

June 13, 2012

The Lincoln County Board of Commissioners met for a regular session on June 13, 2012, in the Lincoln County Courthouse. Present are Commissioner Marianne Roose, Commissioner Tony Berget, Commissioner Ron Downey, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

10:00 AM: Commissioner Roose **opened the meeting** with the Pledge of Allegiance.

10:00 AM: **EPA Update:** Rebecca Thomas began by speaking about the Background study identifying fibers in the areas not impacted by mining. She talked about the landscaping planning and gardening classes being offered. Rebecca said that the Scientific Advisory Board will meet in July and have comments to the EPA by October. Rebecca told that the focus of the cleanup has changed to address if the asbestos is Libby Amphibole or another type of asbestos. Mike Cirian said that some of the findings are now in gardens that have been started after the mine closed. He stated that his wife purchased a bag of potting soil and it had vermiculite in it. Rebecca talked about the CAG/TAG meeting June 12th. She also stated that Jim Martin, EPA regional Administrator, will be visiting Libby in July. The Riverfront Park project is on schedule for a June 30th completion. The mine site activity is mostly the ABS sampling on the river and island as well as trees in that area. Mike talked about the construction neighborhood approach with ongoing removals and trailer courts. Jon P talked about the Troy area progress. There will be public meeting in Troy this evening to discuss the project in that area. He is increasing the testing of ambient air and landfill wood waste.

11:00 AM: **Decision on dissolution of Cabinet View Fire Service Area:** Commissioner Roose announced that the petition has been received and the public hearing taken place so it is time to make a decision. Commissioner Downey moved to dissolve the CVFSA. Commissioner Berget seconded and opened for discussion by the commissioners. Commissioner Berget talked about the legal aspects of the disregard for the law by the FSA and the requests by the commissioners in the past that have been ignored. He had a paper that cited 3 reasons for consideration of dissolution. The reasons are: 1) Refusal to comply with Montana Law, 2) Failure to work cooperatively with other emergency service providers and 3) Refusal to comply with Lincoln County's lawful requests. Commissioner Downey echoed the legal concerns which impact economic and legal aspects of the county. Commissioner Roose agreed and emphasized that the commissioners very much appreciate the volunteers in the county and value them. The motion carried unanimously. Commissioner Roose read a protocol of the next steps to take according to law which includes a 60 day time period for the CVFSA to obtain signatures to uphold the fire service area. Clyde Miller talked about how much he likes CVFSA. Alvin Benitz said that for 13 years people of that area have said that they want to get together with the fire department and no response from the board of the fire department. He said there is something very wrong with the leadership out there and it needs to be fixed so the great volunteers can do what they joined for. David DeShazer said that the petition was out there because the landowners are unhappy and if the fire department will not "play nice in the sandbox, they need to get out." Diana Moe asked if the commissioners have a solution. Commissioner Berget said that they are looking at solutions but in the meantime Libby Fire has been asked to cover that area. Bill Clark said that he noticed that they have been burdened with receiving a phone number from signers of the petition and they don't want to provide one. Commissioner Roose said that the content of the petition was suggested by the legal counsel. It was clarified that the CVFD will be able to respond for the 60 day period. Commissioner Roose announced that the commissioners appreciate the volunteers but do believe that they need to come to some agreement within the law to solve the current problems.

11:30 AM: **Fisher River Volunteer Fire Department:** The fire department is going through the necessary steps to legally have the authority to increase services to respond to all types of fire suppression including wild land, vehicle, rubbish, medical aid and ambulance service, extrication from vehicles and emergency fire/rescue services consistent with state and national standards. Commissioner Berget moved to approve the petition and it carried. A public hearing will follow in the near future.

1:30 PM: **Election Canvas:** Tammy Lauer, Election Administrator and Leigh Riggelman, Assistant Election Administrator brought the commissioners the numbers for the primary election. The random audit of races was performed this morning and the hand count agreed with the machine count perfectly. Commissioner Berget moved to approve the canvas as presented and it carried.

2:30 PM: **Kathi Hooper, Sanitarian and Vic White, EMA Director:** Vic and Kathi would like to speak to the commissioners about wildfires in the area with respect to asbestos issues. The EMA office is running scenarios and mock fires to help develop a plan for the response if a fire is started in the mine site area.

3:00 PM: The meeting was **adjourned for a City/County Health Board Meeting.**

4:00 PM: Telephone conference with an attorney about the **grant for the Health Nurse**, Micki Carvey. The attorney on the phone said that Lincoln County would need to speak to their county attorney about this. Bernie came down to talk to the group about the concerns. He is unable to give legal advice at this time as he is not aware of the grant or the rules involved.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Marianne Roose, Chairman

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