

July 11, 2012

The Lincoln County Board of Commissioners met for a regular session on July 11, 2012, in the Lincoln County Courthouse. Present are Commissioner Marianne Roose, Commissioner Tony Berget, Commissioner Ron Downey and Clerk and Recorder Tammy Lauer.

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

9:10 AM: **Water Rights Compact:** Chas Vincent and Mike Cuffe have come to talk to the Commissioners about recent meetings involving the Tribes involvement in the Water rights of Lincoln County. Chas said that the law is very complicated on this and we need to be aware of that. The deck is stacked against us in federal court so it would be to our benefit to not get to that point.

10:00 AM: **EPA Update:** Victor Kettlepper, John Poloninsky, Liz Pluger and Christine Progress are present from the EPA. Victor began by talking about the shifting of the removal priorities away from properties with trace concentrations until a remedy is selected, those properties are pending. They are also identifying fibers which were not from the mine but purchased in top soil from stores. Riverfront Park is complete. Christina talked about the fish studies near the mine site. She also spoke about the logging sampling that will take place this summer. Commissioner Berget had a question about the boundaries of OU3. They are not really defined at this point. Victor talked about the construction in the residential areas. They needed to add an additional investigation team to identify higher priority properties. Liz spoke about some of the sampling that is going on. They are sampling surface water, nature and tissue from animals. They are also going to be studying woodstove use exposure. The old Stimson property is being prepared for a future fishing pond. John talked about the Troy site and the sampling that is taking place in Troy.

11:30 AM: **Legal/Display Advertising Bids:** After consideration of the bids and reviewing the quality of the services the commissioners determined that Kootenai Valley Record is most suitable for the performing the work required for the county. Commissioner Downey moved to approve the bid for Legal/Display to Kootenai Valley Record and it carried.

11:33 AM: **Road Oil Bid:** Commissioner Downey moved to approve the bid from McAsphalt and it carried.

11:35 AM: **Gas and Oil Bid:** Big Sky Exxon is the only one who bid for Eureka. Moore Oil is the low bidder for Libby and Troy. Commissioner Berget moved to approve bids from Big Sky Exxon and Moore Oil for Gas and Oil bids and it carried.

11:37 AM: The **gravel crushing bid** will be considered next week as the commissioners are waiting an opinion from the county attorney on a concern of the legality of a bid that did not include a copy of the bidder's state fuel permit.

11:45 AM: Commissioner Roose signed an **amendment to the MIECHV ID Grant** that amends the date on the original grant.

1:30 PM: **Martin Subdivision**, 2 lots, commissioner review: Kristin Smith, Planning Director, presented the subdivision. There is nothing unusual or exceptions to any rules. Commissioner Berget moved to approve the subdivision as preliminary plat according to planning staff recommendations and it carried.

1:40 PM: **Sunset Ranch Subdivision**, preliminary plat approval extension request: The developer is requesting a one year extension. Planning staff recommends approval. Commissioner Downey moved to approve the extension to expire July 1, 2013 and it carried.

1:45 PM: Kristin spoke to the commissioners about a subdivision issue that is being litigated. She also spoke to them about Glen Lake Irrigation District not following the county rules on lakeshore permits.

2:00 PM: The **Cabinet View Fire Service Area Board** has 2 expired members. Thomas Jeffrey Matilas and Susan Rayson expired on June 30, 2012. Commissioner Berget contacted the two expired members to determine if they are interested in serving on the board. They both are interested in being reappointed. The commissioners have received a request from Jeffrey Koskela to be a member of that board. Mr. Koskela came to the meeting to voice his concerns and tell of his qualifications for the board. There was a discussion about the community of Cabinet View Fire Service Area stating in writing that they want a change in leadership. Commissioner Downey moved to approve Jeff Koskela and Susan Rayson as board members of the Cabinet View Fire Service Area and it carried. There was a discussion about another member, William Clark, being a legal board member as he does not license his vehicles in Montana and is not a full time resident of the CVFSA. The commissioners will contact the County Attorney to determine if he is a legal member.

2:15 PM: **Jeffrey Koskela** is representing residents of the Cabinet View Fire Service Area who are questioning why it is legal to take firemen and equipment to fires out of the county and leaving the area in jeopardy of not having the coverage they need. He is questioning how this can be legal and how it can be stopped. The commissioners called the DNRC to ask them about this. Doug Turman, DNRC, told that the titles to the Cabinet View Fire Department trucks have been titled to Bull Lake Fire Department and they have requested to put them out on wildfires. He has some questions about the legality of the actions and will call the state office to get answers.

2:40 PM: The commissioners signed the new **Teamsters Union agreement** for the Sheriff's department.

2:55 PM: **Doug Turman, DNRC:** Doug talked to the state offices about the concerns of wild land fire fighting. He reported his findings to the commissioners.

3:00 PM: **Upper Yaak Fire Service Board of Trustees** are requesting to change 4 board members. This request was tabled while the commissioners check with the members.

3:05 PM: The **Fisher River Valley Fire Service Area Board** has 4 expired members. The board is asking that Marlene Herreid, Irene Loveless and Ed LaBudde be reappointed for an additional term. Lee Manicke is a board member but he does not live in the FSA, therefore he is not a legal member. Therefore, they are requesting that Henry Roy be appointed to fill the vacancy by Manicke. Commissioner Downey moved to approve the reappointments of Herreid, Loveless and LaBudde and the appointment of Roy and it carried.

3:10 PM: **Tammy Lauer, Clerk and Recorder**, presented the commissioners with 3 funds that need to be compensated for shortages due to unforeseen circumstances. Commissioner Berget moved to approve JV's from PILT to Fair #2120 of \$1,250, Extension #2290 of \$7,505 and County Planning #2250 of \$5,000 and it carried.

3:20 PM: Commissioner Roose signed the Certification of Grantee for **final closeout of the CDBG grant to the Port Authority**.

3:30 PM: The commissioners read the **minutes of the June 26, 2012, meeting**. Commissioner Downey moved to approve the minutes as revised and it carried.

3:40 PM: The commissioners signed the **Montana Department of Environmental Quality contract #513004**.

4:00 PM: The commissioners signed the Task order Master Contract for the **Immunization Program** through the Department of Public Health and Human Services. They also signed the Amendment and Task orders for **the MCH grant** through the Department of Public Health and Human Services.

4:10 PM: The commissioners discussed some personnel issues. Commissioner Berget moved to approve a **new employee at the county annex in Eureka** for 5 days a week, 4 hours a day at the front desk and it carried.

4:40 PM: The **meeting was adjourned**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Marianne Roose, Chairman

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