

**APRIL 20, 2005**

The Board of Lincoln County Commissioners met for a regular session in Eureka at 10:00 a.m. with Chairman Marianne B. Roose, Member John Konzen, and Clerk of the Board Coral M. Cummings.

**10:00 A.M. COUNTY EXTENSION AGENT RAE LYNN BENSON RE: UPDATE ON EXTENSION PROGRAM:**

Benson reported that the Master Gardner Program has been completed, and that a group from this class will be doing a garden project at the Libby Museum. Benson said she is currently working on a well program for landowners to have testing done on their wells. New programs starting in June are:

Steps to a New You – A nine week program to focus on nutrition and exercise.

Mosquito surveillance – A program that will do testing for West Nile Virus.

4-H Camp in June – To prepare for 4-H Congress.

Food & Nutrition Program – Benson said that she is currently finalizing a grant for this program and asked the Board for support. **MOTION** by Commissioner Konzen to support FS&E grant application. Second by Chairman Roose, so ordered upon consensus of the Board.

Commissioner Konzen asked Benson if she would be doing a weed program this year and she replied that it has already been done. Commissioner Konzen said he would like for her to touch base again, but Benson said that the teachers are currently busy with programs and won't have the time right now. Benson said that the County Extension Departments in Mississippi use Title III money channeled through University Systems to fund natural resources education through county extension offices under the "Project Learning Tree Program". Maybe we could steal that program for Montana instead of re-inventing the wheel., Benson added.

**RE: NOEL WILLIAMS:**

The Board directed Williams to write a letter endorsing and recommending fuel reduction projects for RAC and Title II. The county would like to see Title II funds directed to these programs.

**10:30 A.M. TERI DAILEY RE: PARADISE RIDGE ROAD ASSOCIATION:**

Present were: Rae Lynn Benson, Arlis Skivolocke, Frank Skivolocke, Teri Dailey, Doug Greenshields, Cathy Greenshields, Joanna Jenson, Dan Jenson, Ron Langford, Gary Mason and Kim Frampton. Homeowners and Road Users Association viewed their objections to a discussion by the Board of Commissioners that is in violation of the legal covenants recorded in Book 234, Page 39 at the Lincoln County Clerk & Recorder's office. Dailey read the letter to the Board and County Planner, Ken Peterson. The group concurred with Dailey's letter and hopes this can be dealt with in a manner considerate to all involved. County Planner Ken Peterson explained that the Board of Commissioner's decision may be legally withdrawn. Peterson then went over the steps taken by the County. Peterson continued saying that Miller did come to the Planning Department with plans to make this split of her property. Peterson says that state law is fuzzy on subsequent minor subdivisions. Peterson has received letters from the Road Users Association and Landowners objecting to this division, and it was a concern at the public hearing. Miller agreed to an extension at that time to work out an agreement with the homeowners. The Board did send out a letter dated September 9, 2004 to Miller notifying her that her proposed division of Lot 5 Dukes Vista Ridge may be in violation of existing covenants for this subdivision. The group was informed that the Board does not enforce covenants, nor does it have a say in covenants. The Board does have a legal duty to complete this subdivision request. The county requires proof of road access and the proof came through the title report from Lincoln County Title Company. The subdivision plat is recorded with the covenants and road access. Lincoln County Title Company stated there was access and this is what the Board looked at. The title report states this property is subject to the covenants and the maintenance agreement, and the Board was required to approve this split. Dailey said the county should follow the law and the covenants and continued saying that this is going to come down to The Homeowner's Association against all of you (Commissioners) and that it will come to that. Dailey says she sees no point in doing this. Bailey feels the county has the right to withdraw this, and thinks Miller is purchasing more land with plans to develop additional land and use the current subdivision roads to get to that property, and the county takes over additional roads. Chairman Roose said that she would like to make it clear that the county is not going to take over any subdivision roads, and this gossip can be stopped right here. Bailey said Lincoln County is relatively a poor county and it would not seem in its best interest to take on more roads. Greenshields said Miller did not contact him concerning this, and asked if the County Commissioners gave access on this road. Peterson said the Title Company gave approval on this. Chairman Roose explained that Lincoln County Title Company is not county owned, but is a private business with no connections to the county. Peterson pointed out that the Lincoln County Title report shows a spelled out access. Chairman

Roose commented that Dailey has done an outstanding job and that the Board will have to consult with the county attorney on this matter. Frampton said she understands the Board will be consulting with the county attorney and asked if it could legally withdraw this recorded document. Chairman Roose said yes, if the county attorney advises us to do so, it can be withdrawn. Peterson commented that it could come down from an injunction from the judge. The Board of Commissioners will consult with the county attorney for advisement on this issue.

**11:30 P.M. COUNTY PLANNER KEN PETERSON: RE: PRELIMINARY SUBDIVISION REVIEW:**

**Subdivisions presented for approval:**

Mt. Vernon Views: A 1 Lot minor in a portion of the Sec. 17, T30N, R33W. Total Area is 640 +/- acres. **MOTION** by Commissioner Konzen to approve subject to planning staff recommendations and to double check law pertaining to easements through state lands. Second by Chairman Roose, and so ordered upon consensus of the Board.

**Presented for review:**

Lake Shore Construction Permit on Bull Lake Estates.  
Commissioner Konzen will review the site.

**BOARD APPROVED CERTIFICATES OF SURVEY & PLATS FOR RECORDING:**

- 1) C. of S. in Sec. 29, T36N, R26W for Kearney.
- 2) C. of S. in Sec. 27, T36N, R26W for Tisdell.
- 3) C. of S. in Sec. 31, T35N, R26W for Tungsten Holdings, Inc.
- 4) C. of S. in Lot 28, Block 1, Sec. 23, T30N, R31W for Eppler.
- 5) C. of S. in Sec. 35, T36N, R32W for Werner.
- 6) Plat of Airbase Flats III in Sec. 35, T36N, R32W for Beasley.

7) Plat of Whitetail Terrace in Sec. 5, T29N, R33W for Montana Mountain Valley L.L.C.

8) Plat of Stonegate Subdivision in Sec. 26, T36N, R26W for Ancker.

9) Plat of Curley Creek Subdivision in Sec. 32, T34N, R34W for Wood.

10) Plat of Hawk's View Subdivision in Sec. 1, T33N, R26W for Lucier.

**1:30 P.M. COUNTY SANITARIAN RON ANDERSON RE: STOVE CHANGE-OUT PROGRAM UPDATE:**

Anderson presented the Board with a non-binding letter of intent to move forward with the Wood Stove Change-Out Program. After reviewing the letter a **MOTION** was made by Commissioner Konzen to approve and sign the letter of intent. Second by Chairman Roose, so ordered upon consensus of the Board. Clerk & Recorder Coral M. Cummings will set up a grant fund when Anderson gets his fund approval. Anderson said that he received 5 applications for the position of Program Coordinator and that he interviewed the two best candidates. Anderson recommended Jerry Marquez for this position. **MOTION** by Commissioner Konzen to adopt recommendation to hire Jerry Marquez as the Stove Change-Out Program Coordinator. Second by Chairman Roose, so ordered upon consensus of the Board. Anderson questioned the insurance issue since Marquez is not a regular county employee, and asked if insurance could come from program money.

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**MOTION** by Commissioner Konzen to pay two months of Cobra for this position to be paid from fund money, not county funds. Second by Chairman Roose, so ordered upon consensus of the Board. Anderson said that Vicki Munson needs a letter of intent for a grant she is writing. The Board unanimously approved a letter of intent. A match will come from H.P.B.A. (Hearth, Patio & Barbecue Association) grant.

**2:00 P.M. MIKE HENRY RE: CREATION OF AN INDUSTRIAL DISTRICT:**

Henry presented the Board with a draft resolution to create an Industrial District. The Port Authority Board wants to establish an Industrial District with the Port Authority as the Industrial District Board in order to sell some pieces of the Port Authority property at the Stimson property site. Henry

asked the Board to review the resolution and confer with the county attorney and Kootenai River Recreational & Business Park to decide on this issue. Henry commented that the Moto Cross could purchase the property it needs and insure its property as the county insurance will not cover such events. Chairman Roose scheduled the next meeting for May 4<sup>th</sup>. Henry will advise the Port Authority Board to attend this meeting.

### **RE: TOBACCO VALLEY BUSINESS PARK:**

Henry said the Tobacco Valley Business Park is interested in a longer term lease (99 years) as it is now in its 20<sup>th</sup> year with 10 year renewals. Henry will send a letter to the Board on this issue for its review. Henry said he has someone working on a business plan and asked if a subdivision plan is required. Henry said he may need a full legal description and the subdivision process would solve this. Henry will check with County Planner Ken Peterson on these issues.

### **3:00 P.M. ADMINISTRATIVE ISSUES:**

#### **Board Appointments:**

1) **MOTION** by Commissioner Konzen to appoint Randall Cote to serve on the Bull Lake Rural Fire District Board of Trustees. Second by Chairman Roose, so ordered upon consensus of the Board.

2) **MOTION** by Commissioner Konzen to appoint Marlene Herreid and Ed LaBudde to the Fisher River Valley Fire Service Area, replacing Tom Wood and Linda Brousseau. Second by Chairman Roose, so ordered upon consensus of the Board.

**Exception to the Family Transfer Rule:** After a brief discussion Commissioner Konzen made a **MOTION** to approve exemption to the Family Transfer Rule. Second by Chairman Roose, so ordered upon consensus of the Board.

**Eureka Tax Increment District** from Town of Eureka Attorney Phelps.

**Reserve Officers:** Requesting to build an agility testing course at J. Neils Park.

**Tax Deed Process:** A letter was reviewed to Clerk & Recorder Coral M. Cummings and County Treasurer Geri Miller from the

Board of Commissioners to proceed with the tax deed process. A letter will be mailed to the property owners by May 1<sup>st</sup> notifying them of their delinquent taxes and a more thorough process will begin at that time.

**Cancellation of Personal Property Taxes:** A letter was submitted from County Treasurer Geri Miller for cancellation of personal property taxes. The Board will review the list.

**RESOLUTION APPROVALS AND SIGNATURES:**

**RESOLUTION NO. 696 Lincoln County WIC Program:**

**MOTION** by Commissioner Konzen to appropriate budget and revenue authority for 2971 WIC Fund as defined in Resolution No. 679 with an increase of \$8,413. New total budget will be \$85,078. Seconded by Chairman Roose, and so ordered upon consensus of the Board.

**RESOLUTION NO. 698 Public Health Emergency Preparedness Grant:**

**MOTION** by Commissioner Konzen to appropriate increased revenue and budget authority for expenditure of 2272 Public Health Emergency Preparedness Fund as defined in Resolution No. 698 with a revenue increase of \$14,834 for a total budget of \$61,156 and a total revenue of \$42,725. Second by Commissioner Windom, so ordered by Chairman Konzen upon consensus of the Board.

**RESOLUTION NO. 699 Mines Trust Fund:**

**MOTION** by Commissioner Konzen to establish budget and revenue authority for the \$135,000 USDA grant monies in fund number 2895 Mines Trust Fund as follows:

**REVENUE FOR RECEIPTING USDA GRANT MONIES:**

2937-331071	\$135,000	Rural Community
Development Initiative Grant		

**BUDGET FOR EXPENDITURE OF USDA GRANT MONIES:**

2937-325-470310-350	\$100,000	Rural Community
Development Initiative Grant		

2937-325-470310-380	\$ 25,000	
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2937-325-473310-370            \$ 10,000

Seconded by Chairman Roose, so ordered upon consensus of the Board.

A claim from **Scott Spencer** for past years services was reviewed and the Board decided to contact a county attorney on this issue.

**MONTH END TOTALS FOR MARCH 2005 PER  
ADDENDUM OF PAYROLL WAS:**

Total payroll approved for the month of March 2005  
was: \$ 338,359.03

Total employer payroll contributions for March 2005  
were: \$ 128,833.10

Total payroll and payroll contributions for March  
2005 was: \$ 467,192.13

Total warrants approved and paid for March 2005  
was: \$ 383,043.00

Total payroll, contributions & warrants for March  
2005 was: \$ 850,235.13

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

**BOARD OF COMMISSIONERS**

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**Chairman of the Board**

**ATTEST:** \_\_\_\_\_

**Coral M. Cummings, Clerk of the Board**

**LINCOLN COUNTY**

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**Marianne B. Roose,**

