

**JANUARY 18, 2006**

The Board of County Commissioners met for a regular session in Eureka at 10:00 a.m. Present were Chairman Marianne B. Roose, Members Rita R. Windom, and Clerk & Recorder Coral M. Cummings.

**10:00 A.M. EUREKA DISPATCH DISTRICT:** Present were Joyce Hudson, Roger Pitman, Rae Lynn Benson, and

J.P.Terry Utter.

Benson gave an update on extension activities and programs. Utter said jury trials are over budget and it appears these monies will come from the State after July 1, 2006. Utter said another witness in Montana would be very high and wanted the Board to be aware that he may have to overextend his budget. Utter expressed concern where the costs would come from. Utter was advised to pay costs out of the General Fund.

**10:30 A.M. ADMINISTRATIVE ISSUES:**

**Resolution No. 724:** A resolution to adopt the new mileage reimbursement as adopted by the State of Montana due to decreased costs of gasoline. The rate adopted January 1, 2006 was 0.485 and 0.455 cents. Effective January 18, 2006, the rates for mileage are adopted as follows:

**0.445  
cents  
per  
mile  
up to  
1000  
miles  
per  
month**

**0.415  
cents  
per  
mile  
over  
1000  
miles**

**per  
month**

**MOTION** by Windom to approve Resolution No. 724. Second by Roose, so ordered upon consensus of the Board.

**Letter from Craig Eaton pertaining to Airport Board Fuel Vendor Contract for Eureka Airport:** Contract was approved and signed. Vendor is Service Plus International. **MOTION** by Windom to approve contract for Eureka Board Fuel Vendor Contract. Second by Roose, so ordered upon consensus of the Board.

**11:00 A.M. COUNTY PLANNER KEN PETERSON PUBLIC HEARINGS AND OTHER SUBDIVISION ISSUES:** Present were County Planner Ken Peterson, Assistant Planner Mary Klinkam, Barb Renkema, Ginny Emersen, Suzanne Gruschow, Steve Newman, Andy Belski, Nathan Wyatt, Don Truman, Mike Hensler, Marshall Pearson, Kathy Jenkins, Gerry Loehlein, Don Loehlein, Tim R. White, Glen Helms, Ted King, Joe Purdy, Peggy Jane Ousley, Richard Payton, Rosemarie Smiley, J. J. Smiley, Carol Blake, Warren Chapman, Barbara Chapman, Charles Newton, Shirley M. O'Brien, Kenneth & Margaret Tappendorf, John Schwartz, Shane Moss, Karyn Leonard, Jon Leonard, Tracy McIntyre, Robert Little, Steve Lavelly, Buck Schermerhorn, Don Gillard, Al Longacre, Robin Little, Beau Johnston, Richard James, Rick Eldred, Gwen Backs, Ken Merrick, Wayne Butts, Dan Truman, Paula Wise, Jan Corneliuson, Jack Graves, Clara Graves, Ken Workman, Larry Sverdrup, Tom McDonough, and Gary Tisdell.

**11:00 A.M. PUBLIC HEARING FOR HURRICANE RANCH SUBDIVISION:** Assistant Planner Mary Kinkham presented details and opened the meeting for public comment. Wyatts and Belski of Flathead Geometrics presented points of interest. The road will be reviewed by the Planning Department and the Board when engineering is complete. No further comments from the public were received. Public Hearing was closed.

**SUBDIVISIONS APPROVED AND SIGNED:**

A Plat of Tams Views

Redemption Shores Subdivision

Peterson submitted **Subdivision Improvements Agreement** for the Board's review. Lloyd Bridges would be the developer involved. Roose suggested a conference call next week at 1:30 p.m. to confer with County Planner, Commissioners and Bridges. The conference call will take place on January 20<sup>th</sup>.

**1:30 P.M. PUBLIC HEARING FOR WILDERNESS CLUB SUBDIVISION:** Chairman Roose opened the hearing. Klinkam explained the six criteria and clarified that the subdivision is 545.47 acres consisting of 319 lots. Mary explained the subdivision is planned with five phases and is scheduled for one phase per three years; however, market variables could change the

phasing intervals. Pearson asked about a golf course as part of this and Klinkam said an 18 hole golf course is planned.

Klinkam explained six criteria to be reviewed as follows:

Affects on Agriculture

Affects on Agricultural Water User Facilities

Affects on local services

Affects on the Natural Environment

Affects on wildlife and wildlife habitat

Affects on Public Health and Safety

Discussion continued and a question was asked about the affect of water levels. Klinkam said the state will review this issue. Don Loelein asked at what point DNRC will approve this. Klinkam will address this issue. Klinkam said Water & Sewer will be owned by the Wilderness Club Subdivision and explained Water & Sewer issues with the group. Pearson asked about private wells. Payton said the Town of Rexford Water System has not been informed about this project. Peterson said a map has been sent to Rexford, but he did not realize Rexford Water System was in the vicinity. Peterson also sent a letter to DNRC and talked with TD & H (Mike Frazier) in Rexford.

Mayor Shirley O'Brien read an official letter of protest stating the position of the Town of Rexford.

Klinkam explained wastewater will be owned by Wilderness LLC and read distance from Rexford and how this will be reviewed. Solid waste will be collected in the development by a private hauler and delivered to Lincoln County Landfill. School facilities in Eureka can expect approximately 32 homes and an estimate of 16 students. Civil Engineer John Schwartz deals exclusively with open spare plans and planned for no back yards and provide walk through. This preliminary plat application is to give the Commissioners and Planning a look at the concept.

Klinkham explained water rights to the group. A water rights application would be submitted and this would require an evaluation of the water capacity and offered to record any persons well activity during the 72 hour pump test. This can be monitored and results would be given to individuals. Anyone may go to DNRC as well to have questions answered pertaining to this issue. Wise asked if this might have a greater impact in 5 years. Konzen said the drawdown is measured and calculated. Little asked about drought years being different. Konzen said the Aquifer does not respond instantly, and since we are experiencing a drought now, this is a good year to check on this. Discussion continued about water rights and DNRC testing the wells.

Peterson told the group that under DEQ regulations, proposal is for a Level 2 system. A community collection system would be preferable to this clientele, even though the size of lots qualifies for individual septic tanks. The treatment system is underground. The sludge is stored and fully contained.

Leonard asked the Board how this will affect taxes. Roose said the Department of Revenue will determine this. It is predicted this subdivision will have up-scale homes that will increase values over the long run. It was explained this subdivision will have high dollar lots.

### **JANUARY 18, 2006 CONTINUED**

Merrick asked at what point do surrounding landowners have some say on approval. Peterson said landowners need to have specific reasons based on the six criteria and all agencies are involved. Merrick asked why landowners (natives) should have to accept this when it has adverse effects on them. Konzen suggested some input before the design is complete. Chairman Roose suggested a continuation for this hearing at a later date and will allow everyone to consider questions that have not been answered. Proposed date to continue hearing is February 8<sup>th</sup>.

#### **2:30 P.M. PAULA & GEORGE WISE SUBDIVISION ISSUE:**

Wise asked for family transfer laws to be clarified and feels her neighbor is using a 30' road right-of-way to get around subdivision laws. Peterson explained that he sees this a lot and the county cannot control or stop this. The County Planning Staff does have evasion criteria and are looking at making changes in this.

**3:00 P.M. PUBLIC HEARING FOR GLEN LAKE HILLS SUBDIVISION:** Glen Lake Hills Subdivision will have 33 residential lots and is a total of 116.45 acres. Klinkam presented the subdivision plan to the group and asked for public comment. It was asked if each lot would have its own well. Klinkam said only 3 or 4 lots would be sharing a well. There was more discussion on well depth and density.

Klinkam read a letter of protest from Ken and Audrey Smith. Belski commented there is no lakefront on these properties, there is public access only. Tisdell asked if the subdivision does

not pass and is sold and re-done later if there would be these same concerns. Roose said the Board's criteria for not approving a subdivision are very limited. The DEQ and DNRC review would address and determine water and health issues. Tisdell said he would rather have this proposal than mobile homes and would like to see a well developed area. Graves questioned how this would affect taxes. Roose said it would affect taxes in the future. Workman asked how wildlife and habitat was addressed. Klinkam explained this as well as emergency, weed and road issues. Wyatt did the wildlife assessment and conferred with FW & Parks.

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

C. of S. in Sec. 23, T36N, R27W for Morgan/Pluid/Kearney.

C. of S. in Sec. 3, T30N, R31W for Nelson.

C. of S. in Sec. 29, T29N, R33W for DeMart.

A Plat of Costich Lake Meadows Sec. 12, T36N, R27W for Utter.

A Plat of Gopher Inn Flats Subdivision in Sec. 35, T30N, R31W, for Lincoln County Rural Fire Department.

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**