

DECEMBER 14, 2005

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

9:00 A.M. ADMINISTRATIVE ISSUES:

RESOLUTIONS:

Resolution 719: Deposit from Sheriff's Sale of Confiscated Horses: A resolution to deposit \$4,162.00 (sealed bid sale proceeds for the sale of horses) in the Sheriff's budget 2300-209-420140-350 to account for a portion of the unbudgeted costs of veterinary, hay, feed & supply costs of confiscated horses on November 7, 2005. Costs to care for horses totaled \$11,518.01. **MOTION** by Commissioner Konzen to approve resolution 719. Second by Commissioner Windom, so ordered upon consensus of the Board.

Resolution 720: Holiday, Mileage Reimbursement, and Per Diem schedule for Jan. 1, 2006 – Dec. 31, 2006.

2006 Holidays set for by MACo are as follows:

January 2, 2006 – New Year's Day

January 16, 2006 – Martin Luther King Day

February 20, 2006 – President's Day

May 29, 2006 – Memorial Day

July 4, 2006 – Independence Day

September 4, 2006 – Labor Day

October 9, 2006 – Columbus Day

November 7, 2006 – State General Election

November 10, 2006 – Veteran's Day

November 23, 2006 – Thanksgiving Day

December 25, 2006 – Christmas Day

2006 Travel Rates:

Mileage: 0.485 per mile up to 1,000 miles

0.455 after 1,000 (in one month)

Lodging Rates: State rate (\$60.00 maximum) when available (plus tax)

Per Diem: \$26.00 Per Day: \$6.00 Breakfast

\$7.00 Lunch

\$13.00 Dinner

MOTION by Commissioner Konzen to approve resolution 720. Second by Commissioner Windom, so ordered upon consensus of the Board.

Resolution 721: A Resolution to establish a Lincoln County Planning Board: The Planning Board shall prepare a growth policy and shall serve in an advisory capacity to the Lincoln County Board of Commissioners. A resolution to schedule a public hearing regarding the formation of such a Planning Board is set for January 25, 2006. **MOTION** by Commissioner Konzen to approve resolution 721. Second by Commissioner Windom, so ordered upon consensus of the Board.

BOARD APPOINTMENTS:

MOTION by Windom to reappoint Mike Henry and Stan Kargol to the Port Authority Board. Both terms expire on 12-31-05. Each term is for 5 years and will expire on 12-31-10. Second by Konzen, so ordered upon consensus of the Board.

MOTION by Windom to reappoint Jerry Heyman, Jack Jesienouski, Dave Lyons, and Ron Hvizdak to the Eureka Fire Service Area Board. Lyons and Hvizdak's terms expired on 4-30-04. These terms are for 3 years and will expire on 4-30-07. Heyman and Jesienouski's terms will expire on 4-30-06. These terms are for 3 years and will expire on 4-30-09. Second by Konzen, so ordered upon consensus of the Board.

The Board signed **Certificates of Election** for the Municipal Election held on November 8, 2005.

The Board had a brief discussion on the **USDA Grant**. A person will need to administer the grant upon resignation of Vickie Munson. It was suggested to use the college. The Board will further review this and other possibilities.

The Board discussed changing **time cards to be submitted to the Personnel Office** on Friday's in the morning instead of by noon.

MOTION by Commissioner Windom to pay **County taxes due** on tax numbers from P.I.L.T. fund. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Lincoln County Government Business Continuation Plan for Emergencies and Disasters. Rough Draft was received by the Board of Commissioners.

10:00 A.M. USFS SUPERVISOR BOB CASTENADA RE: FOREST PLAN:

The 2006 Forest budget is down \$1 million. The Forest Service will have many more requests for special use permits than it will have money to handle these requests. The Forest Service does not plan on cutting back on employees, but will probably cut back on seasonal hires, which are mostly local people. Decreases in funding would cut back on trail maintenance, but may look at Title II money for this purpose. A brief discussion took place on appropriations for Title II and Title III. Chairman Roose asked about reauthorization of these monies. The F.S. should be getting a biological opinion on the Rock Creek Project and hopes to have it before the end of 2005 and will meet with Mines Management and DEQ after the 1st of the year.

10:30 A.M. PUBLIC HEARING ON JOINT CITY/COUNTY AIR QUALITY

ORDINANCE: Present were County Sanitarian Ron Anderson, Kathy Bales, Kendra Lind, Luella A. Krebs, Peggy Williams, Paul Leimbach, Kevin G. Cardwell, Thomas M. Chasey, David Deshazer, Lemar Lindsay, Jack Goldman, Brent Shrum, and A. Vaughan. Anderson explained the Libby area does not meet the criteria for new standards and Libby has not been labeled as not in contaminant. The Environmental Health Dept. has reviewed and revised the regulations for presentation for this hearing. The Libby area will need to get in compliance with the new ordinance. Kathy Bales showed the group a PowerPoint presentation pertaining to particles less than 2.5 micrometers in diameter. Current standards were set in 1997. Health effects of these particles (P.M.) are dangerous to respiratory and heart ailments. Libby is designated as non attainment due to the high consistent annual averages.

The new ordinance targets the following areas:

Solid Fuel Burning Devices

Dust Control

Outdoor Burning

Residential Burning (1 month window and requires a permit)

Management (April 1 through October 31)

Closed Burning Period (November 1 through March 31)

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Anderson opened the hearing for discussion. Chasey asked for the areas to be defined. Anderson explained the boundaries to the group. Krebs questioned why there are no car emission standards in Montana. Chasey asked about an outside wood burning system and how this would be addressed. Anderson said this has not been addressed yet. Chasey would like some answers on this and commented that replacement of this system would be very expensive. Leimbach said he does not understand all the criteria and appreciates the work done on this and feels the fuel reduction started is a good thing and would not like to see this project stopped. Anderson explained that a fuel reduction project would be allowed spring through fall. DeShazer said last winter some times were great for burning and would like to see some flexibility on this to make use of these times. Anderson said there would be a conflict with State regulations on winter burning. Vaughan asked what impact would there be if the F.S. stopped burning slash piles and felt this would help. Krebs asked why logging slash could not be made into firewood to stop some burning. Chasey asked Anderson how this ordinance would be enforced. Lind explained what is being set up for violators. Anderson commented that he is expecting violators. Cardwell said losing the month of November makes him nervous because conditions for burning are best in November with less wind and the problem of people starting fires on slash piles occurs during other times. Cardwell said the chipping of slash piles and transporting to stone container was not an option due to high cost of transportation and asked for the options to be open in November for days that are suitable for burning. Anderson said the same adjustment was made for April burning.

The second reading is scheduled for January 9th and any changes will be done at that time.

11:00 A.M. BID OPENING TROY GRADER: One bid was received from Don Brown in the amount of \$15,001. Bid was under the minimum bid. **MOTION** by Konzen to take bid under consideration. Second by Windom, so ordered upon consensus of the Board.

1:30 P.M. REALTORS & DEVELOPERS DISCUSSION ON GROWTH PLAN: Present were County Planner Ken Peterson, Assistant County Planner Mary Klinkam, Mike Workman, Jay Dinning, John Vignali, Sharron Sverdrup, Robert Potter, Doug Watson, Clyde F. Miller, Corrine Canavan Fifield, Richard Thompson, Jack DeShazer, Alice L. Hayes, David DeShazer, Jim Hayes, Patty Evans, Stan Evans, Ken Maucuso, Terry Tyndall, Kenneth E. Davis, Scott A. Curry, Rolf & Evelyn Zillmer, Rod Delaney, Peggy Williams, Richard S. Wood, Mike Fissori, Bill Blason, Ted Werner, Henry (Hank) LaSalle, Kendra Lind, Michael A. Munro, Richard

Thompson, Gene Chappell, Gary Spencer, Dejon Ague, John Ague, Dario Scarbosio, Ron Brown, Bill Johnson, Steve Briskin, Frederick Werner, Dan Carson, Ron Mest, Tony Berget, and Tony Bacon.

Meeting was opened by Chairman Marianne Roose. Russ Barnes requested the meeting. Barnes said he hears much confusion and misunderstanding and concerns of where this Growth Plan is going, and would like these issues clarified for the realtors and developers. Barnes sees development as a major industry in the county and does not want to see this jeopardized. Roose said the Growth Plan is now being mandated by the laws which start with the Board of Commissioners to pass a Resolution to put a Planning Board into place and appoint a Planning Board. The Planning Board will have responsibilities concerning development. Other counties have reported no adverse effects of a Planning Board. Roose explained growth policy is a vision of the future for a community and it will establish objectives and goals to attain those goals. A Planning Board needs to be established first and then adjustments can be made to reflect what the community wants out of the policy. Barnes questioned if zoning is required. Klinkam said it can be and this will be discussed during the growth policy planning. There are several planning tools which can be used. Roose said the Board discussed a Planning Board on each end of the county and several areas were identified. LaSalle questioned if the policy would have the force of the law. Peterson explained the policy is developed by the people and is a plan and policy only. It is a guideline only and no enforcement teeth are in it. Roose commented that when a growth policy is developed, subdivision regulation can be adjusted. Barnes said one of the fears and restrictions he sees is recreational needs being met by public lands, but there is a concern of private property rights that need to be addressed. Peterson commented that it is a plan for growth and this issue would be addressed. Blason asked who determines the Planning Board. Roose said the Commissioners will do this through publication and interviews and would like a diverse group of dedicated people. Windom commented the Board is very cognizant of private property rights. Roose commented the City of Libby has already started this process. Mayor Tony Berget said the City is having a hard time getting a Board and asked if the county has put out a requirement of the 60' ROW through a pre-existing subdivision. Konzen told the group it is not doing anything different than other counties. Windom said she asked County Planner Ken Peterson if all subdivision stops by October 1, 2006, if a growth policy is not in place. Peterson said the county attorneys are still deciding this issue. Workman reiterated Konzen's remark about a 60' easement and asked if 20 acres are located at the end of a subdivision with a 40' easement, would these 20 acres be allowed to subdivide. Peterson explained the splitting. Barnes said easements are granted a long time ago and now development laws make it difficult to go back and require a wider easement. Peterson gave an example of historical easements and explained problems involved. Barnes asked if this would be addressed in the growth plan and Peterson said yes it would be addressed. LaSalle questioned the time frame of the growth plan and creation of a Board. Scarbosio commented he saw zoning mandated in Oregon and how it escalated and he is still afraid this will eventually affect private property rights. Scarbosio complimented Peterson on his help and cooperation. Ron Mest asked who a person turns to for authorization of this policy. Peterson said the County Commissioners approve the final plan and the State has some requirements that must be met as well. Peterson explained to the group that there must be a plan in place to zone. Lincoln County has not had a plan, therefore, has not zoned. Although this will be a county plan, the individual areas will be addressed. Konzen named counties who have growth plans and some zoning. These counties have not had the growth hindered. The Board

promotes logging, mining, recreation and development growth. DeShazer commented the reason we are all here is in the past years we have seen a change in attitude and things are harder to get through subdivision review. Peterson pointed out that State Regulations have changed as well as requirements and road issues are always an issue. Subdivisions are larger than in the past. Minor subdivisions go through quickly; only the major subdivisions take more time. DeShazer said we are seeing more growth and realtors are a little scared of others being in charge of private property rights. Peterson said he feels the Board is not holding up subdivisions and that it has an obligation to address access, safety and other issues. Windom commented that subdivisions should not be an easy thing to do; they should be a thoughtful process. Restrictive covenants need to be in place. Windom told the group that 60% of taxes go to schools and only a small portion goes to county government and emergency services. Konzen reminded the group that people think these services are available when they are not, and questioned how the county is to absorb these costs. Emergency services are volunteer and costs are high. These charges need to be assessed fairly and with the demand on services, impact fees could be important. LaSalle commented there is too much reference to developers and this is important to others as well. Evans said he does not care what state laws say, we need a plan in this county and does not want everyone at this meeting going home thinking we won't have a plan. We will have a plan. Kneller commented he lives in Troy and is paying taxes on the road which is now being utilized for further subdivisions. There is a need here for a plan, but it is crucial to those people with input to do so in a caring way. Kneller said he is not against a growth plan as long as it does not strap us to zoning. Roose commented the input of citizen's in each area is needed. Dinning applauded the Commissioners and Ken Peterson for the work being done.

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Briskin said in the past, Planning Boards were formed and were persecuted and run off and asked if this new Planning Board is going to take steps to see this doesn't happen. Peterson said having people from each area should help and he thinks we are in a new time here. Barnes feels residential covenants can be more stringent than public policy, and also commented that property sold up until this is finalized will not be treated any different than it would be today. The public meeting was officially closed.

2:30 P.M. P.M. KEN PETERSON, COUNTY PLANNER:

Subdivisions presented for approval:

Pinkham Hollow Estates: A 5 lot minor in the NE¼, Sec. 7, T35N, R27W. Total area: 33.89 acres. The Board unanimously agreed to approve Pinkham Hollow Estates upon Planning Staff recommendations.

Amended Lot 1, Justice Acres: A 2 lot minor in Sec. 31, T35N, R33W. Total area: 25.18 acres. The Board unanimously agreed to approve Amended Lot 1, Justice Acres upon Planning Staff recommendations.

RE: COURT ORDER SPLIT: MOTION by Konzen to approve court ordered split submitted by J. S. Rodich. Second by Windom, so ordered upon consensus of the Board.

BOARD APPROVED CERTIFICATES OF SURVEY & PLATS FOR RECORDING:

C. of S. in Sec. 7, T34N, R25W for Vizzutti/Nordahl.

C. of S. in Sec. 33, T31N, R33W for Robinson.

C. of S. in Sec. 24, T33N, R27W for Fleming.

C. of S. in Sec. 4, T32N, R31W for Plum Creek Timber Company.

C. of S. in Sec. 23, T37N, R27W for Wachholz.

A Plat of Porcupine Subdivision in Sec. 29, T30N, R33W for Montana Mountain Valley L.L.C.

A Plat of Alfalfa Flats Subdivision in Sec. 4, T36N, R27W for JFLI Trust.

Amended Lot 1 of Angler’s Rest Subdivision in Sec. 17, T30N, R33W for C.C. & S.B.J. L.L.C

Amended Plat Lot 1A2, Millwood Subdivision in Sec. 10, T30N, R31W for Universal Lands Inc.

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

BOARD OF COMMISSIONERS

LINCOLN COUNTY

Chairman of the Board

Marianne B. Roose,

ATTEST: _____

Coral M. Cummings, Clerk of the Board