

NOVEMBER 09, 2005

The Board of Lincoln County Commissioners met for a regular session in the courthouse at 9:00 a.m. Present were Members Rita R. Windom and John Konzen, and Deputy Clerk Robin A. Cerny.

9:00 A.M. EPA UPDATE: Present were Ted Linnert, Ron Anderson, Peggy Churchill, and Senator Burns Rep. Denise Smith. Also present via conference call were Congressman Rehburg Rep. Keli McQuiston, Senator Baucus Rep. David Cobb, Senator Burns Rep. Jodi Peters.

Churchill updated the group on EPA's current status with clean up. Churchill said EPA is ready to shut down for the season with 220 properties completed. EPA is currently ahead of schedule. Churchill said EPA is focusing its attention on the Remedial Investigation/Feasibility Report which will be completed before putting out the Record of Decision (ROD). Churchill said the ROD will not be ready until spring. Windom said she has had comments from constituents that feel EPA is shutting down too early. Churchill said a shut down will give people a break, and it will save and conserve money. Churchill continued saying exterior work cannot be done during winter months, EPA has met its target, and pre-designed inspections can be done on property to help come up with a spring clean up plan. Anderson said winter work with outdoor equipments costs twice as much or more then during normal production season. Konzen said he is only concerned about workers being laid off. Churchill said EPA will be ready for the next season at the end of February or early March.

Discussion took place pertaining to contamination in carpets and other residential home clean-up issues. Peters asked if these issues will be resolved in the ROD. Smith asked who is responsible to pay for future home remodeling on homes that have been cleaned by EPA. Churchill said these types of questions are why the Remedial Investigation Report is a time consuming and exhaustive report which should answer many of these types of questions. Konzen asked about sites with crawl spaces. A brief discussion took place about crawl spaces, vermiculite in walls, and future remodeling on homes. Churchill said risk assessments and sampling would be done in order to have scientific data to come up with procedures and plans for these issues.

Churchill said a residential screening will take place in Troy this spring. Due to administrative issues, the work may not begin until 2007 or 2008. Konzen asked Churchill about work to be done at the Troy High School. Churchill said she would check on the status for the Troy Action Memo and get back in touch with Denise Smith and the Board of Commissioners on this issue.

10:00 A.M. SEARCH AND RESCUE ACTIVITIES: Present were Roby Bowe and Tom Wood. The group discussed policies, liability insurance, legalities and responsibilities pertaining to volunteers and the use of personal equipment. Wood said that State Law says a volunteer's personal insurance is the primary insurance to be use. If a volunteer does not carry liability insurance, it would be the responsibility of the county. Bowe said that family and friends want to help during a search and the responsibility for these people needs to be more clearly defined.

Konzen questioned who has control of making decisions during a search or rescue operation. Wood said the county attorney can draw up legal forms to help protect the county.

10:30 A.M. MIKE FISSORI: RE: LIBRARY ROOF UPDATE: Present were Mike Fissori (Fissori Construction), County Maintenance, Ken Boyd, Pat Pezzelle, Tom Wood and Roger Morris. Fissori said the roof is installed and a leak in the middle of the roof has been located and stopped. Fissori explained material being used in the repair work. Fissori said material is vented to absorb moisture. Inspector Mike Jones will be looking at the roof next week and after approval the roof will have a 15 year warranty. The warranty will not cover 3rd party damage or acts of God. Fissori said the life expectancy of the roof will be 25 to 30 years with no problems. Inspector Mike Jones will score Fissori Construction on the work and a copy of the report will be given to the Commissioners.

1:00 P.M. COUNTY PLANNER KEN PETERSON RE: PUBLIC HEARINGS SCHEDULED AT TROY FIRE HALL

Present were Dave Johnson, Ken Davis, Kathy Nielsen, Paul Rumelhart, Stew Briskia, Deborah Callender, Jim Hammons, David Norman, Robert Potter Brian Todd, and Trish Bryant.

Stanley View Subdivision: A 3 lot minor in Lot 1E, Camp View Subdivision, in a portion of Section 5, T29N, R33W. Commissioner Konzen asked for public comments and concerns. No public comments or concerns were voiced. All three lots are in excess of 20 acres. Hearing was officially closed.

Lot 2, Crowell Creek Subdivision: A 3 lot minor in a Portion of the S½, Section 17, T30N, R33W. Commissioner Konzen asked for public comments and concerns. No public comments or concerns were voiced. Hearing was officially closed.

Lot 4 Curley Creek Subdivision: A 4 lot minor in a portion of the NW¼, Section 32, T34N, R34W. Todd would like to see some fire protection required in these subdivisions with so many going in. Lack of water access could be a problem in emergencies. Todd said McCormick Fire Service is hurting for water on the old highway. No other public comments or concerns were voiced. Hearing was officially closed.

OTHER ISSUES:

RE: DISTRICT ZONING AND PROHIBITING DISCHARGE OF FIREARMS (ARBITRARY SHOOTING)

Peterson reviewed the laws. Peterson explained use of this type of zoning and said a Zoning District could be formed by the County Commissioners (76-2-101). Nielsen said she lives on 5th St. Extension and has been having problems with people shooting on Port Authority property next to her home. Nielsen expressed concerns with what is going on in her area. Nielsen has called police, Port Authority and Fish and Game about this issue. Rumelhart said the Port

Authority is willing to join with property owners to form a district. Windom and Konzen expressed favor in moving forward, but Konzen questioned not having a Planning Board and Growth Plan. Discussion continued on policing this and how to word the petition and ordinance. Konzen stated an ordinance becomes law and can be policed. Port Authority will have a new employee by November 21.

RE: QUESTION OF EASEMENT APPROVED FOR BY THE BOARD OF COMMISSIONERS IN 1999:

Iron Creek Road Right-of-Way, T31N, R33W, Sec. 18.

Davis helped with the research and it seems the County did not own the easement and should not have deeded the easement. Records indicate the County has a usage easement to ditch line only. Easement is signed and recorded in Book 259 Page 252.

RE: REQUEST FOR EXTENSION ON REDEMPTION SHORES SUBDIVISION: MOTION by Commissioner Windom to approve request for an extension on Redemption Shores Subdivision. Request submitted by Kootenai Surveyors. Second by Commissioner Konzen, so ordered upon consensus of the Board.

RE: JOAN CLOUGH, DEPT. OF REVENUE RE: REMOVAL OF FIRE FEES:

Clough requested the removal of Fire Fees of \$29.00 from Eureka Fire Service. Building has burned down. **MOTION** by Commissioner Windom to instruct State Office to remove fire fees for past three years. Second by Commissioner Konzen, so ordered upon consensus of the Board.

RE: SURVEYOR KEN DAVIS RE: BRUSH PILE: Davis wanted it recorded in the minutes that a gate and brush pile has been removed on Porcupine Creek.

RE: METAL MINES DISTRIBUTION: The Board discussed distribution of the Metal Mines monies with $\frac{1}{3}$ to schools, $\frac{1}{3}$ to the City, and $\frac{1}{3}$ to the County. The mining company will complete the form.

NOVEMBER 9, 2005 CONTINUED

BOARD APPROVED CERTIFICATES OF SURVEY & PLATS FOR RECORDING:

C. of S. in Sec. 30, T32N, R28W for Fuller.

C. of S. in Sec. 10, T30N, R31W for Lincoln County Port Authority.

C. of S. in Sec. 14, T30N, R31W for Lincoln County Port Authority.

C. of S. in Sec. 30, T27N, R29W for Plum Creek.

A Plat of Creek View Estates in Sec. 4, T30N, R31W for Pensco Trust Company.

Routine business completed the day and the Board adjourned at 5:00 p.m.

BOARD OF COMMISSIONERS

LINCOLN COUNTY

Chairman of the Board

Marianne B. Roose,

ATTEST: _____

Robin A. Cerny, Deputy Clerk