

OCTOBER 26, 2005

The Board of County Commissioners met for a regular session in the Lincoln County Courthouse at 10:30 a.m. with Members John Konzen, Rita R Windom, and Deputy Clerk Robin A. Cerny present. Chairman Roose was attending the State of Montana Association of Planners and Subdivision Class 101.

10:30 A.M. COUNTY SANITARIAN RON ANDERSON RE: STOVE CHANGEOUT PROGRAM UPDATE:

Present were John Crouch, Jack Goldman, and Program Coordinator Jerry Marquez.

Commissioner Konzen opened the meeting with the Pledge of Allegiance. Anderson said he is planning a Burn Smart Fair scheduled for Saturday, October 29th. Current recipients have received a letter of invitation to the fair. The purpose of this fair is to educate people how to properly use wood stoves, firewood collection and storage. Currently, there have been about 100 installations. Marquez said recipient's emotions express gratefulness and thankfulness. Marquez feels that more advertisement needs to be done. Commissioner Konzen said the choice people have is to burn wood or not to burn wood. During Phase II, Commissioner Windom stated the importance of people realizing that the county does not subsidize the purchasing of pellets and propane. Marquez told the Commissioners of the State Tax Credit for recipients and a House Bill was introduced on September 29th, which if passes, would qualify recipients of a Federal Tax Credit. Commissioner Windom asked if the Commissioners could make a personal visit to homes of people who have not come forward to learn why they chose not to become a part of this program. Anderson said this is a privacy issue, but that he would look into it. Commissioner Konzen asked when Phase II would begin and Crouch said it is important to wait until all monies are in place.

11:00 A.M. MIKE FRASER, TDH RE: PRE-CONSTRUCTION CONFERENCE FOR TROY BRIDGE PROJECT:

Present were Ron Downey, Greg Matelica, Pat Geer, Chris Noble and Mike Fraser.

Fraser presented the Board with Contract Documents Specifications & Drawings for Troy Bridge Approach Roadway Widening Project. Fraser went over a standard outline with the Board explaining the contract and responsibilities of all parties involved. Some topics covered were traffic control, erosion control, monthly surveys, and safety. A brief discussion took place about the possible salvage of larger rock and how to handle this. Noble agreed to work with the Road Dept. on where to store the large rock (approx. 20 truck loads). Noble discussed his basic work plan of operation to keeping traffic flow open, safety, waste area, dump zone, turnaround area and equipment parking. Noble would like to begin work by Monday, November 28th. Winter weather and spring break up will play a role in possible delays or temporary shut downs.

1:00 P.M. THORNE JOHNSON RE: HEALTH AND HUMAN SERVICES:

Johnson presented the Board with the Community Operating Plan and Annual Agreement for Oct. 1, 2005 through Sept. 30, 2008. Johnson said the biggest change is the plan is now a 3 year agreement instead of 1 year. Johnson said overall caseloads has dropped but has shown a slight increase recently. Johnson explained that Temporary Assistance to Needy Families (TANF) is a work program. Out of 35 cases in Lincoln County, 23 are on this work program.

1:30 P.M. PUBLIC HEARING FOR WOODLAND HEIGHTS LOT 11: Present were Mandy M. Curtiss, Mary Lee Johnson, John Damon, Joan Clough, Kendra Lind, Cymon Anthony (Tony) Curtiss and Candace Curtiss. Peterson explained the process of preliminary plat approval and opened the meeting up for public comment. Johnson expressed opposition to the property being split. Johnson feels splitting this property into two lots opens the door for others to do the same.

Mandy Curtiss expressed concern and frustration about the ownership of the property in question. She showed documentation of approximately \$11,000 she has paid into an escrow account, showing a financial interest to this property. A legal document or deed has not been drawn up pertaining to the ownership of said property. Commissioner Konzen made a **MOTION** to refer this to County Attorney Bernie Cassidy for a legal opinion. Konzen stated that approval will be denied by the Commissioners due to confusion of ownership. Commissioner Windom agreed that this issue needs to be reviewed by a county attorney. Peterson read letters from Richard Johnson, Lonnie Hansen, Carol Rosenquist, and George and Joan Clough expressing opposition to this subdivision. Konzen asked Tony Curtiss to explain ownership of this property. Tony Curtiss explained that his sister Mandy has been paying into a escrow account with the intent to sell half of property to her. Curtiss said he did not know that he would not be able to get subdivision approval. Konzen asked if a legal description was set up at the time of the escrow account. Commissioner Windom explained subdivision laws pertaining to money staying in an escrow account until preliminary plat approval. Commissioner Windom stated there will be an attorney involved because legal documents have been presented to the County Commissioners. Tony Curtiss stated that he is going to withdraw his proposed subdivision for approval at this time. Konzen advised Tony Curtiss to meet with Ken Peterson in the future should he decide to move forward with a proposed subdivision. Peterson recommended Tony Curtiss bring a representative from Lincoln County Title Company at any public hearings in the future. Commissioner Konzen told Tony Curtiss he needs to resolve the issue of approx. \$11,000 paid by Mandy Curtiss to an escrow account on this property that she believes she has been purchasing.

2:00 P.M. KEN PETERSON, COUNTY PLANNER: Present were John Damon and Kendra Lind.

Subdivisions presented for approval:

Kennedy Gulch Subdivision: A 1 lot minor in the NW¼, SE¼, Sec. 4, T30N, R30W. **MOTION** by Commissioner Windom to approve subject to Planning Department recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Pinkham Hallow Estates: Parcel C, C.O.S. 3124, NE¼, Sec. 7, T35N, R27W. A discussion took place pertaining to a single lane bridge and adequate site distance. The Board decided to postpone a decision for 1 week to clarify these issues.

Lot 3 Glen Creek Lots Subdivision: The NW¼, Sec. 23, T36N, R26W. **MOTION** by Commissioner Windom to approve subject to Planning Department recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Fatt Boy Subdivision: A portion of the SW¼, Sec. 6, T36N, R26W. **MOTION** by Commissioner Windom to approve subject to Planning Department recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Subdivisions presented for review:

Amended Lot 1, Justice Acres

2:30 COUNTY SANITARIAN RON ANDERSON RE: TRAILER RECOVERY:

Anderson said that Dave Strand Jr. & Dave Strand Sr. have asked the county to come up a list of 10 trailers to visit. A quote will then be given as to the cost of removal. Anderson said it is impossible to come up with a per mile fee. Anderson asked the Board what revenue is going to be used to pay for trailer removal and does not feel this cost should come from Solid Waste Fund. Anderson said this is not a solid waste issue. Commissioner Windom stated she feels a strong hand needs to oversee this program and to move forward with a 10 pilot program. **MOTION** by Commissioner Windom to accept proposal for the Junk Trailer Pick-Up Campaign with the question of funding to be worked out. Second by Commissioner Konzen and so ordered upon consensus of the Board. A brief discussion took place pertaining to funding for this program. **MOTION** by

Commissioner Windom to set up a special line item in the P.I.L.T. Fund of \$38,000. Second by Commissioner Konzen and so ordered upon consensus of the Board. The Junk Trailer Program will begin tentatively on April 1, 2006.

RE: AIR POLLUTION ORDINANCES: Also present was Kendra Lind.

Anderson presented to the Board copies of the Air Pollution Control Ordinance Proposed Revisions. Anderson explained the regulations for solid fuel burning devices, road dust control, and open burning. Effective date for this Ordinance if adopted is January 1, 2007. Anderson said one of the biggest changes will be the time allotted for residential burning for disposal of yard/garden wastes. Residential burning will be strictly limited to the month of April. Bischoff commented that if the county

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does not adopt this ordinance, EPA will stipulate regulations and this should be avoided. Anderson stated all sources of pollutants are being monitored and the reduction of emissions from each source is ideal to create room for other activities. The question is what is essential vs. what is not, and how pollutants can be pared down in each area. A brief discussion took place about residential open burning and possibly adding another month to the allotted time. Anderson said it is possible to do some re-wording in the residential open burning section of the ordinance.

4:00 ADMINISTRATIVE ISSUES:

Cook vs. Huff Court Order Split: After a brief discussion a **MOTION** was made by Commissioner Konzen to approve request for Court Order Split Cook, Plaintiffs vs. Huff, Defendants. Second by Commissioner Windom and so ordered upon consensus of the Board.

McFarlane, Kostina, Fleming, Horsky, Morrison Court Order Split: District Judge Prezeau submitted a legal document requesting written comment by the Board of Commissioners pertaining to this issue. The Board unanimously agreed to stand by their original decision to deny request. Bill Bischoff will give written comment to District Judge Prezeau re-affirming the Boards original decision.

BOARD APPROVED CERTIFICATES OF SURVEY & PLATS FOR RECORDING:

C. of S. in Sec. 15, T36N, R27W for Hurst.

C. of S. in Sec. 13, T29N, R31W for Crismore.

C. of S. in Sec. 6, T36N, R27W for Santiago.

A Plat of Treasure Acres in Sec. 17, T29N, R33W for Watson.

Amended Lot 1B of Grubstake Subdivision in Sec. 9, T34N, R33W for Delaney.

A Plat of Aspen Glen in Sec. 35, T36N, R26W for Ironlight Development Corp.

Routine business completed the day and the Board adjourned at 5:00 p.m.

BOARD OF COMMISSIONERS

LINCOLN COUNTY

Chairman of the Board

Marianne B. Roose,

ATTEST: _____

Robin A. Cerny, Deputy Clerk