

## JANUARY 25, 2006

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

**10:30 A.M. RICK GULLINGSRUD RE: WOOD STOVE PROGRAM:** Present were County Sanitarian Ron Anderson, Rick Gullingsrud, and Lee Disney.

Gullingsrud requested payment for invoices he has presented for payment for work done on the wood stove program. Gullingsrud said he has been shorted on four invoices. Gullingsrud said it appears that he is to stop work and call someone and he works on an hourly rate and feels he may as well make a decision and do the job instead of waiting. Gullingsrud does not receive a work order on these jobs. Gullingsrud itemized his bills with the hours worked broken into 15 minute increments. Gullingsrud does not know what is being disallowed on his billing. Commissioner Konzen said the Board needs to know what Jerry Marquez is disallowing. Anderson said Gullingsrud is taking the stand that whatever he puts in must be paid for. He has read the procedures required and has had this issue discussed with him. It has been made clear to him the program will not allow payment for unauthorized work. The program coordinator makes these decisions and evaluates each job. Gullingsrud said he has put in 55 stoves with an average of 4.7 hours each and would rather be paid a flat fee per job. Gullingsrud asked if anyone else's pay has been shorted. Anderson said no, everyone else has come in at projected cost. Commissioner Konzen said what is missing is the qualification for the amount of the decrease in the invoices. Anderson said the amount of hours charged on the job is what is being questioned. Gullingsrud said as far as he knows, the project has never installed a stove except his own. Anderson gave examples on the invoices and why they were cut. One was a chimney cleaning when the program had already paid to have that done. Chairman Roose said the Board has to decide if some adjustments are to be made on the invoices. Gullingsrud said if it is determined to be \$175 an hour, he should be paid for the hours worked. Disney commented that he is attending today's meeting to make sure the schedule on Phase II is going to be followed. Roose said the Board is not the supervisors in this program and there needs to be a clarification of these cuts. Commissioner Windom said she does not feel prepared to make a decision and feels the Board needs to talk to Marquez on this. Anderson said the understanding of the process is spelled out in the procedure plan and manual and this was established so questions like this are answered. Anderson questioned why changes are being done now. Commissioner Konzen said he thinks the Wood Stove Program is a viable legitimate program and the procedures are in place. Commissioner Windom feels a component is being left out of this; Jerry Marquez and Rick Gullingsrud need to attend a meeting together. Anderson said there have been discussions in other meetings in which Gullingsrud stomped out of the room. Commissioner Windom said if a meeting was held and the Board was not privy to that meeting, then she feels the Board needs to review this matter more thoroughly before making any decisions. A meeting will be scheduled with Marquez present.

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

Preliminary Plats approved:

**Glen Lake Hills Subdivision:** In the NW<sup>1</sup>/<sub>4</sub>, Sec. 27 and E<sup>1</sup>/<sub>2</sub>, Sec. 28, T36N, R26W. Public Hearing was held on January 18, 2006. **MOTION** by Commissioner Windom to approve Glen Lake Hills Subdivision subject to Planning Staff recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

**Hurricane Ranch Subdivision:** In the NW<sup>1</sup>/<sub>4</sub>, Sec. 14, T36N, R28W. Public Hearing was held on January 18, 2006. **MOTION** by Commissioner Windom to approve Hurricane Ranch Subdivision subject to Planning Staff recommendations. Second by Commissioner Konzen, so ordered upon consensus of the Board.

Presented for review:

**Motocross Subdivision:** Submitted by Kootenai Business Park Industrial. A 1 lot commercial in the NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Sec. 11, T30N, R31W. Total acres is 5.449. Commissioner Konzen questioned a possible "noise" issue.

**1:30 P.M. COUNTY PLANNER KEN PETERSON SUBDIVISION ISSUES:** Present were County Planner Ken Peterson, Assistant Planner Mary Klinkam, Ken Davis, Sam Shupe, John Damon, Paul Rumelhart, and Gary Marchman and Lloyd Bridges via phone conference.

**RE: TAMARACK ESTATES DISCUSSION:** Discussion took place about moving forward with Tamarack Estates on Pinkham Creek. Issues pertaining to the bridge were discussed. Another subdivision is being developed and Marchman does not feel they should pay bridge costs for all. Road width from 20' to 24' was questioned. Bridges asked for a variance on bridge width and the Board expressed it is not comfortable with that request. Discussion took place of an agreement of a bond after the sale of five lots which would require a bridge. Marchman asked why the previous developer did not have to put these in. Peterson said the previous developer divided into 20 acre lots. This has changed and these will be smaller and require different regulations. Marchman said he wants to be responsible here, but the local guys do not have to pay, but out-of-state now have to pay. Commissioner Windom said this was explained to Bridges when they met to inspect the bridge. Marchman wanted it clarified that he has been told to put in a wider bridge. Peterson said that is correct, to put in another lane. Liability was questioned and would the county inspect the bridge and accept it. It was also questioned who is responsible for accidents on the bridge. Peterson said that would not be a county responsibility and to be safe it would be best to remove the old bridge and build a two lane bridge. Marchman said the bridge is not on his property. Peterson said the bridge is Marchman's easement to his property. Marchman said he would not sit back and let someone else develop, he would feel obligated to do his share. Carr pointed out the consensus information and traffic expected on this road. Peterson explained major and minor subdivision requirements. Marchman explained his options as follows:

Put in a new bridge

Put up a bond and wait until five lots are for sale

Wait and let other developers go forward

Marchman said he will evaluate these options further and explained the type of people that will be purchasing this property and feels traffic will not be a problem, but he does understand the county and state's need for regulations.

**RE: DISCUSSION OF AMENDED SUBDIVISION REGULATIONS PROPOSED**

**CHANGES:** After a brief discussion the Board scheduled a meeting for February 1. Any changes will be made at that time.

**RE: 3:00 P.M. OFFICIAL PUBLIC HEARING FOR LINCOLN COUNTY PLANNING**

**BOARD:** Present were County Planner Ken Peterson, Assistant Planner Mary Klinkam, Steve Newman, Peggy Williams, Joe Purdy, Tim Rooney, John Vignali, Gary Blaz, Tracy McIntyre, Buck Schermerhorn, Eileen Carney, Carl Leggins, John McGlasson, Bob & Kathy Halvorson, Richard J. Mentzer, Dick Balcom, Julie Shadle, Alvin Benitz, Chuck Woods, Jamie Brebner, Chris Fox, Ellery Steward, Henry J. (Hank) LaSala, Bobby D. Whitefield, Frank Crimmins, Kenneth E. Davis, Sam Shupe, Joe Kelly, Lyle Brist, Phoda Cargill, Jerry Croskrey, Pamela Flowers, Aubyn Curtiss, Mike France, K.W. Maki, Paul Rumelhart, EW Rick Vredenburg III, Gary Huntsberger, Viola Moss, and Dejon Ague.

**JANUARY 25, 2006 CONTINUED**

The purpose of this public hearing was to discuss creation of a Planning Board in Lincoln County to advise and make recommendations to the Board of Commissioners regarding land use policy and all development proposals. Chairman Roose opened the meeting and explained one County Board must be formed with sub committees in each area to deal with each area's

development. Assistant Planner Mary Klinkam explained this is a public hearing to accept comments on the plan and according to State Statutes; a Planning Board must be formed. Klinkam received two letters and read the contents.

Letter of support of the Planning Board from Chuck Newman

Letter of support of the Planning Board from "Chain of Lakes Homeowners Association" (COLHA) President Lyle Brist. Attached was a letter from COHLA Vice President Joe Kelly expressing interest to be on the Planning Board.

Klinkam passed out information packets to the group which included the job description, qualifications, duties, Board Member Codes, and application of appointment on the Planning Board. COLHA President Lyle Brist expressed his support for the formation of the County Planning Board. Brist said Midway Market has been rumored to possibly be a chrome plant, and that has led him to believe that a Planning Board is needed. Schermerhorn said he supports this plan and a letter has been submitted. Leggins asked if the Board of Commissioners has to overlook the Planning Board. Leggins expressed support of a Planning Board as growth is here and he has seen this type of development and said guidance is needed. Benitz said if a corporation sues the county, is the Planning Board responsible. Klinkam said the Commissioners review the recommendations of the Planning Board; therefore, the Board of Commissioners is the governing body and is the decision maker. Brist asked if the Planning Board is life long and Klinkam said it will have rotating terms.

Klinkam explained that to be a member of the Planning Board, a person must live in the County and be a freeholder in the county. Klinkam said the Board will have diverse members and seven areas with needs have been identified. Chairman Roose explained that Board members will be county wide with three major areas represented and the sub-committees will represent each separate area. Cargill asked about the complete process and Klinkam said this could be discussed after the hearing is closed. Huntsberger asked if a County Commissioner would be on the Planning Board. Klinkam said no Commissioners would be on the Board. Chairman Roose said applications for the Board members will be advertised for three weeks. Moss asked about a "Vision Statement" from the county. Klinkam said she has been working with the City of Libby on this. Rumelhart asked about City of Libby territory. Peterson said the city is allowed to go one mile beyond city limits and then county begins. Commissioner Windom said one issue is that the City of Libby boundaries change as the city annexes and how this would all work out.

Mike France said there is no need for more bureaucracy and if the Board of Commissioners can delegate authority to another Board is a good thing. Maybe we do need more government, but it is dangerous. Chairman Roose said the Planning Board will be making recommendations, but it is the Commissioners responsibility to make the decisions.

Klinkam encouraged attendance for upcoming Planning Board meetings saying meetings are for the citizen's to be heard and lets the Commissioners know how the public feels towards issues. Peterson said the meetings are designed for neighborhoods. A brief discussion took place about legals, flyers, and display ads. Peterson told the group that Board positions are not paid, except

for expenses. Brist asked if there will be someone to guide these Boards at set-up. Klinkam said she will be there and Konzen commented the Board of Commissioners will be hiring a professional to help.

Curtiss said the Planning Board is good and gives the Commissioners a better standing with Federal Agencies. This is better than beaucratic government. Having criteria to development and new building is very important for our area.

**4:00 BOARD APPOINTMENTS:**

**MOTION** by Commissioner Windom to reappoint Tom Johnson, Mike McMahon and Don Rosaaen to the Trego/Fortine/Stryker Fire Service Area Board. Second by Chairman Roose, so ordered upon consensus of the Board.

**RE: QUITCLAIM DEED SIGNED:**

Lincoln County, Montana, Grantor

Libby Volunteer Ambulance Service, Inc., Grantee

Lots 15, 16 and 17, Block 9, Libby Original Subdivision

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

C. of S. in Sec. 23, T30N, R31W for McGlasson.

C. of S. in Sec. 18, T30N, R33W for Meyer.

Amended Plat of Whitetail Terrace in Sec. 5, T29N, R33W for Briskin.

A Plat of Redemption Shores Sec. 3, T35N, R32W for Scarbosio.

Amended Plat of Tooley Lake Meadows in Sec. 23, T37N, R28W for Tams.

A Plat of Tams View in Sec. 23, T37N, R28W for Tams.

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

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**Chairman of the Board**

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

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

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**Marianne B. Roose,**

