

AUGUST 16, 2006

The Lincoln County Board of Commissioners met for a regular session in the County Courthouse at 10:00 A.M. with Chairman Marianne B. Roose, Members Rita R. Windom, John Konzen, and Clerk & Recorder Coral M. Cummings.

10:00 A.M. EPA UPDATE: Present were Ted Linnert, Catherine LeCours, Paul Peronard, Kathleen M. Atencio, Chuck Sands, Jim Konz, Laura Vachowski, Matt Cohn, Peggy Churchill, Ron Anderson, Gerry Henningson, Jim Louie, Wendy O'Brien, and Mary Klinkam.

Peronard gave a project update, hoping to implement the new plan in the first week of September. Commissioner Windom said she did not see the need for a whole year of generating samples. Peronard said EPA has a plan, which the Board probably has not seen, which EPA is following. If the plan is left as is, EPA will always have questions. Peronard said he wants closure on this project and needs to undertake new measures. Commissioner Windom told the group that the county is going to court next month with WR Grace, and questioned if this is not complete, will it become an issue in court. O'Brien expressed concerns with scientific data not being adequate, and the need for greater a degree of confidence in the data. Peronard explained procedures starting in 1999 and the focus on highly contaminated sites at that time. Peronard said a definitive decision on this is necessary and does not want it coming up in future years. EPA is going to shift or divert money towards scientific study next year. Atencio expanded on Peronard's comments stating EPA won't know what has been accomplished without this new study. Chairman Roose said it feels like starting all over. Peronard said EPA has a harder problem doing this study; it is all scientific study. The cleanup is costly, but easy compared to the scientific studies that need to be done. Scientific studies are tedious and complex, but these studies need completion to attain closure.

Chairman Roose asked how many homes have been completed, and does EPA feel these homes are clean. Peronard commented this was a complex question. Basically yes, EPA has followed 30 homes out of 711 for 18 months and the homes look good, but these homes have been interior jobs. EPA still needs to look at outdoor situations. Peronard said he had explained to the Board what would happen here. Commissioner Konzen told Peronard he did explain this to the Board, but the Board thought there has been an ongoing study on this.

Peronard said EPA would like to finish the high risk areas which are the processing plants, Stimson site, the Bluffs, and address the nursery area to get a ROD on these sites. Peronard said he also wants to check the homes in Libby and doesn't want to do another 711 before he knows these are clean. By the end of the year EPA will have about 800 properties completed and there are about another 500 to do. Churchill said EPA can provide a comfort letter before the ROD is complete. Peronard said there has been too much importance put on the ROD, and that piece of paper does not get the work done on the ground. Commissioner Windom referred to word from Helena that no grants would be given before the ROD. Peronard said comfort letters are being provided and to consider it done. Commissioner Konzen questioned the bid process. Peronard said the construction season will shorten and will probably start in March next year and go to October and close-out in November. Winter cleanup is too difficult, even inside work and EPA will not be doing this next year. Commissioner Windom said Senator Baucus requested

supporting documentation for such a request pertaining to the scientific study. Henningson has supplied a rough estimate via email about this for \$11,000,000 for the complete set of studies. Peronard said it is his responsibility to get this finished and he has only the money he is given to work with. Peronard wants to see the studies completed so questions are not left unanswered. Commissioner Windom questioned being bogged down in studies meanwhile, the ROD is not getting completed. Peronard doesn't think there will be a legislative report from the Inspector General. If no negative issues, Peronard felt sure a report will not be issued. Commissioner Konzen told the group that Senator Baucus's office will be requesting a report. Henningson added that her understanding is there were no criminal findings as determined from interviews.

11:30 P.M. LINCOLN COUNTY AMBULANCE BOARD: Present were Pat Shira, Nancy Wagner and Dick Warner.

The members of the Lincoln County Ambulance Board and the Ambulance Service they represent request support of a 2 floated permanent mill levy increase for the purpose of purchasing ambulances. Serviced areas have been on a rotation so each area receives a new ambulance every six years. Used equipment will be looked into. Resolution No. 744 stating this issue shall be submitted to the electors of Lincoln County at the regular general election held in November will allow the Ambulance Board to stay on this rotation and keep equipment updated. The group discussed with the Board increasing costs and inability to keep up with acceptable equipment. Petitions were submitted to the Board indicating 181 signatures in favor of a 2 Mill increase to purchase ambulances. **MOTION** by Commissioner Konzen to approve & sign Resolution No. 744 as shown below. Second by Commissioner Windom, so ordered upon consensus of the Board.

RESOLUTION NO. 744

WHEREAS, section 7-34-102, M.C.A., provides authority to the Board of County Commissioners to call for an election on imposition of an additional 2 floated permanent mill levy for the support of ambulance services to purchase ambulances; and

WHEREAS, the Lincoln County Board of Commissioners has received an expression of interest for such an election from the citizens of Lincoln County for the support of replacement of ambulances; and

WHEREAS, the cost of an ambulance has risen to between \$100,000 and \$125,000 and will continue to rise in the future; and

WHEREAS, the Board of Commissioners has determined it to be in the best interest of citizens of Lincoln County to submit to the electors the question of whether such a two permanent floated mill levy should be imposed, pursuant to 15-10-425 M.C.A., and

WHEREAS, if authorized by the electors, the county may impose a tax levy of two (2) additional permanent floated mills on all taxable property within the county to taxation, with such levy to commence on July 1, 2007, and stay in effect hence forth; now

BE IT THEREFORE RESOLVED by the Lincoln County Board of Commissioners that this issue shall be submitted to the electors of Lincoln County at the regular general election to be held November 7, 2006.

DONE IN SESSION this 16th day of August, 2006.

Commissioner Windom questioned how funding works for the Fisher River FSA. The ambulance group said Libby, Troy, and Eureka will be parent organizations.

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2:30 P.M. DECISION ON FISHER RIVER FSA FEES: Present were Marlene Herreid, George Neils, Bruce Witt, Dale Sabine, Joe Kelly, and Kirk Kraft.

Chairman Roose explained public hearings have taken place for this decision. Commissioner Windom received calls from residents in the FSA expressing dissatisfaction with communication with the FSA Board. Kraft said the letter from LVA is not clear. The request is for the FSA only, not for ambulance service. The costs are free and what is received is from LVA. The budget shows ambulance and fire service together. Chairman Roose commented this was confusing to the residents. Kraft said ambulance gives a stipend to the volunteers for the calls, which is usually donated back. Commissioner Konzen suggested separating the ambulance from the budget. Commissioner Windom asked Kraft if books are open to the public. Kraft said yes, but no one comes to the meetings. Chairman Roose questioned Kraft about a \$3,100 loss. Kraft said it is not a taxpayer loss. Neils said money (from fire work) was used to provide more space. The following year the money was not there and there were no wild land fires to make up the loss. Kelly said no figures were shown at a FSA meeting, no actual expenditures. Kraft said a yearly report is done in June. Chairman Roose said there seems to be a loose connection between the fire service and the residents. People value your service. Herreid said the Chain of Lakes Newsletter will be putting the FSA schedule in its paper. Chairman Roose said the Board has heard all the concerns pertaining to the fee increase. **MOTION** by Commissioner Konzen to grant request from the FSA Board to increase fees from \$50 to \$125. Second by Commissioner Windom.

Commissioner Windom said she could not support \$125. There is not enough education and support in the community. Chairman Roose said she would like to see a revised budget and would approve a lesser amount. Commissioner Konzen said it sounds like a lot of money, but there has been no increase for years and feels the fees are necessary to cover the costs. Commissioner Konzen said he has heard from residents who are in favor of the increase. Discontentment was not about the amount of increase, but lack of communication between the residents and the FSA Board. Commissioner Konzen said it is the sole responsibility of this commission to make this decision.

Commissioner Konzen in favor of fees being set at \$125.

Commissioner Windom and Chairman Roose opposed to fees being set at \$125.

MOTION by Commissioner Windom to split the difference and proposed to raise the fee to \$90 and encourage the FSA Board to build a relationship with the residents. Second by Chairman Roose.

The Board continued discussion. Commissioner Konzen said he did not hear criticism of the fire people and the service. Grudges are being held. Commissioner Konzen said it is the Boards responsibility to provide that service and a proposal of \$125 does that. Neils said he is transferring his time for a man who opposed this issue. Commissioner Konzen said under a fire district, more would need to be paid.

MOTION by Commissioner Windom to set the FSA fees at \$90. Second by Chairman Roose, so ordered. Commissioner Konzen opposed.

RE: REQUEST FOR LONGEVITY PAY FOR CHIEF DEPUTY CLERK OF COURT:

This position is the only county position that does not receive longevity. **MOTION** by Commissioner Windom to give Chief Deputy Clerk of Court longevity increase of 1.5% per every 5 years of service as on regular employee schedule. Second by Commissioner Konzen, so ordered upon consensus of the Board.

RE: CABINET VIEW FSA BOARD APPOINTMENTS: MOTION by Commissioner Konzen to appoint Betty Troyer and Robert Hamlyn to the Cabinet View Fire Service Area Board. Second by Chairman Roose, so ordered upon consensus of the Board. Troyer and Hamlyn will be replacing Phillip Coblentz and Lloyd Miller.

Routine business completed the day and the Board adjourned at 4:00 p.m.

COMMISSIONERS

LINCOLN COUNTY BOARD OF

Marianne B. Roose, Chairman of

the Board

ATTEST: _____

Coral M. Cummings, Clerk & Recorder