

October 26, 2022

The Lincoln County Board of Commissioners met for a regular session on October 26, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson. Commissioner Bennett was excused.

Meeting allows for teleconferencing and VisionNet availability.

Commissioner Letcher opened the meeting with the **Pledge of Allegiance and Prayer**.

9:15 AM MAG ARPA Submittals: Present were Rebecca Nelson, Tom Lane, Scott Shindledecker, and Ray Stout. The commissioners reviewed and discussed ARPA funding submittals. As of October 25, 2022 total direct allocation remaining is \$790,944. Some remaining funds will be placed in General Fund Reserves.

Motion by Commissioner Teske to approve ARPA MAG grant request for sewer improvement in the Kootenai Business Park. Second by Commissioner Letcher, motion carried. Commissioners agrees to support the application with a cash match of \$280,265.

Motion by Commissioner to approve ARPA MAG minimum allocation request for Glen Lake Irrigation District. Second by Commissioner Teske, motion carried. Commissioners will draw up a support letter. Glen Lake Irrigation District is waiting for final engineering cost estimates.

9:30 AM ARP Update: Present were ARP Director, Amanda Harcourt, City of Libby Mayor Peggy Williams, Jason Rappe representing DEQ, City Clerk Sam Sikes, Tom Richardson, David Cosgriff, Conan Fitzgerald, Veronica Bovee-Anderson, Andrew Schmidt, Kayleen Castelli, and Paige Lambert, Scott Shindledecker, Ray Stout, Rebecca Nelson, and Solomon Alcain.

Amanda gave an overview and submitted the following report:

Asbestos Resource Program (ARP) Report for Commissioner's Meeting October 26, 2022 10:15 – 10:30

In September, ARP received 10 hotline calls. 10 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 109 utility locate tickets from properties within the Superfund site in September: 96 from Libby, 13 from Troy.

ARP completed 14 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; The property owner has completed solicitation for an abatement contractor. ARP is waiting for the property owner to submit bids.

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

289 Ave B, Libby-VCI was identified in the attic of the home. 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 resulting a trace LA existing on grater then 25% of the property. ARP has drafted a SOW for an exterior abatement to reduce the percentage of trace below the 25%. The property owner has started solicitation for the apartment.

11144 US Hwy 2, Troy- Indoor removal. SOW has been drafted and approved by DEQ. An abatement contractor has been hired and work activities will be starting next week.

146 White Ave, Libby- Outdoor removal. The property owner demolished an old shed at the property. ARP conducted a site visit after receiving a call from the property owner. Mine tailing were identified in the area the shed was demolished. ARP is currently drafting a SOW for abatement of the impacted areas.

Asa Wood School, Libby- ARP completed an additional Inspection on 10-19-2022. No VCI was observed in any walls inspected by ARP. Vermiculite containing wall board was identified in an area of the gym and adjacent hallway. The wall board has been added to the current SOW to be abated.

ONGOING/PLANNED SAMPLING:

100 Manor Dr, Libby-NOPEC property. A SI investigation was completed at the property in 2011. ARP has drafted a DI sampling SOW. The property owner has chosen to self-perform sampling with ARP oversight. The LASOC committee has drafted and approved a letter of recommendation for the reimbursement of the sampling. The recommendation has been sent to DEQ for approval.

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 1st, 2022, until June 31st, 2023. Total costs incurred by ARP & reimbursed by DEQ since June 1st, 2022, is \$53,880.54 leaving a remaining balance of \$546,119. The last reimbursement for August has been received. Claims for September reimbursement have been sent to DEQ.

The Commissioners discussed moving the ARP Update to quarterly instead of monthly. Amanda was in agreement.

9:45 AM EPA-Libby Groundwater Update: Present were City of Libby Mayor Peggy Williams, Jason Rappe representing DEQ, City Clerk Sam Sikes, Tom Richardson, David Cosgriff, Conan Fitzgerald, Veronica Bovee-Anderson,

Andrew Schmidt, Kayleen Castelli, and Paige Lambert, Tom Lane, Scott Schlindledecker, Ray Stout, Rebecca Nelson, and Solomon Alcain.

Tom is here to give a site update to the commissioners and provided an informational PowerPoint regarding the Libby Groundwater Superfund Site history and current status. Topics discussed were site background, current extent of groundwater contamination, activities to expedite shallow aquifer cleanup, controlled groundwater area status and the buy well program extension.

****The PowerPoint Presentation is available in its entirety by contacting the Clerk and Recorder's Office.**

Commissioner Teske asked who is paying the 7million cleanup cost. Tom replied International Paper is responsible for cost. There was a brief discussion about tracking groundwater flow, city residents connecting to city water and financial compensation to offset cost of using city water.

10:30 AM **Administrative Issues-Old Business / Resolution 2022-24 Operation Green Light / Resolution 2022-25 Special Deputy County Attorney:** Present were Tom Lane, Veronica Bovee-Anderson, Scott Shindledecker, Rebecca Nelson, Ray Stout and Solomon Alcain.

- Robin submitted the minutes for October 19, 2022 regular meeting, Tobacco Flats North & South Public Hearing, and Eureka FSA Public Hearing for approval. Robin commended Deputy Clerk Corrina Brown for taking minutes in her absence. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried.
- Robin presented Resolution 2022-24 Operation Green Light supporting veterans for approval. **Motion** by Commissioner Teske to approve Resolution 2022-24 as submitted. Second by Commissioner Letcher, motion carried. Commissioner Teske read Resolution 2022-24 Operation Green Light Supporting Veterans and gave a brief overview of its purpose.
- Robin presented Resolution 2022-25 Appointing Special Deputy County Attorneys for the Purpose of Providing Prosecutorial Assistance. **Motion** by Commissioner Teske to approve Resolution 2022-25 as submitted. Second by Commissioner Letcher, motion carried. Commissioner Teske read Resolution 2022-25 Special Deputy County Attorneys.
- Commissioners signed Libby Airport Pavement Project Close-Out documents from Morrison-Maierle Engineering. **Motion** by Commissioner Teske to approve Closing Documents submitted from Morrison-Maierle Engineering. Second by Commissioner Letcher, motion carried.

****All resolutions can be viewed in their entirety via www.lincolncountymt.us, under Clerk & Recorder.**

10:45 AM **Public Comment Time:** Present were Veronica Bovee-Anderson, Tom Lane, Scott Shindledecker, Rebecca Nelson, Ray Stout and Solomon Alcain.

There were no public comments.

11:00 AM **Stahly Engineering / MDT Off-System Bridge Discussion:** Present were Kathy Thompson representing Stahly Engineering, Veronica Bovee-Anderson, Scott Shindledecker, Rebecca Nelson, Ray Stout and Solomon Alcain. Kathy explained that Stahly Engineering is working with Montana counties gathering information of off-system bridges. Kathy said there is additional funding specific for this purpose. Stahly Engineering will submit a branch application for off-system bridges in Montana. Grant amount will be approximately 1 million. Kathy said she is reaching out to Lincoln County to discuss needs and take Lincoln County information back to MDT. Federal funding is through the infrastructure bill and there is additional funding provided to MDT specific to off-system bridges.

The commissioners reviewed and discussed concerns of some listed off-system bridges in Lincoln County and will coordinate information with Kathy to participate in the off-system bridge funding program. A listing of Lincoln County off-system bridges was provided by MDT for review.

12:00 PM **Break**

1:30 PM **Planning / Final Plat Elk View Estates / Preliminary Plat Gemini Subdivision:** Present were Planning Consultant Kristin Smith, Brett McCully, Scott Shindledecker, Chrissy Griffin, Ray Stout and Michelle Byrd.

Kristin said Elk View Estates received preliminary approval October 2021. All conditions have been met; road names approved. Kristin said planning staff recommends approval. **Motion** by Commissioner Teske to approve final plat for Elk View Estates based on planning staff recommendation. Second by Commissioner Letcher, motion carried.

Preliminary plat review for Gemini Subdivision, 2 lots, located on Kootenai River Road, Libby. Kristin gave an overview of the recommended conditions of approval.

Commissioner Letcher requested adding a condition to assign county addressing prior to final plat. Kristin said planning staff recommends final plat with 9 conditions and one condition will be added to assign county addressing prior to final plat. **Motion** by Commissioner Teske to grant preliminary plat to Gemini Subdivision subject to 10 conditions and based on planning staff recommendation. Second by Commissioner Letcher, motion carried.

1:45 PM **NeighborWorks Montana, Danielle Maiden:** Present were Jo Schapley representing NeighborWorks MT, Jon Gass representing WGM Group, Justin P. Williams, Engineering Consultant Mike Fraser, Scott Shindledecker, Ray Stout, Adam Pummill, and Michelle Byrd.

Danielle said she is here to update the county on the Libby Creek W/S Project, regarding grant administration; ongoing. Jon Gass gave a brief project overview and said he is excited the project is moving forward. The project is to design and construct new water/sewer facilities for Libby Creek Community located on Hwy 2, Libby. Water will tie into the City of Libby water main, and sewer will be onsite disposal. Jon asked about location of existing service lines.

Mike said to call U-Dig for utility locates and the City of Libby will coordinate and identify existing service mains. Mike said he will assist with the engineering technical review. Discussion focused on environmental health and sanitation requirements, engineering, and DEQ review.

Jon suggested a site visit to help with survey data, water main routes, locating possible adjacent properties, easement and/or right-of-way for city access and maintenance, MDT highway plans and storm drain system.

WGM Group submitted an Agreement for Professional Services and Scope of Work and Fee Estimate for Commissioner Review.

2:00 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

ATTEST: _____
Robin Benson, Clerk of the Board