

**Troy City Council  
Special Meeting  
Council Chambers  
June 23, 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:** Larry Coryell, Robert McLeod-Chief of Police, Heather McDougall, Gary Managhan, Lana Managhan, Donn Ross, Carolyn Ross, Wade Kidder, Carol Anderson, Wanda Morris, Ron Morris, Georgia Onstott, Ken Onstott, Karla Hays, Joe Pepiot, Lynn Ward, John Brown, Linda Newstrom, Bob Coldwell, Carren Coldwell, Jim Welch, Nancy Lee, John Clogston, Torbjorn Opland, Dawn Opland, Laurie Pintok, Morgan Pintok, Betty Jamison, Howard Nielof, Kimberly Rowse, Peggy Collette, Laura Hicks, Sam Shupe, George Erickson, Tyler Hammond, Francine Ninneman, Bob Basham, Floyd Sidmore, Darren Coldwell, Linda Giestin, Dick Giestin, Steve Bowen, Bruce Cole, Philip Cole, Jim Schriener, George L. and Tammy Anderson

Mayor Banning lead the pledge of allegiance.

**MT DEQ SOIL DEPOSITORY PROPOSAL:** Mayor Banning announced the purpose of the special meeting, being the vote to accept or rejecting the proposal. Phil Fisher made a **Motion** to vote on the MT DEQ Soil Depository Proposal. Gary Rose seconded the motion. Mayor called for discussion. Phil Fisher asked guests Gary and Lana Managhan if they had talked to the DEQ regarding the sale of their land to them for the soil depository. Lana Managhan answered; the comment was made that if you do that, then you can buy ours as well. She explained the meaning of the comment was that the soil depository would ruin the value of their land and if the DEQ could afford to throw money around, then they could afford to buy their land as well. Lana Managhan stated that the response she received after the comment was that the DEQ doesn't buy land. Phil Fisher let guests know that the Council was informed by DEQ and a member of the County Road Department that it was Managhan's intent to benefit from having the depository on their land. Phil Fisher read aloud a letter from Council addressing the guests. The letter listed the facts on the proposal to clear up any rumors.

Gary Manahan stated that he had spoken with a property owner that the DEQ confirmed contaminated soil on his land at less than 1%, and he was told by the DEQ that they do not clean up soil that has less than 1% contamination. Phil Fisher answered; the DEQ sent me, as a property owner, stating I have less than 1% contamination and they have scheduled a cleanup. Guest Gary Managhan stated that it is Catherine LeCours job to sell it to the council, after she is gone; the council has to answer to the people.

Donn Ross stated that the motion was tabled last Friday for research. He asked what happened between last Friday and today to call another special meeting, and if they had done their research. Gary Rose answered; the reason for the meeting is that after tomorrow there is no proposal.

Kimberly Rowse with the CARD clinic presented council with literature of five different articles, from a public health point of concern, for their review. Fran McCully stated that Rowse is the only guest that presented concerns from a health point of view; most questions were to do with the property values and stigma it would leave on Troy. Discussion followed.

Donn Ross stated that his concern is both the stigma and health. He related his wife's non-asbestos related cancer treatment carrying a stigma just because she was from the Libby area.

Lana Manahan asked if she could address the letter that Phil Fisher read aloud. She stated that she still has a message on her voice mail saying that we want to discuss property lines because this is how it's going to be. She stated that her first reaction was; no way are they going to dump it up there, and after attending the meetings and educating herself she became passionate about it.

A guest asked what gain is there by keeping it here other than money.

Suzanne Buck let it be known that she is a realtor and spoke last Friday on what she knows as a realtor. She stated her concerns about the health and future health of citizens.

Larry Coryell stated that we have all heard it before. I think it is a constitutional issue. Montana State Constitution Article 9 Section 1 reads: the State and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations. He continued; if you can tell me how moving contaminated soil and keeping it in the community will improve for future generations; I'll eat my hat.

Francine Cole Ninneman stated that she lives below the proposed site and the low levels will rise once you put more material in there. Put it back where it came from.

Donn Ross stated that within the last 15 years this town has really turned around. Even Libby does not know how we do this. If we put this contaminant into our ground, it is going to move back everything that we've done.

Suzanne Buck stated that Bob Egbert had advised that he is really opposed to this.

Tammy Anderson stated that she doesn't care about Lana and Gary Managhan's problem, but I care about my grandchildren. She stated they are trying to get this done right away by pressuring you. I just have passion and emotion. It is our future and our future generations; the money is not worth it.

A guest asked what happens before it is capped. Gary Rose explained that they will be drilling a well and wetting down the soil. Discussion followed.

Kensler stated that with what he has researched, it may be cheaper for the DEQ to haul it back to Libby, and urged council to go over their figures again.

Gary Manahan stated that there is a mistake on this 30 year time frame. It is forever. Gary Rose addressed Managhan and stated; if you had sold your place, you would be liable for it.

Robert Winslow with Kootenai River Outfitters stated that he probably talks to more people throughout the country than anybody else in the room. From a personal experience, after talking to thousands of people, think they need to put a hazmat suit on when Libby Montana is mentioned. You don't want the stigma that is attached to Libby here in Troy.

Laurie Hicks stated that she is glad that Manahans had the opportunity to be heard. She stated that she didn't have the opportunity to say no, when they decided to put the testing facility right next to her home in a residential area.

Dawn from Larson Lumber stated that if Gary and Lana Manahan had not presented this to her or the rest of the community there wouldn't be as many people here tonight. She also voiced her personal concerns of health risks and the stigma that would hurt the businesses.

Lana Manahan stated that 15 years ago people of the community were asked to do an assessment of what they thought was the most important. She listed things that brought the community together. Manahan brought up the Western News and that Roger Morris was a champion for what this town had accomplished. The council at the time was integral at that time. She continued; the behaviors, in this instance, I find it ironic that the three that had grown up here, is to fake all that was accomplished and the goodwill. The place in Libby is 20 miles out of town; this here is only ½ mile out of town. Libby is 36 acres, Troy is only ½ acre.

Jim Schreiner stated that he has only been in Troy for 34 years and it's been an awesome town. He continued; the stigma of the asbestos will be here. I'm working hard to do my part, please don't approve this.

Gary Manahan asked council if they had talked to anyone that was in favor of the soil depository. Fran McCully answered; yes I have, there are two sides to this. Gary Manahan stated that he hadn't spoke to one person in favor of it. Gary Rose asked Manahan what information he was giving them when he asked. Manahan stated; that they want to bury low level asbestos up there. Nobody wants it because it has a stigma about it no matter if 1 % or 10%, nobody wants it.

Heather McDougall stated that she is not against this as long as the City is indemnified because I don't want law suits or the attorneys making more money than the City of Troy.

Wade Kidder commented that the current waste disposal site is cleaner now than in the past and said both the City and the County did a good job cleaning it up. Kidder continued; this proposed asbestos depository

is a toxic waste dump for life it's not 30 plus years, it's a lifetime. It will be forever. Asbestos is an air-borne toxin, if you do this, it's a toxin site.

John Brown only had two words to say: Safety first.

Kensler stated that he had ingested dust from urethane foam that turns to dust. If he had not gotten medical treatment immediately, it would have killed him and he feels the same about the asbestos.

Carolyn Ross asked Fran; since you stated you were for this, is there something you know that you can tell us that will maybe change our minds that we would be for it also, and what will it do for the City. Fran McCully answered; did I say I was for it? She continued; I hear a lot of things that I feel aren't totally factual; I have a really hard time making a decision on emotion. I even went home and looked up the word stigma. My question is; people are worried that the dirt that is in town and in my garden goes up there and gets buried and fenced and maintained. They are not going to get everybody's dirt, so the reality is; we are still going to be living with it here in Troy. Back to the health issue; not the stigma, not the real estate value, this is never going to go away from Troy.

Robert Winslow replied; I have spoken to thousands of people around the country. If I mention Libby, they think you need a hazmat suit to walk around. Troy doesn't have that stigma yet.

George stated that he doesn't care about the tourists and the property values. There is a dump site in Libby, let's take it there.

Phil Fisher stated there is an impression in the crowd that we had already voted. We have not. It makes the decision making a lot easier to see all you here, however, when it hits the news that Troy is going to be cleaned up, we will have the stigma anyway, even if we don't have the dump site.

Larry Coryell stated; it is not the same stigma Libby has and we will be able to say we have cleaned up our yards and houses, and we don't have a dump site.

Kimberly Rowse stated; if you do this you may have more inflammatory remarks from the news papers.

More Discussion and guest comments not wanting the dump site followed.

Mayor Don Banning called for a vote from Council on the question to accept the memorandum of agreement from the DEQ to the City of Troy. He asked for all those in favor of the agreement to raise their right hand. No votes were cast in favor of the proposal. He stated; unanimous to reject.

Gary Rose made the motion to adjourn meeting and Phil Fisher seconded the motion. Motion carried. Meeting adjourned 7:52 p.m.

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Don Banning, Mayor

ATTEST:

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Sandra Johnson, City Clerk/Treasurer