

April 16, 2014

The Lincoln County Commissioners met for a regular session on April 16, 2014, 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.

10:30 AM: Commissioner Berget **opened the meeting** with the Pledge of Allegiance.

10:30 AM: **EPA Update:** Rebecca Thomas, EPA, Jennifer Lane, EPA, Carolyn Rutland, DEQ and Jenny Chambers, DEQ, are present today. Rebecca opened the meeting by discussing the Libby Amphibole toxicity value review which will be delayed. It was originally set for June but now it looks like it will be closer to October or November. Commissioner Cole asked what the reason for the extra reviews is. Rebecca explained that the Science Advisory Board has found other industry groups interested in additional review. 4 public groups asked for more information to be reviewed. Allan Payne asked if the study was being funded from WR Grace Settlement and wondered if the additional studies were also coming from that pool. Rebecca asked Deb on the phone and she said the settlement money did not pay for the review. There are meetings scheduled at the end of the month with MDEQ in Helena. Rebecca talked about the removing of visible vermiculite in 2014. They will be removing any above "trace". What gets complicated is visible vermiculite that is below trace and what the plan will be for that. Rebecca said the EPA needs a little more time to think that through to develop a plan. About 70 properties are planned to clean for 2014. They will look at those properties and see what the plan will be if they do not have over 25% of asbestos contamination. Commissioner Berget asked about trace amounts in gravel pits and how do they say those are safe? Rebecca said Mayor Roll asked the same questions this morning and she is looking into an answer for that. Rebecca said that the standard of care will be the same when they have completed their cleaning. She agreed that they need to look more carefully at the effect of leaving trace amounts behind. A report has been published at the website that talks about the ABS from wood burning stoves. Fibers in the wood being burned are settling in the ash from the stoves. There is a roundtable discussion on April 18 in Missoula with the DNRC. Christina Progers is working on the materials for that meeting with a tour of the mine site and samplings from the creeks. They are looking at diverting the creeks to miss the tailings dam. There will be a public meeting tomorrow at the Venture Inn showing the water movement and the plan to change it. TAG met last night. Constructions should start on May 5 depending on the weather. There will be decrease in hiring due to less properties being cleaned this year. The May meeting will be cancelled due to the EPA being unable to attend however the commissioners will be in Denver in May and will meet with EPA there.

11:20 AM: The commissioners read the **minutes of the April 9, 2014 meeting**. Commissioner Downey moved to approve the minutes as written and it carried.

11:22 AM: **Russ Bache, Cabinet View Fire Company:** Cabinet View Fire Company is a private company that was formed last week. Russ is a captain for CVFC and is asking for radios from the county. Russ said that Vic White, Emergency Management Director, has radios but needs the commissioner's approval to give them to the CVFC. Russ wants 10 handheld radios for the private company and said that Sheriff Roby Bowe is aware of the request. Commissioner Downey said the county had a lot of problems with Cabinet View Fire in the past and he doesn't feel it's a good idea to get involved with them again. Commissioner Berget said that Sheriff Bowe is in favor of the private service and talked about how to dispatch them at a meeting recently. Commissioner Cole asked if the current lawsuit complicates this situation and was told the lawsuit is one individual from CVFC against the county. Commissioner Cole moved to approve the 10 radios to CVFC and it carried with Commissioner Cole and Commissioner Berget for and Commissioner Downey against. Bill Bischoff talked about the issue of self-dispatching and Russ said that they have been working with Sheriff Roby Bowe for due diligence. Commissioner Cole said that they would rescind the radios if they found CVFC was not following Sheriff's protocols.

11:30 AM: Tammy informed the commissioners that she had attended the **Lincoln County Board for Senior Citizens** meeting last week in Eureka and they have changed their next meeting to July 17, 2014 so that commissioners are able to attend. All three commissioners said they would attend if able.

11:35 AM: Commissioner Cole talked about a meeting with the US Geological Survey about a grant to study the **selenium content coming out of Canada to Lake Koocanusa**. The grant must go through the county. Commissioner Cole is suggesting that the commissioners hear a presentation from the USGS to move this forward. He will contact USGS to set it up.

11:40 AM: The DNRC has to give water rights for the **fish pond in Libby**, so the project is stalled until that happens.

1:30 PM: **Lazy AJ Acres Subdivision**, Preliminary Plat Approval Extension Request: The Planning Department has received a request from Marquardt & Marquardt Surveying, Inc. on behalf of the developers of the Lazy AJ Acres Subdivision to extend their approval period. The Planning staff recommends a one year extension until May 25, 2015. Commissioner Cole moved to approve the extension request for one year and it carried.

1:33 PM: **Deluca Lake Shore Permit:** This lakeshore was discussed last month and the commissioners tabled the decision until this month. The Planning Board recommended denial 6 to 1. Buck Schelmerhorn said the Delucas acknowledge that this request does not meet qualifications so they are submitting a request for a variance. He handed the commissioners a variance request with 6 points of discussion. Kristin Smith, Planning Director, pointed out that there

is not enough information to consider this today and suggested that the variance request be sent back to the Planning Board. Buck stated that the time element will be a factor if it has to go back to the Planning Board. The Planning Board meets May 20, 2014. Commissioner Downey and Commissioner Berget feel that the variance should go back to the Planning Board; however, Commissioner Cole feels that the variance should be granted. Kristin said that at a minimum the commissioners should review the variance criteria to see if it meets the criteria. Buck reiterated that he feels that each project is different and it would be advantages for the commissioners to visit each site. He has said this to the commissioners in the past. Kristin suggested that the Planning Board members from Eureka visit the site prior to the meeting.

1:50 PM: **Public Hearing on Regulations governing Buildings for Lease/Rent:** Kristin Smith, Planning Director, reviewed the proposed regulations. The law (MCA 7-1-2121 or 7-1-4127) requires local governments to establish regulations that guide the application and review of the creation of four or more buildings for rent or lease on a single tract of land. Lincoln County should have adopted this by September 1, 2013. Craig and Kathy Phillips asked if the new regulations supersede State Law. Kristin stated it would not. They asked if it governs commercial property and residential. Kristin told them that it would apply to both. Kathy wondered if the regulations would include storage units. Kristin read the description as to what would apply. Kathy stated that hers would be grandfathered in because it was well before 9-1-13 but she was curious about if they added on to their buildings would the new regulations apply. She was told that it would. The next public hearing will be April 30, 2014 in Libby.

2:05 PM: The commissioners were presented with written comments from Allan Payne, Attorney concerning the **Supreme Court Ruling about Judge Substitution**. Commissioner Downey moved to sign the agreement and it carried.

2:10 PM: The **meeting was adjourned**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony Berget, Chairman

ATTEST: _____
Tammy D Lauer, Clerk of the Board