

DECEMBER 6, 2006

The Lincoln County Board of Commissioners met for a regular session in the courthouse at 9:00 a.m. Present were Chairman Marianne B. Roose, Members John Konzen and Rita R. Windom, and Deputy Clerk Robin A. Benson.

10:00 A.M. SUPERINTENDENT OF SCHOOLS RON HIGGINS: Present were Nancy Trotter Sutton, Alvin Benitz, Brent Shrum, and Peggy Williams.

Ron Higgins received a letter from Executive Assistant Bill Bischoff dated December 1, 2006 stating the Board of Commissioners will not be able to guarantee funding for the Office Manager position currently being advertised. This position is to fill the vacancy from Nancy Trotter Sutton as she assumes duties as County Treasurer in January, 2007. Higgins presented to the Board letters from local schools expressing the importance of maintaining the Office Manager position. Higgins also explained the Office Manager's responsibilities, duties, and services to the community. Higgins submitted documentation showing comparisons of how other counties fill this position. Commissioner Konzen told Higgins this position will be reviewed during the next budgeting process and people who apply should know coming in that their job could be reduced. Higgins felt this could hamper the quality of people who apply. Chairman Roose commented there are a lot of quality people out there who specifically apply to part-time positions. Commissioner Windom questioned if it was going to become policy to let people know who are applying for county positions, that their jobs could be reduced. **MOTION** by Commissioner Windom to give Ron Higgins permission to continue to advertise the Office Manager position as it is with no changes. Second by Commissioner Konzen, so ordered upon consensus of the Board.

11:00 A.M. PUBLIC HEARING ON FORMATION OF TAX INCREMENT FINANCE INDUSTRIAL DISTRICT

FOR EUREKA AREA: Present were Tracy McIntyre, Randy McIntyre and Steve Newman.

A letter was received from the Tobacco Valley Community Development Council (TVCDC) requesting that the County establish an Industrial District with the property known as the Tobacco Valley Business Park. This property is located in the W $\frac{1}{2}$, W $\frac{1}{2}$, Section 3, and SE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 4, T36N, R27W. Newman asked who the anticipated revenue would go to. Chairman Roose said any proceeds would go to the County Treasurer's Department and back to the Industrial District for improvements. A Board will be created of 5 people. **MOTION** by Commissioner Windom to declare intent to pass Resolution # 766 establishing January 1, 2006 as the base taxable year for the Tobacco Valley Business Park Tax Increment Financing Industrial District. Second by Commissioner Konzen, so ordered upon consensus of the Board.

RE: LETTER OF RESIGNATION FROM CHRIS FOX OF PORT AUTHORITY BOARD. A letter of resignation was received from Chris Fox dated December 4, 2006 informing the Board of his intent to resign from the Port Authority Board on December 31, 2006.

MOTION by Commissioner Windom to accept resignation of Chris Fox. Second by Commissioner Konzen, so ordered upon consensus of the Board. This vacancy will be advertised and recommendations will be taken to fill this position.

RE: TUNGSTEN HOLDINGS, INC. VS. RICHARD AND MARIE STAVENOW

JUDGEMENT: The Board received the "Order Granting Plaintiff's Motion For Summary Judgment" from District Judge Prezeau. The **CONCLUSION** states: Old Sinclair Road was established by order of the Board of Flathead County Commissioner in 1905, pursuant to the applicable statutory procedures then in existence. The north-south leg of Old Sinclair Road was abandoned in 1936, but there is no evidence that the east-west leg of the road was ever abandoned, despite the fact that it has fallen into disuse and is now impassable by vehicle. Thus, notwithstanding its current condition, the east-west leg of Old Sinclair Road is still a county road. The Court does not have jurisdiction to order the abandonment of the road.

1:30 P.M. DECISION ON AIRPORT WAY SUBDIVISION: Present were Steve Newman, Debra Blystone, Peggy Williams, Dan Carlson, Kendra Lind, Mike Munro, George Wood, Frank Pival, Ken E. Davis, Andrew Foote, Romsey Foote and Jeremiah Foote.

County Planner Mary Klinkam conducted the hearing. Klinkam told the group that an on-site review of the area has been done by the Board and a Public Hearing has been conducted with two continuations. Klinkam told the group there are no public comments at this time except from the applicant who can make comments on the proposed conditions. Klinkam read and explained the proposed conditions as documented on pages 8 & 9 of the Planning Department Subdivision Report. Updated reports were submitted and were available to the public. Commissioner Windom told the group the Department of Transportation (DOT) has been asked to review and respond to the Hammer Cutoff approaches to Highway 2. Commissioner Windom noted that Andrew Foote was recording the meeting and commented to the group wanting those present to understand the meeting was being recorded. No person disputed the recording. Letters were received from William A. Douglas on behalf of The McMillan Neighborhood Conservation Alliance And Homeowners Association, Dan Leavell, Andrew Foote, and Larry Schock. Letters will be filed in the Clerk & Recorder's office. **MOTION** by Commissioner Windom to approve Airport Way Subdivision subject to Planning Staff recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

COUNTY PLANNER MARY KLINKAM SUBDIVISION REVIEW:

Subdivisions presented for approval:

Beck's Acres: A 3 lot minor located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 4, T30N, R31W. Developer is Melissa Beck. **MOTION** by Commissioner Windom to approve Beck's Acres subject to Planning Staff recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Art's Landing: A 3 lot minor located in Gov't Lot 3, Section 35, T32N, R34W. Developer is Darrell and Connie Hand. **MOTION** by Commissioner Konzen to

approve Art's Landing subject to Planning Staff recommendations. Second by Commissioner Windom, so ordered upon consensus of the Board.

Little HooDoo View: A 3 lot minor located in the SW¼, Section 19, T29N, R30W. Developer is Tungsten Holdings, Inc. **MOTION** by Commissioner Windom to approve Little HooDoo View subject to Planning Staff recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Subdivisions presented for review:

Campbell Subdivision: A 3 lot minor located in the NE¼, Section 25, T31N, R34W. Developer is A.L. Bud Campbell.

McGinnis Creek Flats II: A 5 lot minor located in Section 8, T26N, R28W. Developer is Real

Development Co., L. L. C.

Raven's Ridge: A 5 lot minor located in the SE¼, SE¼, Section 4, T35N, R26W. Developer is Deborah Gwynn.

Maxine Vredenberg Family Transfer located in Section 32, T37N, R31W was initialed by Chairman Roose.

DECEMBER 6, 2006 CONTINUED

RE: ADDRESSING DISCUSSION: Also present was Deb Blystone.

Klinkam said the Post Office has concerns with similar road names. Klinkam would like to revisit this issue as a courtesy to the Post Office. An updated Road List was submitted to the Board.

ADMINISTRATIVE ISSUES:

MOTION by Commissioner Windom to approve and sign the **Council For Aging Contract**. Second by Commissioner Konzen, so ordered upon consensus of the Board.

MOTION by Commissioner Windom to approve **Tax Abatement/Addition Form** for Parcel Numbers: 20960, 21914, 11817, 13585, and 54015.

Signed Resolution No. 765 to set loan **interest rates, hereafter, at 6%**, and review this schedule annually, making adjustments, if needed to current levels of interest charged. **MOTION** by Commissioner Konzen to approve Resolution No. 765. Second by Commissioner Windom, so ordered upon consensus of the Board.

MOTION by Commissioner Windom to draft a Resolution to **transfer in cash \$25,000 from Fund 2180 District Court and establish budget authority to Fund 2300 Public Safety Fund** and establish budget under authority of the Lincoln County Sheriff. Second by Commissioner Konzen, so ordered upon consensus of the Board.

A letter was received from Justice of the Peace Gary D. Hicks, Justice of the Peace Stormy Langston, and Libby City Court Lucille Briggs, stating there is reasonable doubt as to the accuracy of the November 7, 2006 General Election. Chairman Roose felt the letter was inappropriate and felt no recount is necessary. Chairman Roose drafted a letter to The Judicial Standards Commission in Helena in response to the letter received stated above. Chairman Roose and Commissioner Konzen signed the letter.

LINCOLN COUNTY BOARD OF COMMISSIONERS

the Board

Marianne B. Roose, Chairman of

ATTEST: _____

Robin A. Benson, Deputy Clerk