

## March 12, 2008

The Lincoln County Board of Commissioners met for a regular session on March 12, 2008, in the Lincoln County Courthouse. Present were Chairman Commissioner Rita Windom, Commissioner Marianne Roose, Bill Bischoff and Deputy Clerk and Recorder Jill Blomdahl.

10:00AM: Commissioner Windom called the **meeting to order**.

10:01AM: **EPA Update:** Present were Ted Linnert, Mike Cirian, Kathryn Hernandez, Catherine LeCours, Gordon Sullivan, Kirby Maki, Lee Disney, Amy Guth, Lynnette Hennesy with The Daily Interlake, Virginia Sloan with Jon Tester's office, Bruce with Senator Baucus's office, Paul Lammers, Peggy Williams and Carol Holoboff.

Commissioner Windom started the meeting by discussing the March 11, 2008, press release which stated that Libby was awarded \$250,000,000 out-of-court cash settlement from W.R. Grace. This is the highest settlement in superfund history. These funds are for future cleanup costs and reimbursement for costs incurred so far. \$11,000,000 will go into a special account for operations and maintenance and no other funds should be withdrawn from this account until 2017. With interest the fund should grow to \$30,000,000. W.R. Grace has a separate agreement for the mine and has hired contractors to do the work, however this has not been approved by the bankruptcy courts yet. A 30 day public comment period must be satisfied and then reviewed before a final decision will be made. Governor Schweitzer is encouraging everyone to submit comments regarding the proposed settlement. Commissioner Windom asked is the fund was protected from future raiding of funds. According to Ted, this amount is dedicated to only Libby. EPA will have a report in April of what has been done and what needs to be done regarding the cleanup. Letters are going out to homeowners at the end of March with the results of the work done on their property. There will be a public meeting on April 29<sup>th</sup>, 2008, 7PM, at the Troy Senior Center.

Commissioner Windom asked Mike Cirian about the situation at Asa Wood School. Mike received a call from Superintendent Maki regarding vermiculite trickling from a wall in the school. Mike went to the school and found a hole had been punched in the cement block wall probably during snow removal. The contractor was there by 4:30PM and the clean up was done by 6:30PM. Mike spent time with the staff and students educating everyone on what to do to avoid this situation and what to do if another spill occurs. Kirby Maki stated he was very pleased with the quick response and clean up. Kathy Hernandez reported on the Troy cleanup. The EPA is doing additional sampling at the Stimson site and the results are coming in for previous testing. They are negotiating with the railroad to do testing in Libby and Troy and hope to start the testing this year. The 4<sup>th</sup> round of sampling will begin in the spring for 80 indoor and 75 outdoor properties. The EPA asks homeowners to leave for 2 days so that passive and active testing may be done on their property. They are performing the testing by season. He realizes this is a burden to homeowners but wants to thank all of them for allowing this testing to proceed. Commissioner Windom questioned the avenue by which residents may comment on the proposed \$250,000,000.00 settlement. She is concerned that the elderly population in Lincoln County do not have computer access will find it difficult to voice their comments. She suggested that the address to write letters be published in the newspapers and placed around town and to have a general drop off so that a bulk mailing could be sent to the Department of Justice.

10:56AM: **Pastor Bill Sonntag, Tax Refund Request:** Four Square Gospel Church acquired their property in June 2004 and filed tax exempt papers when 2005 tax notices were received. The 2004 taxes were not paid; however payment for the first half of the 2004 taxes was included with the closing costs by the grantors in June and should have been paid by the church. Since 2004 taxes were not paid, a tax assignment has been placed on the property. Pastor Sonntag would like the 2<sup>nd</sup> half taxes, penalties and interest waived. All tax notices regarding 2004 taxes were mailed to the previous owners and Pastor Sonntag was unaware the taxes were not paid. This situation was previously discussed at a Commissioner meeting and the decision was made not to waive the taxes, penalties, and interest. Commissioners Windom and Roose agreed with the previous decision and advised Pastor Sonntag to pay the taxes due.

11:13AM: The Commissioners reviewed **insurance deductibles** presented by the Joint Powers of Insurance Authority on claims for the County. The Commissioners agreed to pay the deductibles.

1:28PM: **Subdivision Review:** Lisa Oedewaldt and Ken Peterson. Mike Munro, Don Cox and John Damon were present.

1:30PM: **Cabin Ridge:** Commissioner Roose moved to approve the subdivision as final plat. Commissioner Windom seconded and it was so moved.

1:34PM: **Paradise View:** Commissioner Roose moved to approve the subdivision as final plat. Commissioner Windom seconded and it was so moved

1:38PM: **Mt. Barnaby Views:** There is a duck pond drawn on the plat, the surveyor must initial before the subdivision can be recorded. Commissioner Roose moved to approve the subdivision as final plat. Commissioner Windom seconded and it was so moved

1:42PM: **Airport Way:** There are 16 lots and all deletions and changes have been made. There is a court order regarding this subdivision. The court order must be signed and the plat must be reviewed by County Attorney Bernie Cassidy before plat can be recorded. Commissioner Roose gave final plat approval with the court order accompanying the plat when recording. She stated this plat cannot be recorded without signed court order. Commissioner Windom seconded and it was so moved.

1:50PM: **Happy's Inn:** Commissioner Roose moved to approve the subdivision as final plat. Commissioner Windom seconded and it was so moved

1:53PM: **Family Transfer** for Tom & Nora Wilson to their daughters. Commissioner Roose moved to approve the family transfer. Commissioner Windom seconded and it was so moved.

1:56PM: **Family Transfer** for Elisha Schick. It was determined that the family transfer, as proposed, did not comply with the exemption criteria and appeared to be a potential evasion of subdivision regulations and there was not sufficient reasoning as to why Elisha Schick is transferring property to her husband. Therefore, this property is recommended to be reviewed as a subdivision. Commissioner Windom signed the letter to be sent to the property owner.

2:00PM: **Bordertown II, Lot 9A.** The preliminary plat for this subdivision was denied on 2/22/08 due to the language in the covenants about further subdividing. Kootenai Surveyors has requested a 30-day extension. They have contacted an attorney regarding

the wording of the covenants. Commissioner Roose moved to approve the extension. Commissioner Windom seconded and it was so moved.

2:05PM: Larry Stewart brought the proposed plat of **Solitude Bay Subdivision**. He is requesting a short variance in the road that comes off the highway. The new approach is better and much safer for the highway. Commissioners Roose and Windom support the variance proposal.

2:15PM: Ken Peterson commented that there are no criteria for commercial ventures in residential subdivisions. Ken doesn't believe the County has the authority to approve or disapprove. It was recommended that plats which specify lots must be single family residences, which is how we currently operate.

2:30PM: The Commissioners **approved the minutes of March 5, 2008**.

2:35PM: The **meeting was adjourned**.

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Rita R. Windom, Chairman

ATTEST: \_\_\_\_\_  
Jill Blomdahl, Deputy Clerk of the Board