sights and EOC.

7) Recommendations.

Command and control under ICS. The number one needed area needed to be addressed is to phase in an essential personnel line to represent key people that would need or would be expected to participate or be involved with emergency management at the EOC during a Type 2 or Type 1 incident.

Department heads have a line added to their job descriptions that requires them to participate in the emergency planning process (including signing off on EOPs, mitigation plans, etc.) and to participate in minimal ICS training and exercises.

In the event of an emergency, department heads are considered key personnel and are obligated to report to the EOC upon request to participate in mitigation and stabilization efforts.

PRIORITY

In the event of a county declared emergency, all department heads need to be considered key personnel and be required to report to the EOC upon request to participate in mitigation and stabilization efforts. In addition, these department heads would need to be obligated to have the minimum ICS training to function in their key roles.

11:45 AM **Safety Incentive Program:** Present were EMA Director Tom Lane, Derrick Perkins, and Rebecca Nelson. Tom presented the Annual 2022 Lincoln County Safety Incentive Program to the Commissioners for approval, there are no changes other than dates.

Robin read the county claims report from Mac Kirk, PayneWest as follows:

Open Claims:

- Claim on 11/02/21 \$1,135 Reserved, \$10 paid
- Claim on 9/30/21 \$4,000 Reserved, \$760 paid
- Claim on 6/05/21 \$5,400 Reserved, \$1.35 paid
- Claims are remaining smaller for medical costs and there are no indemnity loss (loss wages). These are great trends, keep up the good work!

Tom talked about the safety committee and the safety culture in the county and said the claims report represents both the work of the safety committee and county employee safety awareness. Tom encouraged the commissioners to maintain the Safety Incentive Program for 2022.

Robin commented on the Worker's Comp rate decrease, saving money for the county.

Commissioner Bennett said the claims record is a testament to the safety committee doing a great job and the county employees for working safely.

Motion by Commissioner Letcher to approve the Lincoln County Safety Incentive Program for 2022. Second by Commissioner Teske, motion carried unanimously.

12:00 AM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

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