

## **FEBRUARY 1, 2006**

The Board of Lincoln County Commissioners met for a regular session in the courthouse at 9:00 a.m. Present were Members John Konzen and Rita R. Windom, and Clerk & Recorder Coral M. Cummings.

### **9:00 A.M. USFS SUPERVISOR BOB CASTENADA: RE: FOREST UPDATE:**

Castenada presented an update to the Board on Forest Service projects, lawsuits, and other forest issues.

**10:30 A.M. RICK GULLINGSRUD: RE: WOODSTOVE PROGRAM:** Present were Lee Disney, Jerry Marquez, and Ron Anderson.

Gullingsrud requested full payment for work done on the Woodstove Program. Anderson asked Marquez to describe process he has established and the follow up on the work that has been done and then show invoices for payments that are in question. Marquez reviewed questioned invoices as follows:

A Mobile Home: Stove went in same location with a new hearth pad. Procedures require Marquez to be called if there is a problem. Marquez was never called. Anderson described instances in the installation that would require more time and a change in procedures. Marquez said he understands there are problem issues, but his point being is that he never gets a call. Gullingsrud said he cannot see why he has to call when he sees a problem. Anderson said he has to operate according to the contract. Gullingsrud said he did the change and charged for the time worked. Marquez says he needs to be called any time a change is required.

3½ hours billed: Gary Huntsberger inspected this job (chimney) and 2 hours of work for this job was allowed. Gullingsrud said this was a basement installation which takes longer. Marquez said the chimney was already cleaned but Gullingsrud said five gallons was still taken from the chimney.

Relocate job in a trailer: First bill for 5½ hours; 2<sup>nd</sup> bill to relocate stove and hook up for 3½ plus hours. Installed fresh air kit which should have been done the first time.

Commissioner Windom asked how many installations Gullingsrud has completed with no problem. Gullingsrud said 55 installations total with 4 having issues. Commissioner Windom questioned out of 55 installations why there are problems with only 4 of these jobs.

Discussion continued on the order of events with Marquez stating there had been other questionable instances over time billed, and Gullingsrud had told Marquez to just pay whatever, that he does not have time to haggle over the bills. Marquez did pay for some less questionable instances. Gullingsrud said he turned in the invoices for the time worked and he expects to be paid for them. Gullingsrud does not feel he should have to negotiate. If he (Gullingsrud) is getting paid by the hour, he expects to be paid accordingly. Anderson said that is why a contract was drawn up and Marquez's experience with other installers has not been a problem on these issues. Disney said he thinks if Gullingsrud knows the time allowed per job and if it goes over, he knows to make a call to Marquez. Commissioner Windom asked how much money is involved and Gullingsrud said \$1,225 is in question. Gullingsrud said he has 75 more installation to do and asked if he is going to have to go through this each time. Marquez has required estimates from the installers before the job is done and Gullingsrud told Marquez he didn't care what Marquez wanted. Chairman Roose told Gullingsrud it is wrong to assume he can do whatever he wants and expect to get paid for it. Commissioner Windom said this is taking too much time and people are hired to handle this program and suggested a compromise on this. Commissioner Konzen told Gullingsrud he is working for Lincoln County and the policy has been set. Commissioner Konzen said he thinks Gullingsrud is being stubborn and drawing a line on these installations, a telephone call is required and it's up to Marquez to get to the job site quickly to evaluate the situation. Gullingsrud said he is not willing to negotiate on these bills and said the average on the study before the program started was 5 hours. Chairman Roose said she feels there should have been a definition of time and she sees errors on both sides of this issue and she does not support payment. Commissioner Windom said she is willing to negotiate. Gullingsrud would like to know the time allowed up front on each job. Marquez said the rules are established already and that Gullingsrud needs to look at each job and give a time estimate that can be accepted, denied or negotiated. Commissioner Windom said she would like to compromise on the bill and asked Anderson if he would be willing to compromise. Anderson said no, that he did not bring this issue to the Commissioners. Chairman Roose said Gullingsrud has a right to come to the Commissioners; Gullingsrud is a constituent and this is a county program. Gullingsrud asked the Board concerning a negotiated settlement before consulting an attorney. Commissioner Konzen told the group that he had said all he had to say on the issue.

**1:30 P.M. SUBDIVISION REGULATION AMENDMENTS, FINAL DECISIONS:** Present were County Planner Ken Peterson, Assistant Planner Mary Klinkam, Larry Sverdrup, Ken Davis, Peggy Williams, Brent Schrum, and John Schuppe. The Board reviewed final amendments that include state statute requirements for major and minor subdivisions. MACo sent out notification it is developing a model that should be developed as early as spring 2006. Chairman Roose questioned if existing easement requirements would be grandfathered in. Peterson said the intention of further development is the question. Peterson doesn't feel a 60' easement is necessary on 5 lots if no further development and splits is a covenant within the subdivision. Commissioner Windom questioned where it leaves the county if road standards are left as is at this time. Commissioner Konzen feels the problem of further development is what needs to be considered. This could create more problems. Davis said if it stays the way it is then problems do exist, and possible grandfathering in existing decisions would help. Commissioner Windom questioned if a Planning Board would be able to look at safety questions and related issues. Peterson said the Planning Board is bound by the same regulations, and the growth policy should address the problems.

Chairman Roose read a letter from Mike Workman expressing concern about subdivision regulations precluding "any" division with less than a 60' easement, and how this regulation would cause property owners to lose a substantial portion of their land value. Workman questioned how this would be considered a safety issue and asked the Board to not take a position against the property rights of individuals in the name of public safety.

Commissioner Konzen felt if nothing is done with this matter it will only get worse. If lots stay under 5, it seems 40' right-of-ways would be alright, but there are no guarantees. Klinkam said that it may be handled through variances with public hearings held so all property owners are heard. **MOTION** by Commissioner Windom to accept pages 2, 3 & 4 in its entirety of the PROPOSED CHANGES IN LINCOLN COUNTY SUBDIVISION REGULATIONS 2006 as presented by the Lincoln County Planning Staff to be included in new subdivision regulations, and leave road standards (page 1) as existing and await the review of the Planning Board. Second by Commissioner Konzen. Discussion was called for by the Board. Commissioner Konzen opposed the motion and feels the Board is putting off a problem to be handled by a Planning Board with less knowledge than the County Commissioners. **MOTION** carried with Commissioners Roose and Windom in favor, Commissioner Konzen opposed.

Discussion continued about subdivision regulations. Chairman Roose clarified that the additional \$100 is a county charge. Peterson said this applies to all subdivisions. Surveyor Ken Davis said he pays \$100 to the county and state and asked if he will get an approval back from the county. Peterson said no, this is for local review and they have no authority to approve. Chairman Roose read a letter from Dave Cosgriff stating he will not be engineering roads in subdivisions due to responsibility and liability issues.

## **FEBRUARY 1, 2006 CONTINUED**

**RE: COURT ORDER DIVISION:** Stimson Lumber Co. vs. Friends of Alvord Lake, LLC, submitted by Larry Sverdrup. A claim was made that the parcel didn't contain 160 acres because of Alvord Lake, and therefore a subdivision was needed. **MOTION** by Commissioner Windom to approve Court Order Division submitted by Larry Sverdrup. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**RE: DECARLO REQUEST FOR VARIANCE: MOTION** by Commissioner Konzen to approve request for the variance on the existing bridge that leads to DeCarlo's property. Second by Commissioner Windom, so ordered upon consensus of the Board. Commissioner Konzen stated that bridge standards need to stay at the same level.

**11:00 A.M. COUNTY PLANNER KEN PETERSON RE: SUBDIVISIONS REVIEW:**

Preliminary Plats approved:

**Motocross Subdivision:** A 1 lot commercial 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 Motocross Subdivision subject to Planning Staff recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Presented for review:

**Comstock Acres Subdivision:** A 2 lot minor in the N<sup>1</sup>/<sub>2</sub>, Sec. 11, T36N, R27W for Larry & Karen Comstock.

**Schrade Industrial II Subdivision:** A 2 lot minor in the E<sup>1</sup>/<sub>2</sub>, Sec. 10, T30N, R31W for Richard & Karla Schrade.

**2:30 P.M. PLANNING BOARD ADOPTION BY FINAL RESOLUTION:** The Board discussed the size of the initial Planning Board and sub-committees. Commissioner Konzen feels nine members as reasonable with three people from each area as part of the sub-committees. **MOTION** by Commissioner Windom to appoint a county wide Planning Board consisting of 2 people from Eureka, 2 from Libby, 2 from Troy, 2 at large from County and 1 Soil Conservation Board member, consisting of a total of 9 members. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**RE: MOTOCROSS SUBDIVISION DECISION:** Present were Julie Barcomb, Joe Barcomb, Paul Rumelhart, Peggy Williams, and Jerry Fremont.

Julie Barcomb took a decibel reading on noise level and says it interferes with her business. Peterson said he did get some calls on dust. Kendra Lind told Peterson that would be handled through air quality. Concerns from the public were expressed about noise during practice events. Jim Mayo took decibel meter readings up Libby Creek to the end of Spencer Road. Barcomb questioned the frequency of noise and how many bikes. Mayo said there were 2 bikes during his meter readings. Concerns from the public felt that these readings have no meaning. Barcomb suggested tests be re-done and to consider frequency. Commissioner Windom asked if the Board can give preliminary plat approval subject to this condition. Peterson said yes, noise could be re-tested but it is not part of the six criteria and the Board could not involve noise meter readings in the approval. Commissioner Konzen commented that he has done meter tests and the meters are very sensitive to highway noise. Other public comments were that it sounds like motorcycles are in their yard and just wish the subdivision was somewhere else. Rumelhart pointed out that the Motocross does plan to have scheduled events and times. Barcomb said the owners can do what

they want. Commissioner Konzen said he does not think the Board can put a noise requirement on approval but everyone needs to work together on this. Barcomb asked if approved, is the Board out of the picture and nothing gets addressed. Peterson explained the criteria and time frame required for preliminary approval with only 2 days left in this time frame. This is only preliminary plat approval, but conditions cannot be changed that are set at this time

**RE: LETTER FOR CTEP WALKING PATH PROPOSAL: MOTION** by Commissioner Windom to amend request from \$250,000 to \$225,000 for CTEP funds for a walking path proposal between J. Neils Park and Port Authority property. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**RE: UNION CONTRACT FOR LINCOLN COUNTY SHERIFF'S DEPARTMENT:** The Board signed current Union Contract for Lincoln County Sheriff's Department for FY 05-06.

**BOARD APPROVED CERTIFICATES OF SURVEY & PLATS FOR RECORDING:**

A Plat of Mirror Lake Subdivision in Sec. 32, T34N, R34W for Griner.

Routine Business completed the day and the Board adjourned at 4:45 p.m.

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**Chairman of the Board**

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**Marianne B. Roose,**

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

**Coral M. Cummings, Clerk of the Board**