

June 1, 2022

The Lincoln County Board of Commissioners met for a regular session on June 1, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, 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.**

9:15 AM WR Grace Update: Present were Tony Penfold, Amanda Harcourt, Nick Raines, Tom Lane, Veronica Bovee-Anderson, George Jamison, Solomon Alcain, and Ray Stout.

Tony informed the commissioners that Nick will be taking over projects at the mine site, officially working for WR Grace. Tony shared a video of the project area at the mine site including the dam, spillway, and water levels. Tony showed pictures and gave an overview of the current work/construction being conducted, foundation prep work, next steps; spillway channel work replacing current spillway, a big improvement. Crew of 40 currently working but will move to about 120+ workers as the project moves forward. Tony invited the commissioners to come visit the site.

9:30 AM Third Signal: Present were Third Signal representatives Ross Peterson, Ed Wrzesien, and Ryan Olson. Also present were Sheriff Darren Short, Undersheriff Brent Faulkner, Tony Penfold, Nick Raines, Tom Lane, Veronica Bovee-Anderson, George Jamison, Solomon Alcain, and Ray Stout.

Darren said the county needs an outside consultant to work with Lincoln County to optimize all aspects of public safety and communications; Third Signal is here to discuss communication improvements.

Third Signal LLC out of Missoula Montana, gave a PPT overview of their company and short-term and long-term plan for Public Safety Communications Optimization Lincoln County 911, Libby, MT. Ryan commented of difficulties of having three dispatch facilities. There are three counties that have more than one dispatch, but they appear to all be moving to change this for improved efficiency and to decrease cost. Keeping local knowledge is important, but it's the response time that has difficulties with multiple dispatches. Ryan said Lincoln County is used as a negative example of three dispatch centers that do not harmonize within each other. There is a lot of work for improvement to ensure public expectations of best service.

Darren talked about the importance of implementing texting to 911 and getting that working because of the rural non-service areas in Lincoln County. Texting to 911 can work where calling will not. We want to get that in place as soon as possible and would use 911 funds to get this in place especially with tourist season coming and following with hunting season.

Commissioner Bennett asked Third Signal to prepare a short video about the efficiency of dispatch consolidation and the points from today's discussion. Advertisements are going out for a meeting to have a discussion about the dispatch changes in Lincoln County. Lincoln County currently spends approximately \$900,000 annually on three PSAPS. It's time to have this discussion and move forward with consolidation, efficiency, improved public safety as well as being cost effective to the taxpayers.

Commissioner Letcher spoke about necessary improvements needed in Eureka and the increased dead spots. There is confusion regarding Canadian phone calls that are actually from the Eureka area, not Canada.

Motion by Commissioner Teske to allow up to \$12,000 of 911 funds to be used for Text to 911 to be implemented. Second by Commissioner Letcher, motion carried unanimously.

10:00 AM USFS Update: Present were Forest Supervisor Chad Benson, Nick Raines, Tony Penfold, Veronica Bovee-Anderson, Solomon Alcain and Ray Stout.

Chad said he is here to update commissioners on current litigation. We do have a lot of support, and funds to help move projects forward. East Reservoir, Ripley, Knotty Pine, South Yaak Salvage and Black Ram are all in litigation. Most of the fighting in court is about illegal access and how to manage that. It is to the point people are taking pictures of illegal access and those pictures are being submitted to the court. The forest service has tools set up to be better monitors of that, but if codified, this is not a Kootenai problem, there are national implications.

Chad commented that he was in the courtroom with Commissioner Bennett during Ripley litigation and the analysis of grizzly habitat was a gross inaccurate statement of the court. It's an overreach, but the ability to move that is outside any of our control. This is still ongoing and will keep the commissioners posted.

Chad said he is meeting with partners about what is next, and he will have a pretty robust update on that down the road regarding current projects. The goal of 75mmbf is now down to 15mmbf because of the level of litigation; that is a pretty big hit.

Commissioner Bennett asked how the county can support to get the right people out here to actually see the lay of the land, for specific legal support.

Commissioner Teske agreed. If you are defending something, you need to see and have real knowledge of the area.

Chad said he is also meeting with agencies about how to coordinate and be better stewards during fire season.

10:30 AM Administrative Issues/Old Business: Present were JP Jay Sheffield, Vanessa Williamson, Nick Raines, Tony Penfold, Veronica Bovee-Anderson, Solomon Alcain and Ray Stout.

Commissioner Teske submitted a support letter for the Probation Departments application for a grant to address mental health in our community. The grant will be used to fund a full-time care coordinator and for mental health and chemical dependency evaluations in the Lincoln County jail. Vanessa said she asked for \$280,000 in the grant proposal. Commissioner Bennett commented that we are all in support of this.

- Robin submitted the minutes for May 25 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Teske, motion carried unanimously.
- The commissioners approved the 2022 Post Election Audit Committee. Pursuant to MCA 13-17-504 the county governing body shall appoint at least three individuals to serve on the county audit committee. In addition to election staff, the appointees recommended are: BreeAnna Adamson, Kristin Smith, Anita Short, Ann German, and William Crews. Robin explained the purpose of the Post-Election Audit is to ensure tabulation was correct and is conducted by hand count. **Motion** by Commissioner Letcher to approve the 2022 Post Election Audit Committee as presented. Second by Commissioner Teske, motion carried unanimously.
- Robin presented Resolution 2022-13 Opposition to the 30X30 Program. Commissioner Bennett read from the resolution and stated the resolution serves as a county statement. **Motion** by Commissioner Teske to approve Resolution 2022-13 as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Robin presented Resolution 2022-14 LCRFD Intent to Annex. Robin said the county land specialist verified petition signatures and requirements pursuant MCA 7-33-2125(a) has been met. A Public Hearing is scheduled for June 22, 2022 at 9:30 AM and will be advertised. **Motion** by Commissioner Letcher to approve Resolution 2022-14 as submitted. Second by Commissioner Teske, motion carried unanimously. Commissioner Teske commended Lincoln County Rural Fire District for their work finding and communicating with adjacent properties.
- Vanessa said she is asking for approval for a fully funded care coordinator to work with the crisis team. Vanessa said office space is available next to her office at the annex building. **Motion** by Commissioner Letcher to approve hiring a care coordinator to work with the crisis team. Position is fully funded by grant funds. Second by Commissioner Teske, motion carried unanimously.

10:45 AM Public Comment Time: Present were Mike Rooney, Veronica Bovee-Anderson, Sheriff Darren short, Tony Penfold, Nick Raines, Ray Stout, and Solomon Alcain.

Mike asked where commissioners get the belief that the DEQ selenium standard is politically motivated. Mike expressed that all that work was done and he feels disturbed that commissioners want to push back on this. Mike explained he believes the information to bring the standard up is what is politically motivated. Fishermen who use the river and recreate are not aware what selenium can do if left unmitigated. The research has been done and he believes the DEQ standard is accurate.

Commissioner Teske said an answer would take too long but invited Mike to come in for further discussion and to review his research. Commissioner Teske commented on the questionable DEQ process and the conflict in science.

Commissioner Bennett said there is conflicting testimony and conflicting science and we have sat through many hours of presentation and research materials.

11:00 AM EPA Update on Operable Units: Present were Jason Rappe, Carolina Balliew, Dania Zinner, Beth Archer, Jessica Wilkerson, Stephanie Michalkiewicz, George Jamison, Tony Penfold, Nick Raines, Solomon Alcain, Moira Davin and Ray Stout.

Dania said they are in Libby for an OU3 public meeting tonight regarding the status on the mine site and to update the commissioners. Most of the site is in O&M phase and that is going well.

Jason spoke about DEQ still working on the sitewide O&M Plan to get finalized but asking if commissioners are interested in a public comment period on this. Working on the sitewide ICIAP report to be put into one institutional control plan to be done later this year. Commissioners will receive a draft. O&M is looking good, but there are still abatement projects.

Dania explained that OU4 & 7 residential properties in Libby and Troy can move forward with partial deletion. Explanation of Significant Differences (ESD) has been signed by the EPA Administrator and is a document created to memorialize institutional controls. The process takes about one year and there is public involvement in this process; it is a milestone. Dania asked the commissioners for input and any further discussion.

Commissioner Teske asked if ARP is comfortable with this moving forward.

Stephanie commented there is some concern about public perception and ARP is conducting outreach to help the public understand the process that's in place; a lot of new people moving here.

Dania said they could help out with public messaging.

George commented this discussion is too early for a lot of reasons and should be delayed until the 5-year review.

Commissioner Bennett suggested to start the public outreach now and start getting the information out to the public.

Dania expressed that another milestone is the partial deletion in OU1, 2, and 8. There were no public comments on Ou6, (BNSF Corridor) and is scheduled to be partially deleted in September 2022.

Jason explained that DEQ will conduct annual inspections in different areas within the superfund site. Reports will be evaluated in the 5-year review.

Jason said OU5, Kootenai Business Park is working on the environmental covenant, and he is asking commissioners to take a look at it and the move forward to have it finalized. Dania said there may be a partial deletion on OU5.

Dania invited the commissioners to attend the public meeting tonight about OU3, former mine site at 5 pm at City Hall. The forest service will be giving a brief fire season update. Currently, OU3 is in the feasibility study. Phase 1 is the forested areas and Phase 2 is the mine and waterways.

Commissioner Bennett asked if there is a way to coordinate with DEQ, EPA and LASOC regarding what is left in the two pots of state money. We do not want to do FOIA requests to attain information. LASOC is just wanting information of where we are at maybe every 6 months. Dania asked for the county to send a letter requesting information. George commented that we would like to do this in a collaborative, informal process and it would help improve some repour, this request is something that should be very simple.

12:00 PM Break

1:00 PM **Libby Asbestos Superfund Oversight Committee (LASOC):** This meeting has separate minutes that can be viewed in their entirety on the county website: www.lincolncountymt.us Minutes will not be approved or posted until the next scheduled LASOC meeting scheduled in September.

3:00 PM **Sheriff Office Budget Meeting:** Present were Finance Director Wendy Drake, Payroll/HR Director Dallas Bowe, Sheriff Darren Short, and Undersheriff Brent Faulkner.

Brent Faulkner explained expenditures and revenues anticipated for FY 22/23 budget. Brent said the budget is the same as last year except he raised the fuel line item 28%, but that was just an estimate as the cost could be a lot more for the year. One item that was not considered was the cost of insurance as they have not heard back from Kevin Peck, Glacier Insurance.

Commissioner Bennett talked about how the county cannot keep spending more than we are taking in, but appreciates the hard work the sheriff's office has spent on their budget. Commissioner Bennett expressed that everyone is going to have to really look hard at where cuts can be made to save money. Commissioner Bennett questioned the possibility of bringing in more revenue. Brent Faulkner mentioned most of the revenue sources have been considered.

Meeting Adjourned at 3:30 PM

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

ATTEST: _____
Robin Benson, Clerk of the Board