

NOVEMBER 29, 2006

The Board of Lincoln County Commissioners met for a regular session in the courthouse at 10:30 a.m. Present were Chairman Marianne B. Roose, Members John Konzen and Rita R. Windom, and Clerk & Recorder Coral M. Cummings.

9:30 A.M. The Board of Commissioners met on Farm-To-Market Road for an on site visit of Airport Way Subdivision.

10:30 A.M. EMA MARK MCGILL: EUREKA FLOOD COSTS: Present via phone was Tim Thennis.

Thennis said he needs man hours associated with the equipment. The overtime hours do not apply to reimbursement. Thennis will make a recommendation to the Governor's office and wants everything up front when presented. Thennis needs material costs, gravel costs, and a break down on equipment costs of regular vs. overtime hours. Marc McGill will work with Thennis on researching this issue.

11:00 A.M. INDUSTRIAL DISTRICT CDBG PRESENTATION: Present were Peggy Williams, Paul Rumelhart and Greg Larson.

Rumelhart requested the Board's support to apply for a joint application grant with the City of Libby. The grant total would be for \$800,000. Lincoln County and the City of Libby would each apply for \$400,000. The grant would be used for economic development to create jobs. The focus is mainly Mines Management and Rivett Minerals. Rumelhart submitted a manual of general application requirements for review. **MOTION** by Commissioner Windom to approve a resolution for an Economic Development Program grant for multi-jurisdictional grant. Second by Commissioner Konzen, so ordered upon consensus of the Board.

11:30 A.M. CLERK OF COURT NADINE PIVAL:

Pival requested moving Susie Farmer into a supervisory position to perform duties of the former chief deputy. Pival suggested moving Farmer from a grade 6 to a grade 10 due to an increase in duties and responsibilities. After a brief discussion, Commissioner Windom said she would like to take this issue under advisement. The Board will further discuss this and get back to Nadine Pival.

11:50 A.M. CHERI JAVORSKY: Also present was Treasurer Geri Miller.

Javorsky submitted a letter to the Board requesting a leave of absence during her son's medical conditions and treatments in Seattle. Javorsky said it could take up to 4 to 6 months. The Board unanimously agreed to grant a leave of absence to Cheri Javorsky due to family medical circumstances, for an undetermined amount of time. Treasurer Geri Miller said this would not interfere with the work in the Motor Vehicle Department.

1:30 P.M. AIRPORT WAY SUBDIVISION PUBLIC HEARING CONTINUATION:

Present were: Jeff Koskela, Ann Grotjohn, Kendra Lind, Suzanne Buel, George Wood, Michael Munro, Greg Davis, Kathy Halvorsen, Robert Halvorsen, Ken Davis, Andrew Foote, Dan Carlson, Charlie Clough, and Dan Leavell.

Chairman Roose opened the hearing and County Planner Mary Klinkam conducted the hearing. The Board had reviewed the subdivision this morning. Andrew Foote presented more signed petitions to the Board. Chairman Roose told the group this would be the last public hearing. Foote said the ditch is showing sink holes and undercutting and said a hydrologist has reviewed the site and he has different findings. Foote continued saying the barrier was undercut and read a letter from Department of Natural Resources and Conservation (DNRC) stating 67% forested land, not 95% as reported. Gravel size and particles are not stone size which jeopardizes the integrity of the ditch. Foote felt confirmation of issues from DNRC is necessary and recommended issues in question be resolved before finalization of the subdivision. Leavell made a formal request to deny this subdivision and if the Board approves conditions set by homeowners and neighboring homeowners, to set a study in place to meet the needs presented. Commissioner Konzen asked if the engineering and hydrolics are different. Leavell said engineers design the ditch and hydrologists do water flow study. Chairman Roose explained the Board of Commissioners sets conditions for subdivisions, not the public. Robert Halvorsen questioned Klinkam on what engineering has already been done. Klinkam said 100 year flood delineation has been determined by RLK Hydro, and this was reviewed with the Board.

Klinkam submitted a letter from Larry A. Schock, DNRC, expressing problems and issues he feels should be resolved prior to this proposed project moving forward in the subdivision process. Schock indicated in his letter that the developer should respond in writing to the issues raised and explain: current channel and existing drop structures not performing as advertised; what went wrong with the current design and what step will be taken to modify the design so it works and is stable; what steps need to be taken to repair the existing damage and; what steps will be take to stabilize the channel and drop structures until vegetation is established. Schock also wrote in his letter that the channel is one of the key issues associated with the proposed subdivision and it has the potential to have a direct and adverse impact upon the public's health and safety inside and outside of the development. Commissioner Windom asked Klinkam if DNRC looked on site and Klinkam said yes. The on-site visit did not change DNRC's comments.

Klinkam read a letter dated 4-10-06 from the Forest Service stating development does not cause a concern to the F.S. and any watershed problems would be a concern of FEMA. Other letters were submitted from the Health Department, DNRC, and the Corp. of Engineers.

A brief discussion took place about the reservoir, sediment, water flow, and safety concerns. Questions were asked about any underlayment in the gabions, how deep the gabions are, and how deep can the gabions get.

Leavell submitted a request for further studies. Hearing was closed by Commissioner Roose.

2:00 P.M. COUNTY PLANNER MARY KLINKAM: SUBDIVISION REVIEW:

Subdivisions Presented for Approval:

Wapiti Subdivision: A 6 lot major located in the SE¹/₄, Section 23, T37N, R27W. Developer is Noel Williams. **MOTION** by Commissioner Konzen to approve Wapiti Subdivision subject to Planning Staff recommendations. Second by Commissioner Windom, so ordered upon consensus of the Board.

Indian Creek Hills Subdivision: A 17 lot major located in Sections 3 & 4, T36N, R26W. Developer is Bluewater Group, LLC. **MOTION** by Commissioner Konzen to approve Indian Creek Hills Subdivision subject to Planning Staff recommendations. Second by Commissioner Windom, so ordered upon consensus of the Board.

Lower Meadow Creek Subdivision: A 3 lots minor located in Sections 32 & 33, T35N, R26W. Developer is Jean Nordahl. . **MOTION** by Commissioner Konzen to approve Lower Meadow Creek Subdivision subject to Planning Staff recommendations. Second by Commissioner Windom, so ordered upon consensus of the Board.

Subdivision presented for review:

Beck's Acres: A 3 lot minor located in the SW¹/₄, NW¹/₄, Section 4, T30N, R31W. Developer is Melissa Beck.

Art's Landing: A 3 lot minor located in Gov't Lot 3, S35, T32N, R34W. Developer is Darrell and Connie Hand.

Little Hoodoo View: A 3 lot minor located in SW¹/₄, Section 19, T29N, R30W. Developer is Tungsten Holdings, Inc.

Rosson Family Transfer: Parcel A of CS 3147, located in the NW¹/₄, Section 13, T37N, R27W. **MOTION** by Commissioner Konzen to approve. Second by Commissioner Windom, so ordered upon consensus of the Board.

NOVEMBER 29, 2006 CONTINUED

ADMINISTRATIVE ISSUES:

BOARD APPOINTMENTS:

Jon Dunham requested to be appointed to the **Airport Board** replacing Deb Bertlesen’s position. The Board will take this under advisement.

Mike Balboni submitted a letter of resignation from the **Troy Park District Board**.

MOTION by Commissioner Konzen to reappoint Tom Roark and appoint Linda Meyer to the **Wilderness Plateau Water & Sewer District Board**. Second by Commissioner Windom, so ordered upon consensus of the Board. Tom Roark’s position will expire on 12-30-06. Linda Meyer is a new member to replace Brian Buesch’s term which expires on 12-31-06. Mike Balboni submitted a letter of resignation.

RE: CLERK OF COURT REQUEST: MOTION by Commissioner Konzen to approve a 2 grade increase to a grade 8 for position replacing Barb Nelson. Second by Commissioner Windom, so ordered upon consensus of the Board. It is noted that the reason this increase is given is due to the termination of the Chief Deputy.

RE: SIGNED GRANTS: The Board signed Montana Noxious Weed Trust Fund Grant Program as follows:

Grants	32,697	2. Grant	63,819	3. Grant	41,200
4. Grant	5,974				
Match	45,181	Match	64,079	Match	61,065
6,100					
Total	77,878	Total	127,898	Total	102,265
	12,074				

RE: RODICH TAX RELIEF REQUEST: A letter was submitted from J.S. Rodich requesting tax relief on a piece of property that was partitioned by Court Order, Case No. DV-05-101 on December 20, 2005. The Board of Commissioners unanimously denied the request.

RE: DENNING, DOWNEY, & ASSOCIATES: MOTION by Commissioner Konzen to retain Denning, Downey & Associates for auditors for FY 05/06. Second by Commissioner Windom, so ordered upon consensus of the Board.

RE: TROY ROAD DEPT. EXCAVATOR PURCHASE: The Board discussed the purchase of a used excavator for the Troy Road Department. This was purchased without a bid process. Commissioner Konzen explained the reason and a letter of documentation on this was filed with the purchase papers and claims for auditing purposes. The purchase was made in this manner as

used excavators are extremely scarce as research proved, and the excavator was purchased when a sale became available.

LINCOLN COUNTY BOARD OF COMMISSIONERS

the Board

ATTEST: _____

Coral M. Cummings, Clerk & Recorder

Marianne B. Roose, Chairman of