

February 16, 2022

The Lincoln County Board of Commissioners met for a regular session on February 16, 2022 in the Lincoln County Annex, Eureka, 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 **Procurement Policy:** Present were EMA Director Tom Lane, Finance Officer Wendy Drake, Derrick Perkins, and Ray Stout.

Wendy explained the county procurement policy and bid process for anything over \$25,000 and suggested having the county attorney review it and potentially have it closer to state procurement, increasing it to \$80,000.

Commissioner Teske said it doesn't take much in any project to reach \$25,000.

Commissioner Bennett requested Wendy to move forward and have the county attorney review the policy.

10:00 AM **Resolution 2022-06 Medical/Recreational Marijuana:** Present were EMA Director Tom Lane, Rebecca Nelson, Derrick Perkins, and Ray Stout.

Commissioner Bennett provided Resolution 2022-06. The resolution was drawn up and the county attorney did review it. The commissioners believe it prudent to place a stay on any additional marijuana distributors or growers until July 2023. The Board of commissioners are interested in input from citizens, businesses, and governmental departments until February 28, 2022. The Board of Commissioners will analyze comments, as well as plans from other counties and studies from the States with existing recreation marijuana programs. The commissioners want to allow the State of Montana the opportunity to implement and refine the MCA's and ARMS of the recreational marijuana regulations. Commissioner Letcher read the resolution in its entirety.

**Motion** by Commissioner Teske to approve Resolution 2022-06 as submitted. Second Commissioner Letcher, motion carried unanimously.

County Administrator Jim Hammons asked about the number of dispensaries after July, 2023.

Commissioner Bennett said the resolution allows for the commissioners to limit the number of dispensaries within Lincoln County in the future.

*All resolutions can be viewed in their entirety on the county website [www.lincolncountymt.us](http://www.lincolncountymt.us). Clerk and Recorder Department.*

10:15 AM **ARP Updates:** Present were Elzhon Anderson, Tom Lane, Wendy Drake, Derrick Perkins, and Ray Stout.

*Elzhon Anderson submitted and gave an overview of the following report:*

Asbestos Resource Program (ARP) Report for Commissioner's Meeting

February 16th, 2022

10:15 – 10:30 AM

In January, ARP received 14 hotline calls. 10 were from Libby, 4 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 14 utility locate tickets from properties within the Superfund site in January: 8 from Libby, 3 from Troy.

ARP conducted 4 site visits in January. 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. No new update is available

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 performed 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 completed the SOW it was approved by MTDEQ and Environmental Restoration removed the bags and conducted a spot cleaning of the area.

ONGOING/PLANNED SAMPLING:

GID 11192, Troy – Property was designated a non-use area during the time of investigation. The property has since 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 1<sup>st</sup>, 2020, until May 31<sup>st</sup>, 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 15<sup>th</sup> 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 14<sup>th</sup> 2022 in Libby.

**10:30 AM Administrative Issues:** Present were HR Director Dallas Derrick Perkins, Ray Stout and Rebecca Nelson.

- Robin submitted the minutes for February 8, 2022 Safety Committee Meeting, and February 9, 2022 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Dallas explained that actuaries are due every 2 years for county auditing purposes. The Lincoln County 2021/2022 GASB 75 Valuation Agreement with Actuaries Northwest was presented. The agreement is for data collection by Lincoln County with verification and review performed by Actuaries Northwest and reporting requirements prescribed by GASB 75 regulations and all corresponding actuarial standards of practice. The proposed fee is 2021/2022 Valuation \$7,000 and 2022/2023 Roll Forward Valuation \$3,000.  
Dallas explained the Actuary Report is for health insurance and to verify how many employees participate in the insurance plan and to ensure the county is meeting requirements.  
**Motion** by Commissioner Letcher to approve the agreement with Actuaries Northwest as submitted. Second by Commissioner Teske, motion carried unanimously.
- Commissioner Letcher talked about replacing storm drains at the N. Annex Building. Potential options/cost were discussed. No decisions were made at this time.

**10:45 AM Public Comment Time:** Present were Derrick Perkins, Ray Stout and Rebecca Nelson.

Rebecca asked about the software purchase for the Environmental/Public Health Department that was discussed last week and what the county policy was for those type of large purchases.  
Commissioner Bennett explained in that specific request, it will be ARPA funds and that the county does request to get at least three bids. Commissioner Bennett also commented that the Public Health Department is negotiating to bring the cost down.

**11:00 AM Tobacco Valley Rodeo Association (TVRA):** Present were Fair Manager Pam Rackley, Ray Stout and Derrick Perkins.

Commissioner Letcher presented the Agreement For Improvements To Lincoln County Fairgrounds. The agreement is between the Tobacco Valley Rodeo Association (TVRA) and Lincoln County. In 2019 Lincoln County loaned \$162,500 to the TVRA. Commissioner Letcher explained that grace was given the first year and also the second year due to Covid. Currently, there has been no payments received at this time. Commissioner Letcher would like to rewrite the contract to include the total to be paid over the next 7 years. Those payments were to be used towards fairground facility improvements.

Commissioner Bennett suggested to contact Mike Cole one more time, and discuss a contract rewrite to be paid over the next 8 years. The loan was conditional with payments going towards the county fairgrounds for improvements. Commissioner Letcher stated that added language that revenues received from leasing the rodeo grounds goes to the fair, not the rodeo association. Commissioner Letcher clarified that contracts from other fairground use and insurance coverages fall under the county to be approved.

**Motion** by Commissioner Letcher to discuss changes in the lease agreement with Mike Cole and move forward with a rewrite of the lease agreement. Second by Commissioner Teske, motion carried unanimously.

**11:15 AM Public Hearing / Lincoln County, City of Libby CDBG Grant:** Present were Mayor Peggy Williams, City Administrator Samuel Sikes, Leann Marigold, Zach McNew, Mark Andreesen, Danielle Maiden, Ray Stout, and Derrick Perkins.

Danielle said this is the first public hearing regarding the CDBG Block Grant. Public Hearing for folks to say what their needs are regarding public housing or infrastructure. Danielle opened the floor for public comments.

Commissioner Bennett commented that the commission has had discussions about affordable housing over the past year, roadblocks included finding available properties.

Danielle talked about resident owned communities; seeing infrastructure issues in those communities. There is significant water/sewer issues at the Libby Creek Community (formerly Hartman Trailer Court). Currently seeking funding for that project upgrade. There will be another public hearing specifically for that project.

Libby Mayor Peggy Williams talked about water/sewer infrastructure needs within the City of Libby. There are significant deficiencies. Peggy discussed water/sewer issues at cabinet view and cabinet heights areas creating fire suppression

concerns and how the deficiencies inhibits development. Peggy talked about turbidity and sediment issues and lower reservoir issues, concerning the City Water Treatment Plant.

Mark talked about a sidewalk system project expressing safety hazard concerns that kids are still having to walk in the streets.

Commissioner Teske asked if CDBG funds cover sidewalk projects.

Jim said not normally, CDBG is mainly housing and sewer/water infrastructure.

Peggy talked about grant monies the city has used for sidewalks, but those funds are no longer available.

Danielle mentioned Evergreen Montana is doing a large sidewalk project and would be a good resource.

Commissioner Bennett suggested presenting the sidewalk project to the Libby Park Board.

Mark said he has had conversations with the City of Libby, Libby Park Board and the County and everyone seems on board, it's a matter of someone qualified to pursue funding to take the helm.

Commissioner Bennett agreed that someone qualified does need to take point on this and see it through.

Mark said he will talk with Tony Petrusha and the Libby Outdoor Recreation Association (LORA), a group consisting of representatives from 14 different organizations in the community.

John Gass commented about two potential sources of funding through DOT (TA Application) and Rural Special Improvement District (RSID).

Commissioner Teske discussed how the Libby Food Party will be displaced soon and that they are looking for a new facility or a location for possibly a new building. Commissioner Teske expressed this is something we should help reach out for, but not sure how that applies to CDBG monies.

Danielle said there may be CDBG funds for renovating buildings.

There were no further public comments.

**11:45 AM Historical Village Lease Agreement:** Present were Darris Flanagan, Rita Collins, Lynda Young, Mark Andreesen, and Rebecca Nelson.

Commissioner Letcher explained he attended a meeting with the Tobacco Valley Historical Board (TVHB) several months ago and gave a brief history and provided maps showing buildings within the historical village area. Commissioner Letcher explained that he has been spending time reviewing county leases, and the goal of updating the TVHB lease agreement is to modernize and delineate responsibilities and liability. The County Road Department has been maintaining the parking lot and plowing, as well as asphalt.

Commissioner Bennett commented that the commissioners have been trying to standardize and create templates that can be adjusted so new commissioners coming in and board member turnover have a standardized process. Commissioner Bennett said he appreciates Commissioner Letcher spending the time spear heading this.

Darris said the point of discussion is mainly control of the parking lot, commenting that groups are asked to provide insurance and pay fees for parking lot use. TVHB uses that money for cost of maintaining bathrooms and other expenses. Darris expressed concerns if the TVHB does not have that control.

Commissioner Bennett stated that it is county property, and we cannot deny uses and we want to make sure there is no discrimination. Commissioner Bennett said he appreciates this conversation because there does need to be some coordination for legal purposes; the public should be able to use the parking lot when not in use for an event.

Rita commented that whenever a group/event wants to use the parking lot and prevents public use, there are concerns because we have a grounds use policy on TVHB website, and for 50 years, the county has allowed the TVHB to manage that area, grounds, and parking lot. TVHB conducts maintenance and cleans up trash (volunteers), and we have never discriminated.

Darris said we are talking about a lease and having always had the lease, the TVHB has an interest in keeping it.

Commissioner Letcher talked about a building in the middle of the lease prescribed area that is excluded from the lease, so how do people use that, and the road is open to the public and the public needs to be able to use it. Commissioner Letcher said he is trying to put structure on how it's being used that is fair for everyone and fair for the next members of the TVHB board. The intent is not to overstep, but to ensure the public has access.

Rita explained that TVHB does work with the community, but they do not want groups coming in without signing the agreement. The agreement ensures event insurance, and planning events ahead of time; being spontaneous does not work for scheduled events.

Commissioner Letcher clarified that he is trying to write the lease for present uses and to protect your needs as well as the county and public.

Commissioner Bennett suggested language in the lease with TVHB coordination, that the public has use of the parking lot except events with agreed upon number of people, insurance, yet day to day it is available for public use.

Commissioner Letcher pointed out that a peaceful protest does not need to get insurance and pointed out that even if someone leases a building, the public can still park in the parking lot.

Commissioner Bennett commented that the commissioners wanted to have this conversation before we rewrite the lease to accommodate TVHB and protect public access.

Rita said we will want to discuss the new lease with the TVHB before being signed and explained that she does talk to all groups about the policy regarding events, and most event organizers work well with us, but some organizations choose to move to a different location because they do not want event insurance.

Darris suggested a committee and to meet again.

Commissioners agreed they would be available and welcome further conversation.

**12:00 PM Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Jerry Bennett, Chairman

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