

APRIL 8, 2015

The Lincoln County Board of Commissioners met for a regular session on April 8, 2015, in the Lincoln County Courthouse. Present were Commissioner Mike Cole, Commissioner Greg Larson, Commissioner Mark Peck, Executive Assistant Bill Bischoff and Clerk and Recorder Robin Benson.

Commissioner Cole opened the meeting with the **Pledge of Allegiance**.

10:00 AM EPA Update: Present were Mike Cirian, Jenny Chambers, Dania Zinner, Christina Proggess, Rebecca Thomas, Lisa Dewitt, Jeni Flatow, Tom Stoops, Carolyn Rutland, Nick Raines, Jennifer McCully, Jennifer Lane, Deborah McKean, Chris Nelson, Kathi Hooper, Bob Henline, and Brett McCully.

Rebecca said EPA has responded to DEQ comments and is hopeful the feasibility study will be out this month. The proposed plan will be issued in early May which will begin the 60 day public comment period. EPA is having small group meetings to receive comments and is specifically looking for public comment on institutional controls. The public comment period will be extended and EPA will have two public meetings to ensure interested persons have opportunity to attend. Commissioner Cole asked how ARP will be actively involved in the public comment period. Nick said he will be scheduling several group presentations and interviews with a wide range in the community. Commissioner Peck said as an elected official and from a leadership perspective, he would encourage community participation.

Mike Cirian said the construction season begins in May. There are approximately 400 investigations planned and 80 removals. General indoor/outdoor property investigations will begin next week. There is an ongoing effort to make contact with homeowners that pay taxes, but have so far have been unable to locate. EPA sent out 480 postcards to homeowners who refused past investigations as well as phone calls in an attempt to visit with those property owners. Commissioner Peck expressed that people need to have the facts so they can make informed decisions. Once EPA is gone homeowner's may be on the hook financially should they change their mind about clean up. Mike Cirian said some homeowners have denied investigations to their property because they are waiting for the remedy.

Rebecca said that EPA will go back to a small number of properties that were cleaned prior to 2006 for further investigation. Some properties that showed greater than trace will be revisited to ensure protectiveness.

Christine said the feasibility study on OU3 is in the early stages. EPA is having public meetings to gain information and is coordinating with the Forest Service and DNRC about logging issues. DNRC is putting together a document for a proposed policy on DNRC land that may have a low level contamination. EPA is currently working with agencies to conduct a slash pile burn for activity based sampling at the mine site.

Mike Cirian encouraged and welcomed the Commission to come visit during a property investigation. Commissioner Larson suggested creating a list of positives, a list of the "whys" for having an investigation/clean up done as an educational tool to use to disperse in the community. There are things people have not thought of that may come into affect down the road. The idea is to identify and address information to help people know of potential consequences of refusing EPA access. Commissioner Cole said it should include the question of health and financial requirements to homeowners that may come up in the future. Next update will be May 20th in Eureka.

11:00 AM FWP/USFW Update: Present were Kim Annis, Tonya Chilton, Jim Dunnigan, Brett McCully, Justin Stede, Chris Nelson, Mike Hensler and Wayne Kasworm.

Kim gave a brief overview about the Western Montana Grizzly Bear Plan. Commissioner Peck asked how the county can become more engaged in the whole process from a positive standpoint and suggested one on one meetings to clarify, learn, and possibly go out in the field. There is a balance helping habitat for bears and economics. Commissioner Peck continued the discussion about collaboratively addressing the bear issues from a pure scientific standpoint...what is best for the bear, elk and other species. Let's do business proactively instead of reactionary including biologists and land managers for ecosystem planning discussions by looking at the landscape to determine if there is work the county can do to target moose or bear habitat. Instead of a focus of timber sale being log specific, what are the needs of the habitat for wildlife? Are there areas that can be identified from a biological standpoint, not a timber sale standpoint, utilizing strategic planning where work can be done that enhances the habitat in that area? It would be a paradigm shift in the discussions by stepping outside of the process and proactively manage land for the land and the habitat for the habitat. We need to change the discussion and try things differently. Wayne said we could take a specific area and try this approach. Commissioner Larson agreed that we could improve coordinating efforts balancing habitat and economics. Wayne said the Buckhorn Project was a good example of coordinated efforts balancing habitat and economics.

Preventing litigation is always a factor in projects. Commissioner Larson expressed his belief that Lincoln County has had to pay a significant price for grizzly bear management in the Kootenai National Forest with the social and economic impacts associated with job loss in our community. Commissioner Larson questioned the 100 bear goal as being too many. Wayne expressed the social and economic issues; especially litigation is not all about grizzly. Also involved is the clean water act, air quality act and many other factors.

Kim discussed electrical fencing for properties that have fruit trees and that it is the only option other than cutting down trees. Kim encouraged the Commission to refer people to her if they are having bear issues on their property for public education and assistance.

Mike gave an update on the access design of the fish pond at the port authority for stability and preparing it for public use.

1:30 PM NW Drug Task Force: Present were Tom Allen and Brent Faulkner.

The Commission signed the annual letter of support for the NW Drug Task Force.

2:00 PM Libby Road District: Brett McCully and Marc McCully

Brett talked about the dust issue at the walking path at the Port Authority site and the planned abatement stating the cost of the oil is around \$8,000.

Marc showed the Commission a list of 26 roads that need work done. Last years budget could complete all 26 of those roads and the county would not have to worry about it for approximately 20 years. Marc said the county does need a new/used roller and the cost would be shared between the Libby and Troy budgets. Marc is asking for \$125,000 split

between the current budget and FY 15/16, with budget reductions beginning FY 16/17. Marc discussed a proposed road and budget plan for FY 2015-2016, sharing potential road projects and what projects can be completed now that would financially help the county in the long run looking into the future. Marc expressed his belief that it would be in the county's best interest to get the road work done now, being a combination of chip sealing and asphaltting. The lower cost of oil now would also be a contributor to future cost savings. The oil savings would be approximately \$38,000 this year and since an employee is retiring, he would hire a seasonal position adding to the cost savings. Commissioner Peck clarified that it means taking money spent in the out years and consolidating it to get the work done now. Commissioner Peck said the road budget would move money forward to finish the work now and then roll into reductions over future years. Commissioner Cole said he liked the approach but was not sure about the timing, being so early in the budgeting process. Commissioner Larson made a **Motion** to approve the road plan presented by Marc McCully to complete 36 miles of road. Second by Commissioner Peck with the understanding that this decision is based on savings and that Road 1 budget would be reduced in the future. So ordered upon unanimous consent of the board. The Commission agreed it is an investment into future savings.

2:30 PM **Cabinet View Fire Department:** Present were John Rios, Patty Rambo, Kathryn Witt, Bruce Witt, Russell Bache, Robert Mast and Ralph Seeley.

John said the purpose of meeting with the Commission is to request help and problem solve. The problem still exists; there are residents in South Lincoln County that do not have a responsive protection for life and property. John suggested discussion that provides options to proceed and make this happen. The group discussed the signed petition that was accepted and approved for public hearing, before the hearing was cancelled. Commissioner Cole questioned whether the petition would still be valid moving forward. Bill suggested seeking advice from the county attorney. Commissioner Peck said fire coverage and utilization of volunteers is a no brainer, but there are a couple of concerns. First, the pie is only so big for revenue for the fire departments; and are there enough resources to efficiently fund a stand-alone fire department? Secondly, is the issue of trust and relationships with past history. Commissioner Peck questioned the creation of another tax entity within Lincoln County if there is a way to consolidate and also questioned the economy of scale; are there enough homes in that area to fully fund another fire department? Commissioner Larson asked about response time. Patty said a fire doubles every 5 minutes. Commissioner Larson said that we are all aware that most all of our smaller fire departments struggle financially. John recommended setting personalities aside, go to substance and facts and work from that perspective. Commissioner Peck said he wanted to be clear that having response in that area, with good volunteers that are not being used, makes total sense. The question still remains if we need to create a totally new department or is there a way to consolidate an existing entity to provide the service. Commissioner Peck suggested finding a person outside the area to help with the research and needs assessment. Patty said that Cabinet View Fire Department is a huge asset to Lincoln County and that we lost key critical, highly qualified people and the reason the situation is the way it is, is lack of prior leadership. John said we need to come up with a proposed timeline and look for an individual independent of involvement. Commissioner Peck said that since Cabinet View is in the Libby District, he would be willing to work closer one on one to help make recommendations and look at all the options and said the issue is about public safety for the people who live out there.

3:00 PM **Administrative Issues:**

- The Commission read the minutes for March 25 and 30. **Motion** by Commissioner Peck to approve minutes for March 25 and 30. Second by Commissioner Larson, and so ordered upon unanimous consent of the board..
- The Commission signed a letter of support for the Center for Asbestos Related Disease's (CARD) application for ATSDR's grant, Early Detection of Certain Medical Conditions Related to an Environmental Health Hazard. The grant will help provide the necessary resources to initiate a long term screening program for those individuals who are suffering the effects of asbestos exposure.
- Kootenai Pets for life submitted a report on 2014 intakes and adoptions and the spay and neuter program.
- The Commission signed a cooperative agreement between MT Department of Public Health and Human Services (DPHHS) and Lincoln County Board of Health. The purpose of the agreement is to establish a payment schedule for maximizing the disbursement of funds to the Board of Health to support inspections licensed establishments and to determine which optional programs the Board of Health will conduct.
- The Unite for Youth Program is requesting a credit card, specifically for use during travel. The Commission said a county credit card could be obtained from the Sheriff's Department or the Human Resources Department during times of travel. It is under the advice of the county auditor to limit the use of individual employee credit cards.
- Robin informed the Commission that she is in contact with a couple of county employees, trying to find someone to fill the Public Administrator open position.

3:45 PM The **meeting was adjourned.**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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