

January 11, 2012

The Lincoln County Board of Commissioners met for a regular session on January 11, 2012, in the Lincoln County Courthouse. Present are Commissioner Tony Berget, Commissioner Ron Downey, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer. Commissioner Marianne Roose is out of town on county business.

9:30 AM: Commissioner Berget **opened the meeting** with the Pledge of Allegiance.

9:30 AM: **Roby Bowe, Sheriff:** Roby gave the Commissioners an update on current issues in his department. He has hired two new deputies. He has been busy with 2 murders and one suicide this past week.

10:00 AM: **EPA Update:** Present are Rebecca Thomas, John Pololinsky, Allan Payne, Christina P and Victor Kettlepper on the telephone. Rebecca began the meeting by telling that the panel has been chosen for the Scientific Advisory Board to evaluate the Libby Toxicity levels. There will be a public hearing in Virginia in February concerning this. The information is on the website for the EPA. The EPA annual public hearing is May 8 in Libby. The cooperative agreement with the Lincoln County Board of Health is moving along very well. Rebecca did an update on the Operable Units. There is not a lot going on because of the winter weather. Christina gave a report about the mine site. They are doing a test burn on the duff in the area to determine levels of Libby amphibole possible. They should have some results in February. The EPA is working with DNRC and the Forest service to determine risk for logging operations. John talked about the DEQ activity in Troy. Victor talked about OU4, April 15th is the target date for beginning the clean up process for homes in Libby. Victor is working on the water supply for the county and will be in Libby in January to talk to the commissioners about some of it.

10:45 AM: **Earl Messick** spoke to the Commissioners about the **Senior Citizens funding**.

11:00 AM: **Public Hearing:** Payne Logging Company is applying for a Motor Vehicle wrecking facility license at 99 My Road, Libby. Commissioner Berget opened the meeting for public comment. Bob Payne said the wrecking yard is a means of cleaning up his property. Late last fall he had someone come and take away some of his scrap but he has a lot of stuff left. He said that some people call him a pack rat but he prefers the term "saver". He talked about some of the things he has collected over the years. He talked about what he is trying to do to reduce his belongings. He stated he bought the property in 1968 and has used it as an equipment facility for his logging business and other business endeavors. He said his current limitations are that he cannot bring anything on his property with a motor in it. Bob read the concerns of the adjacent property owners and addressed them.

Commissioner Berget clarified with Bob that he wants to bring more vehicles to the property and Bob answered yes he does to salvage them and sell them off. He said the law requires him to have a license to do this.

Debbie Zwang spoke as a representative of the homeowners. Debbie expressed the concerns about the reduction of home values next to a business such as a wrecking yard. She also expressed a concern over the contamination of chemicals and substances that come out of the vehicles. She mentioned the J Neils Park that is next to this property and the value it has to the community and the residents. She suggested that the county do a land trade with Mr. Payne for some property up by the landfill, where this type of work is already happening and then the county would gain some park property. She feels this is a win-win situation.

Patty Dalby said she agreed with everything Debbie said. She said her main concern is the noise from the business. She read the letter that stated the concerns.

Steve Dalby asked Bob if he is aware that he has to build a 6 foot fence around the 12 acres. Bob said that he is aware he has to build a fence that will hide it from public road view. Steve said that the water table is shallow in that area so the possibility of contamination is great. Steve said it is the job of the County Commissioners to consider the impact of the business on the community and the county park.

Patty said she understands that Mr. Payne is cleaning up but she doesn't understand why he needs a permit. Bob said that he doesn't have the quantity to sell the materials in bulk, so he is working toward that.

Patty and Steve both voiced their concerns over the possibility of his children taking over the property and making a full scale wrecking yard.

Allan Payne said he is Bob's oldest son and he assures everyone that he has no desire to ever run a wrecking yard. He is in support of the license in order for his father to clean up his property. He said he feels it is important to look at any change to the property, which he said there is not much difference from what the property is being used for now. He pointed out that with a license the property will be inspected by the DEQ so it will probably be safer than it currently is.

Krista Raisinger said she thinks Bob is a good neighbor and she never sees him. She stated that in 1968 people were much less aware of contaminants. She talked about contaminated water. She said that once the license is issued, it would be easy to get it renewed in her opinion.

Eric Leigh, Department of Environmental Quality, said that he has been working with Bruce Meyer, DEQ Motor Vehicle Recycling & Disposal Program, and has some joint concerns with the DEQ concerning shielding of view. He showed a map of some of the areas that would have to be fenced for public view. He said that if a license was granted both Eric and the state officials would be doing inspections to enforce the shielding requirements. The second concern would be the size of the facility. In the application 12 acres was listed as the work area, however, Mr. Payne has pointed out a small area he will be working in. This would need to be clarified. Eric said that if a license would be granted, there are several guidelines that have to be followed with any contaminants.

Tom Fennessy stated he is opposed to the license and one thing that hasn't been mentioned is the increase in traffic. Commissioner Berget closed the public meeting at 11:55 AM stating that the decision will be made next week at the Wednesday meeting.

1:30 PM: **Keim Kreuger subdivision:** Developer Gideon Yutzy is being represented by Marquardt Surveying and is requesting to amend the conditions of the preliminary plat review that should have been rectified at the time of approval. Condition #2 requires parkland dedication however, the subdivision is creating two lots from one and so no parkland would be required. Commissioner Downey moved to amend the preliminary plat and it carried.

1:31 PM: **Weasel Creek Estates:** APEC is representing the Bull Lake Estates LLC to request a two year extension, from the April 1, 2012 deadline. The Planning Department is recommending one year. Commissioner Downey moved to approve the one year extension and it carried.

2:10 PM: The Commissioners read the **minutes of the November 16, 2011, December 14, 2011, and the January 5, 2012 meetings.** Commissioner Downey moved to approve the minutes of the three meetings as written and it carried.

2:15 PM: The **County Attorney, Bernard Cassidy,** is requesting that the Commissioners allow him to hire help for the murder trial coming up. Commissioner Downey moved to approve **Resolution Number 868** which allows the county attorney to hire help for the coming trial and it carried.

2:20 PM: The holidays and meeting times and mileage rates for the year 2012 have been set. Commissioner Downey moved to approve **Resolution Number 867 to set the holidays, mileage rate, and commissioner meeting days** for the county for 2012.

2:25 PM: The **Lincoln County Weed Board** is requesting that Rocky Schauer, Mark Petersen, and Don Longgood be reappointed to the board for another term. Commissioner Downey moved to approve the reappointments as requested and it carried.

2:30 PM: The Commissioners were presented with the new **By-Laws for the Safety Program for Lincoln County** and the **Incentive program** for the safety awards. Commissioner Downey moved to approve the By-Laws and the incentive program and it carried.

2:35 PM: The **WIC program had an amendment to the contract #12-07-5-21-013-0.** Commissioner Berget signed the amendments and they will be returned to the State.

2:40 PM: The **meeting was adjourned.**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Tony Berget, Acting Chairman

ATTEST: _____
Tammy D. Lauer, Clerk of the Board