

**May 15, 2013**

The Lincoln County Board of Commissioners met for a regular session on May 15, 2013, in the Eureka Annex of the Lincoln County Courthouse. Present are Commissioner Tony Berget, Commissioner Ron Downey, Commissioner Mike Cole, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

9:35 AM: Commissioner Berget **opened the meeting** with the Pledge of Allegiance.

9:40 AM: **EPA Update:** Rebecca Thomas began by discussing the Wood Waste at the Troy Landfill. They were able to do the test and the results will be ready tomorrow and then they will visit with DEQ and get a plan of action. Rebecca talked about the Asbestos Resource Program budget. They have been in meetings about it with many people and are waiting for an answer from the Health Board. Allan Payne, attorney for Lincoln County Health Board, said that they are closing the gap and hope to have a proposal this week to present to Rebecca. David Berry is the EPA risk assessment analyst and stated that the Libby Amphibole toxicity values will go through many reviews and will be available mid-year 2014. The risk assessment will follow within the next 6 months. The CAG/TAG groups sponsored another forum last night and EPA attended. EPA's annual meeting is scheduled for today. This year the meeting will be an open forum. Mike Cirian spoke about the OSHA Voluntary Protection Program Award CDM Smith has been awarded a Star Award for safety. This award will be presented on June 5<sup>th</sup> at Riverfront Park. Riverfront Park remedial action report is complete. EPA is helping the city with installing light posts in the park. Christina talked about the mine site removal which will begin in June. They are still testing for the impact a wildfire would have on the area. The EMA is conducting a mock exercise to identify the roles and responsibilities in the event of a fire. WR Grace is running another Eye Egg study, which studies the impact of asbestos to Trout in the Rainy creek area. Mike talked about the construction season which has already begun. They are planning on 85 cleanups this year. Liz Fagan spoke about the remedial investigation for the Data Summary Reports and the 2013 Sampling program. The Fishing Pond at the Stimson site is complete. John gave an update on the Troy area. John said that they are collecting some of the last data to transition into the remedial investigation. This summer they plan to do 20 removals. Troy doesn't see the amount of contamination that they have in Libby and they aren't seeing very many more to clean.

10:30 AM: **Tracy McIntyre, TIFF District:** Janet Cornish of Community Development Services of Montana and Lynette Windemaker of Land Use Planning Consultant are working with the board members of ERDP board Randy Wilson and TVID board members Robert Haidle, Wayne Robinson and Ethel White. Janet talked about the Tax Increment Financing Districting history and procedures for it. She gave an overview for the proposed Eureka TIFF and will bring that plan back to the commissioners soon.

11:21 AM: **Tim Their, Montana FWP:** The Commissioners have spoken to representatives of Fish Wildlife and Parks in Libby twice now and they recommended that they meet with Tim as well. Tim talked about the Grizzly bears in the Eureka area expanding their habitat space. He spoke about the Black Bears as well and feels the populations of both have increased in the past few years. The group discussed the wolves and the problems of the dogs being killed by wolves.

1:30 PM: **CyHawk Estates Subdivision**, 11 lots on Othorp Lake, public hearing: Kristin Smith, Planning Director, presented the subdivision and conditions. Kristin opened the meeting for public comment. There was a question about the topography and the septic systems efficiency. Kendra Lind explained the process. Byron Sanderson, KSI, asked if the commissioners would give preliminary approval based on no adverse public comment. Commissioner Downey moved to approve the preliminary plat as recommended by the Planning Board and it carried.

1:35 PM: **Hurricane Ranch III Subdivision**, 6 lots, Lot 4 of Hurricane Ranch I, public hearing: Kristin presented the subdivision and conditions. She opened the meeting to public comment. Commissioner Cole asked about the septic conditions of this subdivision due to the small area. Kendra explained that the DEQ will review that issue in the next process. Commissioner Downey moved to approve the subdivision as preliminary plat according to the planning staff recommendation and it carried.

1:43 PM: **Sophie Lake RV Park**, 52 RV pads in 45 acres, borders Sophie Lake, public hearing: Kristin presented the subdivision and conditions. Owners of this property developed the property in 2010 without a permit and were ordered to remove all RV's. This project is not necessarily consistent with adjacent uses. It was discovered after the Planning Board reviewed this project that Loop A is in a subdivision with covenants, therefore the pads in Loop A must be removed. The owner and his engineer have moved Loop B further East and eliminated Loop A to accommodate this request. Commissioner Cole asked about the road access of Carvey Road to the RV Park. Frank Votopka, Engineer, told that the road would be updated to a 24' road and the bridge has been replaced with a culvert. Frank talked about his process of taking the project that had been completed without permit and redesigned it. He talked about the septic systems being storage tanks that will be pumped periodically. He stated that this will be a seasonal campground which would be open from May to October each year. Kendra told that this is all still under review by the DEQ before final approval. She feels that it is beneficial that no waste water or sewage will be put in the ground. Commissioner Berget opened the hearing to public comment. Marshall Abbott, landowner since 1978, is representing the Friends of Sophie Lake. He stated that when the illegal campground was built, the landowners reported it to the county and the campground was vacated. He stated that when that happened some of the homeowners had some vandalism and threats. The members feel that this application for subdivision has several deficiencies and they have hired a consultant, Dan Leatzow, which has written an Analysis and Comments Regarding the Sophie Enterprise Proposed RV Park. Dr. Dan Leatzow, the consultant, spoke about his analysis. He mentioned that the developers have already broken lakeshore construction regulations. A picture

was provided of this violation. In addition to the 19 points on the analysis, Dan has a few things he would like to address. Subdivision Regulation #6 states that there must be a fire plan. He also feels that there is a problem with the number of lots on Sophie Lake being more than doubled. Dan has a problem with the holding tank idea. He did the math and said that a truck would have to pump each day. He talked to DEQ about the solid waste developed by this RV Park. They would need 6 acres for just this park. Dan Carvey said that 3 acres were taken off of boundaries to adjacent landowners to be sure they would not be affected by the RV Park. Russ Nelson lives in Canada and is on the site now with an RV. He resents the comments made about vandalism because he loves this area and has been coming here for 40 years. He said the pump trucks came every 2 weeks when he lived there before. Commissioner Berget closed the public meeting at 2:35 PM by saying that the commissioners will review all the information and make a decision in two weeks on May 29, 2013 in Troy.

2:30 PM: The commissioner met with **Judge Stormy Langston about her budget** as they have been with all department heads.

3:00 PM: **Community Wildfire Prevention Plan review**, Public Meeting: Kristin Smith is representing the Ed Levert, County Forester, who recommends this plan. The current plan was last updated in 2005. The new plan draft is on the county website for public view. There was a discussion about the county requiring the Forest Service to manage the forests better. The question was raised about how much influence the county has on the Forest Service's policy of fighting fires. Commissioner Berget and Commissioner Downey pointed out that they have commented on other plans and it didn't make a difference to the Forest Service.

3:30 PM: The commissioners met with **Lois Sciligo, County Fair Secretary to discuss her budget** as they have been with all department heads.

3:55 PM: **Resolution #889** is a resolution transferring land deeded for public highway use and approving installation of a new water main by the City of Libby on Education Way. This road is in the City but had been deeded to the county. Commissioner Cole moved to approve the resolution and it carried.

4:00 PM: **City of Troy** has requested an easement for a power line from the County. Commissioner Downey moved to approve the easement and it carried.

4:01 PM: **WIC** has received an additional \$5,000 to contract with Missoula County for a nutritionalist for our WIC program. Commissioner Downey moved to approve the additional Service Agreement and it carried.

4:05 PM: **Resolution #887** is a Resolution for Intent to allow Lincoln County Rural Fire District to annex 3 properties that have petitioned to be part of the district. Commissioner Cole moved to pass the Resolution and a public hearing has been set for June 5, 2013 at 10:00am and it carried.

4:08 PM: **Eureka Dispatch Board** has requested that Andy Kindal be reappointed for another term. They also have informed the Commission that David Schultz is no longer on the board and they will be advertising to fill his position. Commissioner Cole moved to approve the reappointment and it carried.

4:12 PM: The commissioners read **the minutes of the May 8, 2013, meeting**. Commissioner Cole moved to approve the minutes as written and it carried.

4:13 PM: The **meeting was adjourned**.

#### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Tony Berget, Chairman

**ATTEST:** \_\_\_\_\_  
Tammy D. Lauer, Clerk of the Board