

## November 12, 2014

The Lincoln County Board of Commissioners met for a regular session on November 12, 2014 in the Lincoln County Courthouse. Present are Commissioner Berget, Commissioner Cole, Commissioner Larson, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

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

10:00 AM: **EPA Update:** EPA people on the phone are Liz Sagen, Rebecca Thomas, Jennifer Lane and Christina Progg. Mike Cirian from the EPA is present today. Rebecca began by speaking about the TOX value Status. There is nothing new to report. Governor Bullock wrote a letter to EPA asking for the Libby Amphibole Toxicity Values to be expedited. Rebecca said that there will be a community outreach as soon as that information is available. Rebecca talked about the CAG/TAG meeting on November 6<sup>th</sup>. She felt there was good participation and good discussion. Nick Raines, ARP, agreed with Rebecca and said that his office is working on compiling the notes from the meeting to meet with CAG/TAG to plan for the future. The EPA is working on a 5 year review for December. The O&M Transition meetings are going well. They are working on an O&M transition approach document to help identify how all the parties will handle the end of the EPA involvement. Christina spoke about the commercial logging ABS studies; the results are not available as yet. In January the draft Remedial Investigation will be ready for review. Mike spoke about the 2014 closeout, 80 properties were completed this year. Rebecca said that they normally don't meet in December, however in anticipation of the TOX values they will leave it on the calendar.

10:45 AM: The commissioners read the **minutes of the November 5, 2014 meeting**. Commissioner Cole moved to approve the minutes as written and it carried.

11:00 AM: **FWP/USFW Update:** Present today are Mike Hensler, Ryan Sylvester, Tonya Chilton-Randandt and Kim Annis. Mike asked the commissioners if they had any new information about the Fish Pond at the Port Authority property. Commissioner Berget told him that the permitting process is over and now they can continue with the building of the pond. They discussed what needs to be done to finish the project. They talked about the Fish Hatchery building and the mold that has been found to be a problem there. There was a lot of discussion about the fish in the Kootenai River and the changes since the dam. Ryan talked about some of the plants that affect the fish and the bugs in the rivers. Tonya talked about the deer numbers and she is encouraged by the increases. Tonya discussed the hunting statistics. Commissioner Berget asked about a meeting with the commissioners in January or February with Noreen Walsh. Commissioner Cole and Commissioner Berget met with her in Denver. Kim talked about the Grizzly Bear meetings that are coming up this winter. She anticipates that the big meeting will be in Missoula.

1:30 PM: **Awesome Pines Subdivision**, 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 finds the following to be true and correct:

1. Removal of the Three Hundred Feet (300') of a No Build Zone: a. Unnecessary based on ground conditions. The area is not marshy or considered undevelopable; b. cannot find justification within staff report or agency comments to accommodate the restrictions.
2. Removal of Section IV (i) covenants which reads "*No Lakeshore Development, including docks*" a. Island Lake is one of the lakes within the Lakeshore Regulations and therefore is subject to development. Restricting any and all development of the lakeshore and restriction of any docks is not prudent to the rules already subject to the lake itself; b. Properties to the North of this subdivision do not have any restrictions to the lakeshore lots; c. cannot find justification within staff report or agency comments to accommodate the restrictions
3. Removal of Building Envelope of 1 acre: a. Unnecessary based on ground conditions. The area is not marshy or considered undevelopable; b. All but 1 lot is less than 5 acres, and there is no statute or regulation that restricts where you can build on the private property; c. cannot find justification within staff report or agency comments to accommodate the restrictions.

The planning department recommends correction of the survey and covenants to reflect the removal of the 300' set back as well as the restriction of a 1-acre building footprint. The covenants will reflect in a removal of Section IV (i) of no lakeshore development. The commissioners are unaware of the reasons for such strict conditions and would like to research the reasons for it in 2012. Lisa will contact the Fish Wildlife and Parks to find out if there is a reason involving the bald eagles that they remember.

2:20 PM: The **Fisher River Fire Service Area Board** is requesting that Marlene Herreid be re-appointed to the board for an additional term. Commissioner Cole moved to approve the re-appointment and it carried.

2:30 PM: **Tracy McIntyre, Eureka Rural Development:** Tracy talked about building a new training facility that the Tobacco Valley Industrial District would like to build on Lot 4 which already has septic and well facilities in place. They feel that there is sufficient demand for such a building for 3 different uses. A telecommunication center for people that work satellite offices out of their homes would be a useful tool for them and a location for Media Management Associates, one of the businesses currently in the Business Incubator (Wood Development Center). The other use would be a training center that could potentially offer a variety of workforce training programs. Tracy, through ERDP is leading

discussions between FVCC and the College of Rockies in Cranbrook, BC to determine if there is an interest and way to develop a cross border initiative to provide dual certification programs for Montana, BC and Alberta workforces. She outlined a funding scenario for the County to apply for two programs (Montana CDBG-ED planning grant and US Dept. of Commerce EDA's planning grants) to help fund a feasibility study. She will seek approval from the Commissioners in a 2-3 week period for applications to be submitted. Tracy also discussed a new building for Glacier Peak Holistic which is currently in the Wood Development Center Business Incubator. The Tobacco Valley Industrial District is looking at doing a build to suit for a long term lease with Glacier Peak Holistics. Tracy proposed to the Commissioners for the County to support applying for planning grants to begin the Preliminary Architectural Report process. She will come back to the Commission in 2 to 3 weeks with applications for approval. Glacier Peak Holistics is experiencing a good growth rate the last two years while in the Incubator facility and would look at expanding to 15 plus jobs within a new facility. Both of these projects would open up bays in the Wood Development Center-Business Incubator which is starting to gain interest from other potential businesses in the Valley.

2:50 PM: Commissioner Cole discussed the appointment of an **assistant road foreman on the Eureka Road Crew**. Tim White, foreman, has requested to appoint Dennis Totten as his assistant. Commissioner Larson moved to approve the appointment and it carried.

3:00 PM: The commissioners went to closed session to discuss a **personnel issue**.

3:10 PM: The **meeting was adjourned**.

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

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Anthony Berget, Chairman

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