

**Troy City Council  
Special Meeting  
Council Chambers  
June 18, 2010  
7:00pm**

The meeting came to order at 7:00 pm. Present: Mayor Don Banning, Council: Phil Fisher, Gary Rose, Fran McCully, and Loretta Jones and City Clerk Sandra Johnson.

**GUESTS:** Lana Manahan, Gary Manahan, Robert Collette, Peggy Collette, Donn Ross, Carolyn Ross, Steve Bowen, Jim Baillie, Dick Grant, Lynn Ward, Suzanne Buck, Linda Newstrom, Colin Barnett, Ron Morris, Wanda Morris, Carol Anderson, Philip Cole, Chera Cole, Bruce Cole, Gene Rogers, Steve Garritt, Debbie Shupe, Sam Shupe, Thomas Winebark, Sue Winebark, Debbie Rogers, Heather McDougall, Kimberly Rowse

Mayor Banning lead the pledge of allegiance

**MT DEQ SOIL DEPOSITORY PROPOSAL:** Phil Fisher made a **Motion** to approve the proposal for the DEG soil depository and Gary Rose seconded the motion. Discussion:

Loretta Jones stated that it is a great opportunity for the City, but since there isn't anyone here that is for it in the audience, she will not vote.

Phil Fisher asked for the addition of a contingency stating that the DEQ will take the responsibility if there are any lawsuits. Mayor Banning stated that it would have to be amended after the motion closes and be put in a memorandum of agreement. Lana Manahan asked council if it was appropriate for a vote to be cast before hearing public comment. Phil Fisher answered; there hasn't been a vote. Fran McCully explained that there has to be a motion before there can be discussion. Phil Fisher made the **Motion** to amend the proposal and Gary Rose seconded it. Discussion on soil depository proposal is still open:

Lana Manahan passed around a written letter regarding real estate values and the effect to people that has been signed by Lynn Ward, Suzanne Buck, and Sam Shupe. Manahan states that Mark Fennessy is incorrect when he said that it would be difficult to prove the harmful effects of the contamination. She read a statement that she had prepare, and in closing stated that if council could not reach a no vote tonight, then postpone it for further consideration. Lana Manahan presented council with information regarding the original findings from ten years ago against W. R. Grace and website addresses that reference environmental and constitutional laws.

Donn Ross asked questions regarding the maintenance of the cap. He did the breakdown, figuring about \$13,000 per year. Ross suggested putting half of the lump sum into a contingency fund for any problem that might come up over that 30 year period. He also showed concern over the real estate values dropping. He stated the stigma of asbestos soil or asbestos dump makes a difference.

Gene Rogers asked if the City is still in favor of this then why do you have an amendment to protect the City and not the people. Mayor Don Banning stated there hasn't been a vote in favor, or against it yet. Loretta Jones stated the city is the people.

Guest Kimberly Rowse asked if there was a 24 hour notice for the special meeting. Mayor Banning stated, yes, and it is on the city website as well. Rowse advised that she is a nurse that works at the Center for Asbestos Related Diseases clinic in Libby, and since 1970 there has been over 34 cases of mesothelioma in Lincoln County alone and 250 deaths. This area has the highest population of mesothelioma in the nation. She urged council to look at the most important thing, which is human resources, bringing jobs and businesses into the area. It won't happen if you have a sick community. She asked council if the County Health Department has been asked about the proposition. She stated that there is a county health board and thinks they should be notified if they have not been.

A guest stated that we have to think of our children. What is going to happen to them in the 30 years and are we going to have to go through people dying because of the asbestos.

Lana Manahan wanted to clarify that the life is more than 30 years; it goes beyond the 30 year agreement to maintain where it's located.

Thomas Winebark stated that the Council is representing everyone here and in the position to make a mistake and should protect themselves. He stated that if there is even a question, then we need to stay the way we have it now.

Suzanne Buck read a letter signed by the realtors. It gives us pause, how can we assure anyone with certainty that there will not be a problem. The harm to the future is not known.

Donn Ross stated that with today's economy, he is sure the City is having problems with the budget like everyone else, but it could be worse than it is now.

Kimberly Rowse wanted to remind council that asbestos related diseases often doesn't show up for 10 to 40 years. They are working with medical schools looking at childhood exposures, but won't have results for another five to seven years.

Jim Baillie stated that he thinks it is a bad thing for Troy; it will always be there and the stigma of could last forever.

Debbie Rogers stated that as a business owner, she is thinking of expanding her business. Now she has to decide if she should continue, or if she should spare the expense and cancel her plans due to the stigma of having an EPA dump site would create.

Donn Ross stated that if it gets in the larger newspapers, then we will really be impacted by what people think.

Mayor Don Banning called for any other comments from council. We are in a position to do some good for the city and the council will make the decision. We have had meetings that some of you have been to; we have listened to all of you, Libby, Troy and County.

Carolyn Ross asked why it is for the good of the community. Mayor Banning answered; we're hoping to get the community cleaned up, and we benefit by receiving funds for improvements to the City.

Gary Manahan stated that the \$450,000 that the City will get for this, isn't even enough for a walking path.

Kimberly Rowse stated that \$100,000 for even 1 person does not even begin treatment if you're diagnosed with mesothelioma.

Phil Fisher addressed the realtors in the audience and asked what had the asbestos done to the area as of now? Suzanne Buck answered that until the recent cleanup in Troy, people didn't consider this as a dangerous area. Fisher continued it is asbestos regardless, I have to disclose it, even if it has been cleaned up, even if there is no dumpsite. It is going to drop the prices in Troy, no matter what. Suzanna Buck stated we have people that will not buy homes in Libby, but will still buy in Troy.

Steve Garrett stated that he has heard both sides, and is ready to hear how Council will vote.

Sam Shupe stated that the properties are more desirable out of town. Guests had questions for Shupe regarding the housing market.

Kimberly Rowse stated that when the EPA was engaged in the cleanup along Callahan Creek, anybody who went through Troy knew that asbestos cleanup was taking place. So we can't say that we are just beginning our cleanup here in Troy, and the stigma will still happen.

Fran McCully asked Rowse; why do you feel the buried and capped contaminated dirt at the dump would cause more cases of mesothelioma? Rowse answered that the responsibility of the city over the lifetime of the cap, with the location sitting atop a hill, and the wind drafts, and rain runoffs will be the burden of the city financially to take care of that. McCully asked Rowse if she was aware of the requirements of the cap, the depth, the maintenance, and what the cap is about. Rowse stated that she was present when Catherine LeCours made her presentation. Rowse asked what types of education the council had done independently to educate themselves.

Lana Manahan stated you need to read through the findings; there is a lot of environmental law involved in this.

Donn Ross stated that there are problems at the tailings pond at the Asarco mine of dust blowing off the site and into a private property.

Heather McDougall stated that she knows another person that is very involved in the City of Libby and their asbestos problem, and suggested a phone call to him as the environmental laws change so quickly. She stated that Mark Fennessy doesn't know enough about environmental law to give you an opinion about it.

Thomas Winebark urged council to listen very closely to what she said; it is not worth the chance, until you are absolutely sure of what you're doing.

Mayor Don Banning asked if there were any more questions. Phil Fisher requested to table this to do more research. It was Council's consensus to table the motion for more research.

Fran McCully let guests know that she had not heard from any of them over this issue. There have been many community members that are not opposed to it.

Phil Fisher stated that he is happy to see everyone and would like to see you at more public meetings. Discussion followed.

Phil Fisher made a **Motion** to table the proposal for the DEG soil depository until the next regular scheduled Council meeting on July 21, 2010. Gary Rose seconded the motion. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, Loretta Jones – Y.

Meeting adjourned 8:00 p.m.

---

Don Banning, Mayor

ATTEST:

---

Tracy Rebo, Deputy City Clerk