

DECEMBER 20, 2006

The Lincoln County Board of Commissioners met for a regular session in the Eureka Annex of the Courthouse at 10:30 am. Present were Chairman Marianne B Roose, members John Konzen, Rita R Windom, and Lincoln County Clerk and Recorder Coral Cummings and Clerk and Recorder Elect Tammy D. Lauer.

10:30 AM: **Tax Incentive for Libby Sports Center.** Present were Senator Aubyn Curtis and Steve Newman. Owner of Libby Sports, Ardell Filler is requesting a tax incentive for expansion portion of the Sports Center in Libby. Commissioner Windom presented request, plans, bank statements and resolution for review. Commissioner Konzen told the board that he did not feel that the situation was the same as the Tax Incentive for Munro. Munro took down an old dilapidated building and replaced it with a new building and even created jobs with a new business. Commissioner Konzen suggested that this subject be tabled until the next meeting so that the mayor could be contacted to see how he feels about the loss of revenue. It will be discussed further at 11:30. Commissioner Konzen moved to table the discussion to January 3, 2007: Commissioner Windom seconded. So ordered upon consensus of the Board.

10:45 AM: **Senator Curtis.** Present were Senator Aubyn Curtis and Steve Newman. Senator Aubyn Curtis came by to discuss the Commissioners legislative priorities. Commissioner Konzen discussed Mental Health Providers. Lincoln County should have 4 Mental Health Providers and has none. There is a concern about transporting patients to institutions and the safety involved and also the possibility of scheduling a hearing on the same day so that the patients are transported less. Video hearings may be a possibility. Senator Curtis asked how much money is involved in the proposed solutions and Commissioner Konzen said that some money is in the Governors Budget but is not sure how much. Senator Curtis will contact Mike Keenan on this issue. Senator Curtis also discussed election issues with Clerk and Recorder Coral Cummings.

11:10 AM: **Public Hearing Tobacco Valley Economic Council Tax Increment District for Industrial Park in Eureka.** Present were Senator Aubyn Curtis, Steve Newman, Gary Blaz, Buck Schermehorn, Tracy McIntyre, and Mike Henry. Mike Henry, Chairman of the Business Park Committee, presented and discussed the groups request. Motion by Commissioner Konzen to approve creation and establishment of the Industrial District, Second by Commissioner Windom, so ordered upon consensus of the Board. Mike Henry presented a list of the 8 applicants willing to be Board Members and said 5 members are needed. The Board of Commissioners will review the list and make a decision later. Gary Blaz was questioned about how things were going in the school district. He thanked the Board and Coral Cummings for their support and help.

11:20 AM: **Senator Curtis.** Commissioner Windom expressed her concern to Senator Curtis that Lincoln County is not being represented well by the State Highway commission. She feels that the Swamp Creek Project is being ignored. Chairman Roose said the new management in her area is very responsive.

11:35 AM: **Diane Powell.** Ms. Powell is the new Conservation District Board member and came by to introduce herself. Ms. Powell stated that members of the Board have resigned and she will notify Commissioners of changes in supervisors and advised that office hours are 12 noon to 5 pm each day.

11:40 AM: **Tax Incentive for Libby Sports Center.** Letter had been written showing 11:30 as the time this would be on the agenda, therefore, another vote was taken at this time. Commissioner Konzen moved to move the discussion to January 3, 2006, Commissioner Windom seconded. So ordered upon consensus of the Board.

11:45 AM: **Fair Board discussion will be moved to 3:00 this afternoon.**

RE: The Board of Commissioners signed Certificates of Election for new County Elected Officials: Commissioner Marianne B Roose, Sheriff Daryl Anderson, Clerk and Recorder Tammy D. Lauer, Coroner Steven H. Schnackenberg, County Attorney Bernard R Cassidy, Superintendent of Schools Ronald R Higgins, Justice of the Peace Gary Hicks, Treasurer Nancy Trotter Sutton, Justice of the Peace Stormy Langston, and Administrator Jeannie Dennis.

RE: Commissioner Windom presented letter and papers from Smith Law Firm P.C. on a lawsuit concerning Mark Nelsons Hospital bill at Kalispell Regional Hospital. Will send copies to MACo for insurance information.

1:30 PM: **Mary Klinkam, County Planner, Subdivision reviews.** Present were Mary Klinkam, Ted Carpenter, Jerry Croskrey, Paula Stowes, Marshall Pearson, Don Longgood, Annette Longgood, Carol Smith, Lisa March, Bill Connelly, Richard Luciano, Rick Eldred, Gwen Backs, Steve Smith, Sam Cordi, Harold Battest, Dawn Marquardt, Debbie Shoemaker, Lisa Haugens, Larry Watlin, Rudy Selby, Pamela Selby, Ryan Purdy, Mike Workman, Barb Renkema, Richard F. James, Wayne Renfro, Craig McKay, Lisa McKay, Doug Benford, Ann Benford, Ken March, John Palmer, Lisa Palmer, Robin Little, Robert Little, Paul Alexander, Marti Alexander, Gary DeLorenzo, and Kim Delorenzo.

Subdivisions presented for approval or signature:

1. **Byson Subdivision presented for review:** 5 lot minor subdivision located at W ½ SE ¼, Section 32, Township 37N, Range 27W, PMM. Largest lot is 10 acres and smallest is 1.866 acres. Was presented and recommendations were stated. Situation on this property is that in 1979 Kooconusa Estates Subdivision was approved by the Commissioners and the Declaration of Conditions, Covenants & Restrictions (CCR's) were recorded for the subdivision, however, the subdivision was never recorded and the 3 year period for the recording has expired. County Planner is recommending approval based on information from the County Attorney as to the validity of the CCRs. Discussion of current landowners over concerns of the width of the road easement, the covenants, the lot size, and the validity of the covenants ensued. Many landowners thought that the covenants should be grandfathered in because they had been issued to each landowner over the last 27 years. The issue of the lot size was very important to the landowners, the covenants read that the lots cannot be under 10 acres. All of the landowners present agreed that they would not grant the land developer the easements for the roads. Two landowners voiced concerns over growth in the area that will be detrimental to the community. One landowner stated that the water availability may be a problem. Attorney Chuck Evans stated that the CCRs do not reference Kooconusa Estates Subdivision but simply the property description. Mr. Evans stated that variances on the covenants have already taken place. There were originally 8 lots and now are 25. Annette Longgood read a part of the covenants which say that 65% of the landowners have to agree to subdividing a lot. Commissioner Konzen said that the original minutes should be researched and also the County Attorney should give more discussion on the validity of the CCRs. Commissioner Konzen suggested that this issue be moved to the January 17th meeting in Eureka at 9:30 a.m. The Board agreed and the meeting was scheduled.
2. **Sophie Creek Estates:** Developer is J F L I Trust. NW1/4, Section 14, Township 37N, Range 27 West, PMM This subdivision had a public hearing on 11-15-06. There was concern about flooding up to 1 foot in 2005. Barb agreed that they would move septic systems on lots 14, 15, and 16 up above the flood area. Commissioner Windom moved to preliminary acceptance of subdivision based upon relief of septic systems and culvert. Seconded by Commissioner Konzen, so ordered upon consensus of the Board,
3. **Open Range Subdivision:** Developer is Rich Blankers. 4 Lots at 2.5 acres each. NE1/4 Sec 27, Township 37N, Range 27W.

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4. **Stone Hill Subdivision:** Developer Watson Family Trust. 4 Lots between 1.44 acres and 8.40 acres. NW1/4 Section 26, Township 36 North,
5. **4C's Subdivision:** Homestead Entry Survey No. 573 Being in the SW1/4 Section 21, Township 35N, Range 27W. final Plat. Signed by Commissioners.
6. **Murray Island Subdivision:** NW1/4 Section 20 Township 37N Range 27W signed by commissioners
7. **Timber Glen II Subdivision:** NE1/4 Section 26, Township 36N, Range 26W was signed by commissioners.
8. **Glen Lake Hills:** NW1/4 Section 27 and E1/2 Section 28, Township 36N Range 26W was signed by commissioners.

RE: Wapiti Estates Subdivision: Request in writing from Noel Williams requesting a variance of road width on 200 feet of the road for this subdivision due to one owner not allowing easement of 60 feet but would allow 40 feet. Tabled until 1-3-07.

3:00 PM: **Fair Budget.** Present were Lynette Starling and Mike Cole. Commissioner Windom asked why the revenue has not been added from the Rodeo. Mike Cole said that the rodeo failed this year to earn the funds that were expected due to extreme hot weather. Mr. Cole is hoping to generate income from other sources and assured the Board that the money would be there. It was mentioned that the funds do not have to come in one lump sum, separate deposits may be added at any time. Mr. Cole pointed out that the Rodeo Issue is separate from the Fair Issue and that the fair has paid their payment and will do so again in June. Commissioner Windom pointed out that the Fair Board should notify the commissioners of the status. Commissioner Windom pointed out that the fair budget is short on cash as the payment on the loan was taken from the fair's operating budget (tax revenue). Commissioner Windom further stated that the fair could be on registered warrants if the rodeo revenue doesn't come in soon.

Administrative Issues:

Signed Resolution No. 769 to set the Holidays and travel rates for 2007.

The Board adjourned at 5:30 pm.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Marianne B. Roose, Chairman of the Board

As Clerk of this Board for the past 16 years, I would like to say a fond farewell in this, my last official meeting clerking the Board of Commissioners, and wish each member health, happiness and success. Through both good times and bad, I have truly loved and enjoyed this position, and appreciate all the Commissioners I have served with. I will miss it all. Thank you and God Bless all of you and Lincoln County.

ATTEST: _____
Coral M. Cummings, Clerk & Recorder