

**May 7, 2008**

The Lincoln County Board of Commissioners met for a regular session on May 7, 2008, in the Lincoln County Courthouse. Present were Chairman Rita Windom, Commissioner John Konzen, Commissioner Marianne Roose, Bill Bischoff and Clerk and Recorder Tammy Lauer.

9:00 AM: Commissioner Windom called the **meeting to order with the Pledge of Allegiance**.

9:01 AM: **Paul Bradford, USFS:** Paul began saying he will be in DC soon about the forest plan revision. The Grizzly Bear plan amendment would be carried forward into this plan. Commissioner Konzen said that the Grizzly Bear amendment scares the County. Paul said he understands that. Commissioner Windom said that some of the County residents are upset because they feel that the Kootenai National Forest is becoming a park. There was a discussion of Plum Creek land access to Forest Service land. Commissioner Windom asked if Paul had seen the Neighborhood plan for the Happy's Inn area. Paul has not seen it but he has heard about it and understands that there would be a follow up and the Forest Service would have to look at Plum Creek for easements. The roads and fire protection would be the Forest Service considerations with the plan. Commissioner Windom said that the roads are not wide enough and it may be a problem getting the wider easement. Rock Creek mine litigation is on going. All of the information is before the judge. There is a Congressional interest in the Whites Landing Subdivision and Baucus' office is looking at it. The Corp got the land and built the road but the Forest Service is willing to work to resolve the issue. He feels the Corp built the road so he doesn't feel it is a Forest Service road. There was a discussion about the mushroom picking in the Kootenai Forest. They are allowing only private picking, not commercial. Commissioner Konzen asked about the status of Montatore. Paul said they are still in discussions. Snow pack on Garver Mountain is more than in the past 49 years and creeks are up.

9:58 AM: **Bull Lake Fire District Annexation:** Gerald and Margaret Wallace came to ask for information on the Bull Lake Fire Department. Gerald does not feel that the fire department can handle more area. Commissioner Konzen suggested that he speak to the Fire Department Board and get some answers and moved to extend the public hearing to May 15<sup>th</sup>. Commissioner Roose seconded and it was so moved.

10:08 AM: **EPA update:** Present were Paul Peronard, Ted Lennert, Catherine LeCours, Kathryn Hernandez, Mike Cirian, and Jeremie Vella. Mike started with an update on construction taking place now. Each of the three contractors was given awards. New contractors must meet the requirements of EPA. The individual properties are bid between the 3 companies. Commissioner Konzen wanted to know why it couldn't be just one company and no bidding for each property. Paul said that there is no way to fix prices over 5 years and so the one company can control the prices and it would cost much more. Catherine gave an update on Troy. She thinks the public meeting went very well. She evaluated on the content of the meeting. Commissioner Roose said it was one of the best EPA meetings she has been to. She said Catherine did a great job of talking to the public at their level. Commissioner Konzen agreed and said Catherine showed good patience. Troy will begin investigations June 2<sup>nd</sup>. Exposure investigations were discussed by Paul. They study house activity, outdoor activities, and seasonal variability. He explained the testing and how it is done. The bad news is that the activity last summer compared to before in the ABS, show there are more concentrations now. The time of year samples are taken is also a factor. He elaborated on the testing situations. The good news is that the indoor air is not as important because the exposure is not as intense as outside. Paul was surprised about this outcome. May 22<sup>nd</sup> is the next town meeting.

11:14 AM: Public meeting on the **Port Authority CDBG Grant:** Present were Paul Rumelhart, Don Cox, Brent Shrum and Steve Garayalde.

Tammy read the Notice of Second Public Hearing. Paul declared that he had received no public comment. Paul showed a PowerPoint presentation on the Luck E-G Post and Rail proposal for a \$702,000 project. This would be 36% from USDA, 45% from Luck E-G and 19% from CDBG grant. Paul explained the costs of the project for a Truck scale, Grinder, Wheel Loader, Log Processor, Chip Bins and Grant Administration. Paul displayed pictures of the project and similar scales that are in Columbia Falls. Steve spoke about the time that would be saved by the new equipment. This project would create 5 new positions for Luck E-G. He currently employees 10 full time people and offers health insurance to his employees. Paul showed a video on the grinder from the manufacturer, Duratech. Commissioner Windom read the resolution. Commissioner Konzen moved to approve the resolution. Commissioner Roose seconded and it was so moved. Commissioner Windom signed the application for the Grant and the agreement.

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

Present were: John Damon, Ken Davis, Debbie Shoemaker, Jeremy Croskery, Pamela Flowers and Larry Sverdrup.

1:30 PM: **Harrell's Subdivision**, 4 lots, W1/2 NE1/4 Sec 5 T33N, R34W: There was a question last week about the dry hydrant one mile away opposed to the cistern idea that the fire department suggested. Ken Peterson does not feel that the County can require the cisterns. There was a discussion of cisterns. Commissioner Konzen feels that a water system is essential. Damon said that there are 2 dry hydrants within one mile of this subdivision. Commissioner Konzen said that he feels that they should require a cistern on this subdivision. It was agreed that Lisa will add a condition that the developer and the McCormick Fire Department agree on a plan of dry hydrants or cisterns. Commissioner Roose moved to approve the subdivision as preliminary plat. Commissioner Konzen seconded and it was so moved.

1:52 PM: **Moraine Subdivision**, 5 lots, NW1/4 NW1/4 Sec 13, T37N, R27W: Commissioner Roose moved to approve the subdivision as preliminary plat. Commissioner Konzen seconded and it was so moved.

1:54 PM: **Esker Subdivision**, 5 lots, NW1/4 NW1/4 Sec 13, T37N, R27W: Commissioner Roose moved to approve the subdivision as preliminary plat. Commissioner Konzen seconded and it was so moved.

1:55 PM: **White's Landing**, 8 lots, NW1/4, Sec 20, T36N, R26W: There is an issue on the road and the ownership and maintenance of it. The road is a Forest Service road built by the Corp and has been being maintained by the County because of school buses. The USFS recommended 4 options: 1) Create a road users agreement with the Forest Service in conjunction with their Residential Access policy. 2) The County takes over the road. 3) Make it a "Schedule A Road". 4) The developer could use Trails End as the main access. Jeremy Croskrey voiced that he is not comfortable with an agreement with The Forest Service. Commissioner Windom said that there is only going to be a resolution to this problem after a meeting with the Forest Service and suggested that the owners meet with Paul Bradford. The subdivision will be continued until the road issue is resolved. Jerry asks the County to take the road as a solution because then everything

would line up and they have been maintaining it all along. He was told that the County has a long standing policy of not taking on any more roads.

2:22 PM: Court ordered split **Underwood vs. AL Bud Campbell**: This land deal started as a subdivision but never got DEQ approval. Underwood has been paying for and living on the land for two years. Campbell is trying to transfer the land to Underwood to give them ownership of what they are already paying for. Kendra said that if they can prove that groundwater doesn't flow into French Creek there would be no problem with approval. Commissioner Konzen said that he feels that they need to get DEQ approval. He feels that they sold this property without having final plat approval. Commissioner Roose moved to deny the court ordered split. Commissioner Konzen seconded and it was so moved.

2:36 PM: Lisa showed the Commissioners a **Glen Lake Irrigation District** resolution that had been sent to her. GLID wants a \$250 application fee from each landowner. Lisa was told that the County does not require developers and landowners to abide by GLID. It would be up to GLID to collect any fees they are requiring.

2:45 PM: Kendra Lind wanted to talk to the Commissioners about the **Katchup Hill Subdivision**.

2:47 PM: **Dan Williams of the Weed Department** brought three grants for signatures that he has been awarded so far and two more are coming. The ones received are \$35,850 Grant for Skeletonweed, \$23,000 grant for Tangsy Ragwort and \$58,571 for Tansy Ragwort. Commissioner Konzen moved to put \$8,000 in Dan's Weed Fund 940 account from his cash reserves to purchase a new ATV to replace the one that was totaled on Monday. As of 3/08 \$56,604 is the cash balance in the Weed Account. Commissioner Roose seconded and it was so moved. The Commissioners discussed some weed issues with Dan. Commissioner Windom asked about 2 seasonal employees that Dan is trying to hire for a Hockweek grant. Dan explained the grant.

3:05 PM: **Charlie Clough on the Glacier View Road**: John Rios was with Charlie. Charlie came to talk about the water in the ditch on Glacier View Road. He feels that the water on the road is due to the Airport Way Subdivision. Steve Wagner had said that it would take a 75 foot long squash pipe but last week the consensus was that it would take two 24 inch pipes at an angle. The Forest Service said they would supply the pipe. Charlie hopes the County would help with some of the costs as well. Charlie thinks that the County signed off on the subdivision and so that makes it their responsibility. He is also going to speak with Mike Munro, developer of the Airport Way Subdivision to see if he can help. Commissioner Windom said that she has been watching this area for years and the water is not a new development since the subdivision. Commissioner Windom said that she will not take it on as a project for her road department since it is marked a private road and Forest Service Road. She would look at a collaborative effort with other agencies if one exists in the future. Commissioner Roose is concerned about the precedence that would be set by using County road crew to fix a private road or a Forest Service road.

3:37 PM: **Bernie Cassidy, County Attorney**: Bernie wanted to get a signature from Commissioner Windom on a legal document concerning the Stavenow/Stauffer property suit.

3:46 PM: **Administrative Issues**:

3:50 PM: The Clerk and Recorder asked the Commissioners how to distribute the funds for the construction of the new **Yaak Fire Building** that are arriving from the Insurance Company. It was determined that a new fund would need to be created in order to regulate the use of the funds. Tammy will set up a new fund for this purpose.

3:59 PM: Commissioner Roose brought a letter of recommendation for a **County Planning Board** candidate for the Eureka Area to replace Rick James who resigned last year. Commissioner Konzen moved to approve Charles Newton to the Planning Board. Commissioner Roose seconded and it was so moved.

4:04 PM: The Commissioners went into an executive session for **personnel issues**.

4:25 PM: Commissioner Konzen moved to approve the **minutes of the April 30<sup>th</sup>, 2008** meeting. Commissioner Roose seconded and it was so moved.

4:30 PM: The meeting was **adjourned**.

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Commissioner Windom R. Windom, Chairman

ATTEST: \_\_\_\_\_  
Tammy D. Lauer, Clerk of the Board