

**APRIL 5, 2006**

The Lincoln County Board of Commissioners met for a regular meeting in the Courthouse at 10:00 a.m. with all members present: Chairman Marianne B. Roose, Members Rita R. Windom and John C. Konzen, Executive Assistant Bill Bischoff, and Clerk & Recorder Coral M. Cummings.

**10:00 A.M. RESOLUTIONS:**

**Resolution #729:** The **Lincoln County Sheriff's Dept.** has received Grant No. 2006-13-01-11 in the amount of \$16,000. Budget appropriation and revenue is established as follows:

Revenue: 2300-331150  
\$16,000 (increase)

Budget: 2300-209-420140-230  
\$16,000 (increase)

**MOTION** by Commissioner Konzen to approve Resolution #729. Second by Commissioner Windom, so ordered upon consensus of the Board.

**Resolution #730:** A resolution to **transfer funds to reimburse the Park Fund** for a loan repayment in the amount of \$10,525. The following transfer and budget numbers are to be used:

Decrease budget numbers: 2895-321-470300-390  
\$10,525

Budget decrease to transfer out numbers: 2895-200-521000-820 (Transfer to other funds) \$10,525

Transfer cash to transfer in numbers: 2210-383000 (Revenue)

Increase budget in the amount of transferred revenue: 2210-260-460400-390  
\$10,525

**MOTION** by Commissioner Windom to approve Resolution #730. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**Resolution #731:**

WHEREAS, the Board of Lincoln County Commissioners held a Public Hearing on January 25, 2005 in order to form a Planning Board; and

WHEREAS, the Board of Lincoln County Commissioners unanimously voted to form a Planning Board at said Public Hearing, and;

NOW, THEREFORE BE IT RESOLVED, that a **Lincoln County Planning Board shall be established** pursuant to and under the provisions of Title 76, Montana Code Annotated.

PASSED AND ADOPTED this 5<sup>th</sup> day of April, 2006.

**MOTION** by Commissioner Windom to approve Resolution #731. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**Resolution #732:** A resolution to **establish jurisdictional boundaries of the Lincoln County Planning Board.**

**MOTION** by Commissioner Windom to approve Resolution #732. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**JUVENILE PROBATION REQUEST:** The Board of Commissioner reviewed a request for funding from Title III for Juvenile Probation. Request was submitted by Carl J. Leggins and Joe McElmurry. **MOTION** by Commissioner Konzen to budget \$15,000, plus FY 05-06 budget carry over, if available in FY 06-07. Second by Commissioner Windom, so ordered upon consensus of the Board.

**CLARIFICATION OF BEAR CREEK ROAD:** Commissioner Windom said Mark White told her the road is a county road. Commissioner Windom said she does not think the Board should be concerned except in the instance the mine does not develop and the county would have ownership and maintenance of the road. There is 11 miles of road. This will be researched further.

**11:00 A.M. TREASURER GRI MILLER:** A discussion took place about cash management and balancing monthly reports as discussed in the Exit Conference for county audit. Miller said she is giving all of her staff training and is planning a work/training session in April. Currently Toni Kinden and Connie Vogel are being trained on all money transfers between the various accounts. One person will edit the wire and set up and a second person will transmit and finalize. Miller will talk to Glacier Bank to see if one person can set up transfer and a second person can make the transfer. Miller currently has only one password for all to use.

**RE: CURRENT BALANCING**

Current balancing is through February. Miller will be filing the reports with the Clerk & Recorder. Miller will give an update on Wednesday, April 12.

**1:30 P.M. COUNTY PLANNER KEN PETERSON SUBDIVISION REVIEW:** Also present was Assistant Planner Mary Klinkam.

Chairman Roose signed Final Plat **Motocross Subdivision** in the NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Sec. 11 T30N, R31W.

**MOTION** by Commissioner Windom to approve preliminary plat of **Kootenai View Subdivision** subject to Planning Staff recommendations. A 5 lot minor in the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> & Gov't Lot 7 in Sec. 33, T31N, R31W. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**AMENDMENT TO LINCOLN COUNTY SUBDIVISION RULES: MOTION** by Commissioner Konzen to amend current bridge requirements to meet the driving surface requirements on the access road for subdivisions. Second by Commissioner Windom, so ordered upon consensus of the Board.

**2:30 P.M. DAM OVERFLOW:** Present were Terry Andreesen, and John Johansen.

Andreesen asked the Board if the county would be interested in taking the lead in filing a lawsuit and injunction against the Corp. of Engineers (refer to as Corp.) for dam overflow that exceeds state standards. Andreesen and Johansen intend to move forward on this issue. Andreesen believes the Corp. is dictating which species of fish are to be protected and asked if the county has a legal or moral obligation to pursue this for the benefit of the entire county. Commissioner Windom said the Board needs to get in touch with the Governor, as the N.W. Power Planning Council needs to take a stand on this. A newspaper article stated that the state law would stop anyone from exceeding the levels of 110%. Andreesen feels the Corp. is not leaving room for error such as what happened in 2003 and doesn't feel they should be putting residents in jeopardy. Andreesen said the Corp. does not have sound theory on this process. The Corp. told Andreesen that it feels it has to take this action or face lawsuits from F.W. & P. Chairman Roose asked Andreesen to clarify the request. Andreesen and Johansen want the county involved with Montana States Legal Council. Andreesen fears the state will not take action until the Corp. makes its Record of Decision and by the time the state gets involved, the Corp. would already be dumping.

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For clarification, the Corp. is developing a plan to carry out spill operations at Libby Dam to benefit the endangered white sturgeon. Participation is technical and biological experts from U.S. Army Corp. of Engineers, the BPA, US Fish, Wildlife Service, Kootenai Tribe of Idaho, Confederated Salish & Kootenai Tribes, and the States of Montana & Idaho. Objective is to bring their viewpoint to the Board of Commissioners. The Board will contact the Governor's office on this issue. Andreesen and Johansen will set up a meeting on this; follow up and coordination will be complete.

**WARDS CRUSHING:** Wards crushing approached the Board concerning an audit of its company books on fuel users taxes and permit. Ward had not included tax costs in the bid submitted to Lincoln County and suggested the county be sure to place this information in the bid so contractors know to include these costs. Ward asked the Board if it would reimburse him the fuel taxes and penalty he will be required to pay. No decision was made at this time.

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

**COMMISSIONERS**

**LINCOLN COUNTY BOARD OF**

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**Marianne B. Roose, Chairman**

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

**Coral M. Cummings, Clerk & Recorder**