

December 10, 2014

The Lincoln County Board of Commissioners met for a regular session on December 10, 2014 in the Lincoln County Courthouse. Present are Commissioner Tony Berget, Commissioner Mike Cole, Commissioner Greg Larson, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

9:00 AM: Commissioner Berget **opened the meeting** with the Pledge of Allegiance.

9:00 AM: **Tim Orthmeyer, Morrison Maierle, Inc.:** Ron Denowh is here for this meeting as well. He has resigned as an Airport Board member. He said that he has a possible new board member that he will take to the next board meeting. Tim brought the final documents on the Eureka Airport project. He needs signatures for those documents. The group discussed the usage of the airports in Lincoln County. Tim has the numbers for the commissioners and will bring them next time he comes. Tim has the paperwork for the Master Plan Study as well. The newest plan is for an extension for the Libby Airport and the application is ready to send to the FAA. The county portion would be approximately \$5000. This is simply the application it does not commit Lincoln County to the project. Commissioner Cole moved to approve the application process and it carried.

9:30 AM: **Bull Lake Fire District Annexation Hearing:** The Bull Lake Fire Department has requested several properties be annexed into their fire service area. Doug Watson tax ID #53725 and 53726, Kimberly Mole tax ID #13718, Ronald Ackerman #52552, Robert Potter #13707, Roberta Weiss #52568, Dale Whitton and Nancy Scott #52518 and Evan Comella #52705 are the properties requesting annexation. Commissioner Berget asked Bill Bischoff if the properties had been deemed to be in the proper area and Bill said they have. Commissioner Larson moved to approve the annexations and it carried.

10:00 AM: **EPA Update:** Present are Rebecca Thomas, Christina Proggess, Liz Fagen, Jennifer Lane, Deb McKean and David Berry from the EPA and Jennifer Chambers from the Montana Department of Environmental Quality. Rebecca began with an announcement that they released the Libby Amphibole Toxicity values on Monday. Dr. David Berry talked about long process of getting the toxicity assessment. The new value is based on the analysis of the data available with regards to lung cancer. The non-cancer value was based on the facility in Ohio that used Libby ore from 1959 to 1980. Dr. Berry explained the "plural thickening" of the lungs and its effect on the asbestos patients. The toxicity levels are intended to be a number that is safe for no potential for disease. Deb McKean said that it has been shown that the areas that have been cleaned have drastically reduced the exposures. Rebecca said that one of the key next steps for the EPA is to take that information and work with the people that have refused to participate in the clean-up project. This is approximately 840 properties. She said that there was a public meeting last night that was well attended and she felt a positive meeting. The information was well received and some very good questions were asked. Rebecca said that with this information we finally have the groundwork laid for the remedy. The proposed plan will be coming next for the institutional controls and begins a formal public comments period. Commissioner Berget asked what the estimated time frame of clean up would be. Rebecca said it looks as though it would take about 3 to 5 years to finish. Rebecca said they are doing a pilot study of properties investigated in 2005 to see if the more extensive testing that they are doing now finds different results. Rebecca talked about the Institutional Control Proposal which should be out by the middle of next year. Rebecca also told about the Public Health Emergency abatement which is a plan to make that stigma to the community go away. All of the factors of the declaration of the PHE would have to be solved first and they need to be very careful to not lose any of the benefits of being a PHE status. Rebecca talked about the plan for 2015. The removals will be very similar to 2014 activity. The WR Grace funds will get them through 2015 and hopefully some of 2016. Christina talked about the risk assessments that are ongoing in the mine site. Commissioner Cole clarified that the amount of work left on the mine site is huge and Christina agreed. The group agreed that this announcement is a very large milestone in the process. They thanked the Senators for asking to speed up the process.

11:00 AM: **FWP/USFW Update:** Present are Ryan Sylvester, Jim Dunnigan, Mike Hensler, Tonya Chilton-Randandt, Tammy Laverdure and Phil Kilbreath. Phil began by talking about the law enforcement for hunting season. He stated that it was relatively quiet however the current bobcat season has been very active. This morning he received a case that a man was paying taxes in Alaska but hunting and getting licenses here in Montana so he is in a big residency case. Tammy said that the Libby area has been interesting this year with hunting violations. She has several cases she is working right now. Phil and Tammy shared stories of trapping season problems. They talked about having more educational things going on in the near future. Tonya talked about the wolf trapping numbers being down near the 2009 numbers which is down significantly from the past 2 years. She gave a quick summary of the hunting season. The deer hunting success rate increased from last year. Hunter numbers have declined however. The elk numbers increased as well. Mike Hensler talked about the fish situation for the Flower Creek Dam. Commissioner Berget asked about the Libby Fish Pond. Mike said that even if they get the water in for next summer, there are no fish to put in the pond. All of the fish have been spoken for in family fishing ponds for 2015. Jim talked about the results from graduate student's studies that may allow for a study of the Kootenai River for phosphorus content. There was a conversation about the river and lakes freezing. The reservoir has not frozen below the Rexford Bridge since 1991.

1:30 PM: **Awesome Pine Subdivision, Plat Amendment:** This was presented to the commissioners on November 12, 2014 which was for a survey correction: The developer, Wayne Yarger, would like to do a correction survey and remove the setbacks and building envelope placed on the subdivision by the planning department in 2012, as well as the covenants that reflect the items in question. These restrictions have resulted in the loss of 6 sales to date since the filing of the final plat in November 2012. After reviewing the subdivision staff report, viewing the property itself, as well as the

Lakeshore regulations, talking to the developer and surveyor (KSI), the Planning Department recommends: 1. Removal of the Three Hundred Feet (300') of a No Build Zone 2. Removal of Section IV (i) covenants which reads "*No Lakeshore Development, including docks*" 3. Removal of Building Envelope of 1 acre. The commissioners were unaware of the reasons for such strict conditions and asked for research about the reasons for it in 2012. Lisa was to contact the Fish Wildlife and Parks to find out if there was a reason involving the bald eagles that they remember. Since November 12, the questions have been answered and the FWP has been contacted for comment. The commissioners have read the information. Lisa presented the information and continues to recommend the amendment. Commissioner Larson moved to approve the amendment and it carried. Wayne Yarger, developer, thanked the commissioners for the action.

2:00 PM: The commissioners read the **minutes of the November 14, 2014 and November 24, 2014 meetings**. Commissioner Cole moved to approve the minutes as written and it carried.

2:05 PM: The commissioners met with **Representative Mike Cuffe** about the Grizzly Bear study. They also had a conference call with Kate Kendall.

2:30 PM: **Tracy McIntyre** was scheduled but was unable to meet today.

3:00 PM: **Contagious Disease Discussion**: Jennifer McCully, Kathi Hooper and Nick Raines are here to talk about contagious diseases and the PHEP grant. Micki Carvey, Health Nurse, is on the conference phone. Micki sent a list of her duties to the commissioners and the sanitation department and they wanted to go over them to be sure that there is not a duplication of duties now that the sanitation department has taken over the PHEP grant and the contagious diseases. The group went through the list and discussed certain tasks. Micki explained how different types of cases work. The meeting was adjourned for a City/County Health Board meeting.

4:15 PM: On October 22, 2014, the commissioners met with **Ed Levert, County Forester** about studying some of the county properties, such as parklands in subdivisions and evaluating them for fire wise susceptibility. He felt some of them are close to homes and not marked as county property. He said that frequently adjacent owners infringe on the county properties either accidentally or on purpose. He would like to see the county mark the properties as county owned. Ed suggests that the county set up a fund that could be used to hire a surveying company to find the boundaries on a case by case basis. Ed would be willing to mark and post the boundaries. The neighboring properties would be informed of the county ownership and there would be less concern when the properties are thinned for fire wise safety. The commissioners agreed to this task and now need to decide what fund to use for payment. Commissioner Cole moved to approve the PILT fund to pay for the marking of county property and it carried.

4:25 PM: **Ed Levert** is the County Forester. His current contract has ended and a new contract is available for signatures. Commissioner Cole moved to approve the new contract and it carried.

4:28 PM: The Collective Bargaining Agreement between Lincoln County and the **International Union of Operating Engineers**, Local 400 contract is ready for signatures for the 2014/2015 fiscal year. The negotiations went well this year and both parties were agreeable on this new contract. Commissioner Cole moved to approve the contract and it carried.

4:30 PM: The **Western Montana Area VI Agency on Aging, Inc.** contract for the 2014-2015 fiscal year is ready for signatures. Commissioner Cole moved to approve the new contract and it carried.

4:33 PM: The commissioners wrote a letter to **Judge Wheelis** to request that the courthouse close at noon on Christmas Eve.

4:34 PM: The commissioner wish to support the **Shop with a Cop program**. Commissioner Cole moved to approve a \$1000 donation from Economic Development and it carried.

4:36 PM: The **meeting was adjourned**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony J Berget, Chairman

ATTEST: _____
Tammy D Lauer, Clerk of the Board