

July 9, 2008

The Lincoln County Board of Commissioners met for a regular session on July 9, 2008 in the Lincoln County Courthouse. Present were Commissioner Rita R Windom, Commissioner John Konzen, Commissioner Marianne B Roose, Bill Bischoff and Clerk and Recorder Tammy Lauer.

10:00 AM: Commissioner Windom called the **meeting to order** with the Pledge of Allegiance.

10:01 AM: **EPA Update** Paul Peronard, Ted Linnert, Catherine LeCours, Tony Berget, Brent Shrum, Peggy Williams and Hope Neelson: Paul brought examples of vermiculite that have been found recently by the Riverfront Park in Libby. The vermiculite had been put there by some other means than the mine or clean up. There was a discussion of private individuals having vermiculite in their possession and even selling baggies of it at Logger Days. Tony asked about what type charges could be filed against someone caught spreading vermiculite in a public area. Paul talked about the vermiculite that was found at the soccer field. The man that gave the soil for the field had his property cleaned and a CSS letter saying that his property was fine. However, it was cleaned up only about 3 inches down and the donated dirt was about 8 inches down and had vermiculite in it. Paul thinks the answer is better education for contractors and anyone moving dirt to look for contamination or a call EPA to look at the dirt before it is moved. Paul said that they have learned so much in the past 7 years and clean up is at a much larger scale and they are so much more efficient at it. Commissioner Konzen asked how Paul feels about the response to the soccer field incident. Paul said he is pleased that the clean up was done quickly and exposures were less than reported. Commissioner Windom asked about Paul's replacement. Paul said that they will begin interviewing soon. Paul's replacement will work with him until the end of the year. Commissioner Windom and Commissioner Konzen expressed their concerns about Paul leaving and the problems that might arise with the new person. Catherine said that the state is concerned as well and she hopes the next person works as well with the State as Paul has.

11:30 AM: **Metal Mines License Tax Distribution:** Bill presented the calculations for the tax distribution. The calculations are based on children attending schools and their parents work at the mine. He showed how the funds are put to High School and Elementary schools differently. Commissioner Konzen moved to distribute the funds as recommended. Commissioner Roose seconded and it was so moved.

11:37 AM: Commissioner Roose spoke about the **CARD meeting**. Commissioner Windom talked about the **TAG meeting** as well.

1:30 PM: **Subdivision Review:** Lisa Oedewaldt and Ken Peterson

1:31 PM: **Two Lakes Subdivision, Amended Lot 2B of Crystal Acres:** Lisa presented the subdivision and announced that the public hearing from June 25, 2008 was continued to today because of questions that needed to be researched. These questions were answered by the new Draft of the Two Lakes Covenants. Lisa read the 4 covenants that address the questions from the last meeting. Richard Schrade asked about the road easement. KSI answered his question. There were no other public comments. The Public hearing was closed.

1:39 PM: **Buckhorn Ridge**, 2 lots, variance was denied on June 25, 2008, for a road grade issue. The Commissioners signed the new preliminary plat. The Commissioners approved this subdivision last week.

1:42 PM: **Pinkham Creek Ranch**, 3 lots: Approved last week this subdivision was rewritten to include the wording of the Commissioners approval needing to be obtained for future sales.

1:44 PM: **Dickey Lake Overlook** 1 lot Ag exemption lifted. Commissioner Konzen moved to remove the AG exemption. Commissioner Roose seconded and it was so moved.

1:45 PM: **Family Transfers: Rhoda Miller** to a child. History shows an evasion of subdivision and it was transferred several times. Planning recommends denial of family transfer. Commissioner Roose moved to deny the family transfer. Commissioner Konzen seconded and it was so moved.

1:49 PM: Bond release for **Airport Way Subdivision:** The road has been constructed to required standards. Therefore, the \$17,040 bond can be released. Commissioner Roose moved to release the bond. Commissioner Konzen seconded and it was so moved.

1:50 PM: **Cargill-Bull Lake:** This issue is ongoing for quite some time now. Ken gave a brief summary of the history of the issue. The fill was put in illegally and the Corps of Engineers has asked them to remove the fill. Cargills did not obtain a permit because they did not feel it was necessary. Ken Peterson said that the fact that the structure is in the water a great deal of the time points out that there is a problem. Mr. DeJana spoke about the fact that no one can tell him where the high water mark is. Commissioner Konzen said that there was no shoreline permit so it is an illegal building. He said that the Commissioners viewed this property with Mr. Cargill and saw the fill and the building in the water. Commissioner Konzen said that the flooding is not an issue; the high water is simply the high water which is natural for Bull Lake. Commissioner Konzen and Ken feel that it should be moved to the tree line. Commissioner Windom said that the building needs to be moved now to the trees. After the study is done, they can apply for a lakeshore permit to put the building elsewhere.

2:15 PM: **North Shore:** The USFS has "re-informed" the use of the road to have public use but it is not a public easement therefore it does not further divide a lot in two. The developer is now asking that the preliminary plat be approved. The DEQ has not approved the lot because the surveyor has not listed the lot purpose. Ken said that the developer needs to state the purpose of the lot.

2:29 PM: Bear Haven Subdivision owners are amending the covenants and are requesting the Commissioner's signatures. The Commissioners have told the attorney addressing this issue that they do not sign these documents.

2:35 PM: **David Greer, Plum Creek:** David brought Jim Lahner, Director of Community Affairs and Jerry Sorensen, Director of Real Estate, to meet the Commissioners and address questions from them. Plum Creek owns over 284,000 acres in Lincoln County. Plum Creek has been running their mills at a loss the first 2 quarters of 2008. Jerry admitted that he felt Plum Creek will have a hard time keeping their mills open after 10 years. Commissioner Konzen thanked him for his honesty. Jerry said that in Lincoln County, forest management is the highest priority. Commissioner Konzen said that there should be more communication with the Commissioners because they get the questions from the community. Commissioner Windom agreed. Jerry said he is aware of that problem and thinks it is being resolved. Jerry wanted to talk about the issue of cost share roads. Plum Creek has had cost share roads with the FS for over 40 years. They have always believed that the roads are for full use. They have been working on many agreements with the FS to be sure that roads stay available to the public purchasing the properties. The roads are co-owned by the Forest Service and Plum Creek and there are 640 miles of cost share roads in Lincoln County. He passed out a letter from the CEO that was in the Missoulian that states that the counties will be involved in the road agreements. They discussed the neighborhood plan in the Happy's Inn area. The Commissioners thanked them for coming.

3:50 PM: The Commissioners had a conference call with **Bruce at Max Baucus' office** concerning the EPA discussion that morning. They talked about the replacement for Paul's position.

4:10 PM: Commissioner Konzen mentioned that the budget issues need to be discussed and department heads need to be contacted. They decided to meet on Thursday to talk about it in detail.

4:26 PM: The Commissioners received the Noxious Weed Trust Fund Project Grant Agreement for Hawkweed. They will need to review it before signing it.

4:31 PM: The Commissioners received a letter asking that Coral Cummings be reappointed to the **Cabinet View Fire Service Area Board**. Commissioner Konzen moved to approve reappointment of Coral Cummings. Commissioner Roose seconded and it was so moved.

4:33 PM: Commissioner Roose discussed adopting a policy for cell phone use by road crews.

4:36 PM: The Commissioners read the **minutes of the June 25, 2008 meeting**. Commissioner Konzen moved to approve the minutes. Commissioner Roose seconded and it was so moved.

4:39 PM: The Commissioners received an announcement from MACO raising the **mileage allowance for travel** reimbursement to \$.585 per mile for the first 1000 miles. Commissioner Roose moved to allow the new mileage allowance to be \$.585 per mile beginning on July 1, 2008. Commissioner Konzen seconded and it was so moved.

4:45 PM: The Commissioners received a letter of transmittal from Morrison Maierle Inc. on the **Eureka Airport Project**. Commissioner Roose moved to sign the contract with Eichner Builders Inc. for the construction of the building at the Eureka Airport. Commissioner Konzen seconded and it was so moved.

5:00 PM: The meeting was **adjourned**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Commissioner Rita R Windom, Chairman

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