

July 21, 2021

The Lincoln County Board of Commissioners met for a regular session on July 21, 2021 in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Bennett and Commissioner Letcher. Present via VisionNet were County Administrator Patrick McFadden and Deputy Clerk & Recorder Corrina Brown.

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

9:45 AM **Commissioner Appointment Discussion:** Present were Nikki Meyer, Pamela Monroe, Ken Utter, Jeff Forster, Alicia Davis, Gail Mock, Judy Hulslander and Ross Meester. Present via VisionNet were Brett McCully, Virginia Kocieda, Brent Teske, Paula Buff and Derrick Perkins.

Commissioner Bennett thanked everyone who stepped up to apply for the open County Commissioner position and stated he would like to see a more refined selection process. Commissioner Bennett advised of the method used in the selection process. Commissioner Letcher stated the list of candidates are very qualified. **Motion** by Commissioner Letcher to appoint Brent Teske as Lincoln County Commissioner, Libby district. Second by Commissioner Bennett with clarification that this is an 18 month appointment, motion carried.

10:00 AM **ARP UPDATES:** Present were Nikki Meyer, Pamela Monroe, Ken Utter, Jeff Forster, Alicia Davis, Gail Mock, Judy Hulslander and Ross Meester. Present via VisionNet were Virginia Kocieda, Brent Teske, Derrick Perkins and Will Langhorne. Present via phone was Ray Stout.

Virginia provided the following informational update to the commissioners.

Asbestos Resource Program (ARP) Report for Commissioner's

July 21<sup>st</sup>, 2021 10:00-10:30am

In June 2021, ARP received 66 hotline calls. 51 were from Libby, 15 from Troy. Most of the responses were EPA comfort letter/DEQ status letter requests for property sales. ARP also received 103 utility locate tickets from properties within the Superfund site: 93 from Libby, 10 from Troy.

Altogether, ARP performed 39 site visits in June 2021.

**ABATEMENTS:**

153 Bighorn Way, Troy – planned soil abatement

117 Mineral Avenue, Libby – planned vermiculite removal

**SAMPLING:** 9677 US Highway 2, Troy

**SUBDIVISION:** 1 application

One property within Libby is lifting an agricultural exemption on a non-use area and changing the use to residential. ARP completed an assessment on the property, urging the property owner to contact ARP when they are in the planning stages of breaking down uses on the residential lot.

**FUNDING**

The ARP program is funded through a Memorandum of Agreement with Montana Department of Environmental Quality (DEQ). This is funding coming from a cooperative agreement between DEQ and US Environmental Protection Agency. 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 \$290,913 leaving a remaining balance of \$309,087.

**OUTREACH**

ARP has completed hanging asbestos exposure awareness posters at many businesses within Libby. On Thursday, July 22<sup>nd</sup>, 2021, ARP will complete hanging posters in Troy, MT. ARP is currently working with GraphicWorks (Libby, MT) to help design brochures sharing general information about services offered by ARP.

**DEQ 2021 INSPECTION**

Weston Consultants and DEQ representatives performed their Annual Operations and Maintenance Inspection on June 29<sup>th</sup> and 30<sup>th</sup>. Six operating units (OU) were inspected:

OU1: River Front Park

OU2: Former Parker Residence/W.R. Grace property

OU4: Properties within the Superfund Boundary in Libby, MT

OU5: Port Authority

OU7: Properties within the Superfund Boundary in Troy, MT

OU8: Right-of-ways within Superfund Boundary

ARP and representatives from OU5 were present during the site inspections. ARP also performed telephone interviews with property owners within the Superfund site as part of the annual inspection. ARP, Port Authority, and the City of Libby will be getting a draft copy of the inspection report before it is finalized.

**LIBBY ASBESTOS SUPERFUND OVERSIGHT COMMITTEE (LASOC)**

The next LASOC meeting will be held virtually next Thursday, August 19<sup>th</sup>, 2021, from 3:00pm – 4:00pm. Representatives from DEQ will be joining Lincoln County members in the Commissioners room. The meeting will be open for the public to attend in person or virtually. You can find call-in information on the Commissioner's Agenda Calendar, posted notices at the Courthouse, and on the ARP Facebook page.

Lincoln County moved forward with renewing the Memorandum of Agreement (MOA) with DEQ to ARP to continue serving administrative duties for LASOC. The MOA is still being finalized by the DEQ.

Alecia Davis inquired of incident at school. Virginia responded ARP worked with School Superintendent Goodman; an abatement contractor abated the regulated asbestos and vermiculite, and no long-term issues are foreseen.

10:30 AM **Administrative Issues:** Present were Nikki Meyer, Pamela Monroe, Ken Utter, Jeff Forster, Alicia Davis, Gail Mock, Judy Hulslander and Ross Meester. Present via VisionNet were Dallas Bowe and Derrick Perkins. Present via phone was Ray Stout.

- Corrina provided the minutes for July 14, 2021 regular meeting for approval. **Motion** by Commissioner Letcher to approve minutes as submitted. Second by Commissioner Bennett, motion carried.
- Dallas advised union negotiations are complete and ready to be signed. Commissioner Bennett inquired of any changes to which Dallas affirmed 1.8% wage increase is the only union change from last year's agreement.

10:45 AM **Public Comment Time:** Present were Nikki Meyer, Pamela Monroe, Ken Utter, Jeff Forster, Alicia Davis, Gail Mock, Judy Hulslander and Ross Meester. Present via VisionNet was Derrick Perkins. Present via phone was Ray Stout.

Pamela inquired of the weed program. Commissioner Bennett spoke of agreements with the state on highway right-of-way and funding for spraying programs. Commissioner Bennett commented on state vs public land volume in Lincoln county as well as the expense of weed control on private property owners.

Alicia Davis commented on ARPA funds and the Corona Virus response. Alicia would like to see a citizen committee to help the public understand the funding available and enhance awareness of how the funds are spent. Commissioner Letcher responded that he has started a prioritized list of things the funding can help communities attain. Commissioner Bennett advised they encourage public involvement and have waited until after budgets were completed to delve into this funding. Commissioner Bennett stated public involvement instructions will be posted on the county website.

Alicia Davis has concerns regarding felons getting access to Port dollars. Commissioner Bennett discussed the future of the LCPA functions in relation to Lincoln County's future infrastructure and encouraged citizens to seek continued discussions with commissioners regarding this process.

11:00 AM **Health Board Meeting:** Present were Nikki Meyer, Pamela Monroe, Ken Utter, Jeff Forster, Alicia Davis, Gail Mock, Judy Hulslander and Ross Meester. Present via VisionNet Brett McCully, Jake Mertes and Derrick Perkins. Present via phone was Ray Stout, Kathi Hooper and Jan Ivers.

- Jan emphasized the importance of this position on the City-County Board of Health. There is no official recommendation from the Board because yesterday's meeting was canceled, however, Patty Kincheloe was interviewed last time there was an opening and had strong support from the Board. Jan advised that Patty was the only applicant for this opening. **Motion** by Commissioner Letcher to appoint Patty Kincheloe to the Board of Health. Commissioner Bennett seconded. Motion carried.

11:15 AM **Planning – Bradshaw Flats/ Elkholt 2/ Meyer:** Present via VisionNet were County Planner Jake Mertes, Brett McCully, and Derrick Perkins. Present via phone was Ray Stout.

- **Bradshaw Flats Subdivision:** Jake recommends granting preliminary approval subject to conditions and based on the 8 standard conditions in the staff report. This is a minor subdivision and does not require planning board review. **Motion** by Commissioner Letcher to grant preliminary approval of Bradshaw Flats Subdivision subject to 8 conditions in the planning staff report. Second by Commissioner Bennett, motion carried.
- **Meyer Subdivision:** Jake recommends granting preliminary approval subject to conditions and based on the 8 conditions in the staff report. This is a minor subdivision and does not require planning board review. **Motion** by Commissioner Letcher to grant preliminary approval of Meyer Subdivision subject to conditions in the planning staff report. Second by Commissioner Bennett, motion carried.
- **Elkholt 2 Subdivision:** Jake recommends granting preliminary approval subject to conditions and based on the 9 conditions in the staff report. This is a minor subdivision and does not require planning board review. **Motion** by Commissioner Letcher to grant preliminary approval of Elkholt 2 Subdivision subject to the 9 conditions based on the findings of the staff report. Second by Commissioner Bennett, motion carried.

Jake advised the Planning Board discussed the Ranch at Eureka Subdivision during yesterday's meeting and stated it will be on the August Commission Meeting agenda in Eureka for public discussion.

11:45 **Request ARPA Funds for Smart Board – Judge Cuffe:** Present via VisionNet were Judge Cuffe, Tricia Brooks, Jennifer Brown, Marsha Boris and Derrick Perkins. Present via phone was Ray Stout.

Judge Cuffe advised the Clerk of Court's office has researched the acquisition of a Smart Board and accessories. Judge Cuffe stated the purpose is to refine the equipment currently utilized. Judge Cuffe advised this smart board is mobile and the system accommodates modern technology which would create a more efficient, cost effective benefit via virtual viewing and other features. Judge Cuffe says this is in direct response to current world needs and fits the ARPA conditions.

Commissioner Bennett advised this looks to be feasible and cautioned the county broadband will need to be increased to accommodate the newer systems being implemented. Commissioner Letcher agreed that patience with connectivity issues associated with new technology is needed. Patrick clarified the current internet contract timeframe given the increasing need for upgraded service. Commissioner Bennett commented County needs will be prioritized with the ARPA funds.

12:00 PM **Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Jerry Bennett, Chairman

**ATTEST:** \_\_\_\_\_  
Corrina Brown, Deputy Clerk of the Board