

SEPTEMBER 6, 2006

The Lincoln County Board of Commissioners met for a regular session in the County Courthouse with Chairman Marianne B. Roose, Members Rita R. Windom, John Konzen, and Clerk & Recorder Coral M. Cummings present.

9:00 A.M. PAUL BRADFORD, KNF SUPERVISOR: Meeting was canceled by Mr. Bradford. No discussion at this time.

10:00 A.M. SUSAN KADLEC, RE: BULL LAKE SPEED CONCERNS: Present were Brent Shrum, Ann Warrington, Betty Sikes, and Mike Casey.

The speed zone on Hwy 56 is of concern to the residents. Group is requesting a speed zone study and said visibility is poor at the Angel Island exit. The State told the residents to request through the County Commissioners. Signatures were presented to the Board. Chairman Roose explained the process and how it has been difficult to have local residents heard on this issue. The group is requesting two studies; if the greater one is refused, the lesser study may be adopted. The Board will adopt letter for Plan A and Plan B to be submitted to the MT DOT.

10:30 A.M. COUNTY SUPERINTENDENT RON HIGGINS, RE: SCHOOL LEVIES:

Higgins presented the FY 06-07 school budgets to the Board. The Board discussed the budget and funding. **MOTION** by Commissioner Konzen to approve and accept the school district levies as presented. Second by Chairman Roose, so ordered upon consensus of the Board.

11:00 A.M. DECISION ON MCCORMICK RURAL FIRE DISTRICT BALLOT ISSUE: Present were Betty Mack, Edgar B. Harrell, Margit Harrell, Ruth Bushnell, Nancy Hight, Ina Chapmen, Bonnie Franke, and Harry Franke. McCormick Rural Fire Dept. sent out surveys to the property owners serviced by McCormick. The survey expressed input on a levy proposal put on a ballot for voting.

198 proposals were sent

1 proposal returned as undeliverable

43 yes, to put levy proposals on a ballot

20 no, not to put levy proposals on a ballot

The MCVFD Board submitted a letter to The Board of Commissioners dated August 23 stating that upon receiving the responses to its survey, it was noticed 47 of return envelopes were falsified. The suspect returns were not opened, nor counted. The fake returns have been given to the County Commissioners for inspection.

Bushnell said she doubted there were any "yes" votes, and asked if the Board of Commissioners had seen the ballots.

Commissioner Konzen said the surveys have been taken to the Sheriff's office. Bushnell claimed the Fire Board is dishonest and does not trust the Board. Chairman Roose asked if this is put on a ballot, it would give the community a chance to vote on the issue. Commissioner Konzen said this was a survey to inform people and see if the Fire Dept. can generate support.

Busnell asked who handles this election. Clerk & Recorder Coral Cummings explained the election process and how the election would be conducted.

Commissioner Konzen explained the right to vote by the people to decide this issue. Discussion continued on inadequacies of the current Fire District Board. **MOTION** by Commissioner Konzen to place the issue of a levy increase for operating and a levy for repayment of a loan to complete the fire building on the ballot, and the Clerk & Recorder's office to conduct a mail ballot election. Second by Chairman Roose, so ordered upon consensus of the Board.

2:30 P.M. COUNTY PLANNER MARY KLINKAM

Present were Robert H. Martin, Pam Flowers, Brad Thomson, Peggy Williams, Karen Lee, Rich Scheben, Lonnie L. Brown Sr., Barbara A. Brown, Ken E. Davis, David Greer, Dave and Degrandpre.

Subdivision Presented for Review:

- Robert Martin Subdivision: A 3 Lot Minor located in the NW¼, SW¼, Sec. 14, T30N, R31W.
- Murry Island Subdivision: A 5 Lot Minor located in the NW¼, Sec. 20, T37N, R27W.
- Elk View Subdivision: A 1 Lot Minor located in the SE¼, Sec. 28, T35N, R26W.
- Airport Views Estate: A 4 Lot Minor located in the SW¼, Sec. 14, T37N, R27W.
- Reservoir Heights Subdivision: A 3 Lot Minor in the SE¼, SE¼, Sec. 7, SW¼, SW¼, Sec. 8, T36N, R27W.

Preliminary Plats Approved:

1. Majers Subdivision: A 1 Lot Minor located in the S½, SW¼, SE¼, Sec. 4, T30N, R33W. **MOTION** by Commissioner Konzen to approve Majers Subdivision subject to Planning Staff recommendations. Second by Chairman Roose, so ordered upon consensus of the Board.
2. Moose Flats Subdivision: A 5 Lot Minor located in the SW¼, NW¼, Sec. 32, T36N, R26W. Gross Plat Acres is 9.8 acres. County Planner Mary Klinkam opened the meeting for public comment. Thomson asked if there is someone who actually comes out and reviews the road. The road is not done yet and run-off comes onto some of his property. Thomson said this issue and the weed plan need to be addressed. Klinkam explained a certified engineer will inspect and sign off on the road when it meets the required criteria. Klinkam continued saying an easement for 20' access to the property west of Lots 1,2 ,& 5 shall be placed on the Final Plat Map (this easement belongs to Brad Thomson). Thomson said it was a 60' easement and showed the group a copy from Book 221, Page 885 recorded in the Clerk & Recorder's office. Chairman Roose said a 60' easement needs to be recorded on this subdivision. Commissioner Konzen said it is important to make sure Brad Thomson has access and it looks like he does. **MOTION** by Commissioner Konzen to award Preliminary Plat approval to Moose Flats Subdivision, with the name to be changed and the 60' road easement included as discussed and subject to Planning Staff recommendations. Second by Commissioner Roose, so ordered upon consensus of the Board.

A brief discussion continued. Klinkam asked Rich Scheben if these conditions were acceptable and he acknowledged they were. The Board also asked if the conditions were acceptable and Scheben confirmed. Motion carried.

2:30 P.M. FISHER PINES SUBDIVISION PUBLIC HEARING: Present were County Planner Mary Klinkam.

Portions of Section 13 & 24, T27N, R28 W. David Greer, Montana Dev. Mgr. Developers reviewed the subdivision plan with the Board. A continuation of this public hearing will be held September 20 in Eureka.

RE: VARIANCE REQUEST: DRY CREEK SUBDIVISION:

Variance of a 3' width requirement per Lincoln County Regulation. Requesting variance lifted on Lots 2 & 3 of the proposed subdivision. **MOTION** by Commissioner Konzen to approve variance request. Second by Chairman Roose, so ordered upon consensus of the Board.

SEPTEMBER 6, 2006 CONTINUED

ADMINISTRATIVE ISSUES:

- Chairman Roose signed **USDA Forest Service Agreement** No. 06-CO-1122609-234 (Weed Agreement).
- Chairman Roose signed **DEQ Contract** No. 505043 MOD 1. Modified from 55,820 to 105,820.
- Request from Becky Voigt asking if **Warrant #81812** could be re-issued due to a stale date. **MOTION** by Commissioner Konzen to deny request to pay 1994 warrant to Montana Earth Resources (Becky Voigt). Second by Chairman Roose, so ordered upon consensus of the Board.
- **MOTION** by Commissioner Konzen to allow Clerk & Recorder to hire a replacement for Bonnie Dill who is leaving to fill the Assistant County Planner position. Second by Chairman Roose, so ordered upon consensus of the Board.

- **RESOLUTIONS:**

1. Resolution No. 745: On August 16, 2006, the Board of Commissioners did approve an 80% increase in all fees for the **Fisher River Valley Fire Service Area**. Fees for FY 06-07 budget will be established at:
Residences: \$ 90.00
Commercial: \$180.00
Businesses selling fuel: \$225.00
MOTION by Commissioner Konzen to approve Resolution No. 745. Second by Chairman Roose, so ordered upon consensus of the Board.
2. Resolution No. 746: A resolution to **set elected official base salaries** the following rates effective July 1, 2006.
Clerk & Recorder \$37,275
County Commissioners \$39,275
Sheriff \$39,275
County Treasurer \$37,275
Clerk of Court \$37,275
Superintendent of Schools \$18,838 (half time plus \$200.00)
County Coroner \$ 7,250
County Attorney \$73,545 (\$38,199 to be paid by county;
\$35,346 to be paid by state
MOTION by Commissioner Konzen to approve Resolution No. 746. Second by Chairman Roose, so ordered upon consensus of the Board.
3. Resolution No. 747: A resolution to set **Justice of the Peace salaries** in Lincoln County at the following rates for FY 2006-2007:
Justice Court Judge No. 1 (Libby) \$37,275
Justice Court No. 2 (Eureka) \$18,638 (half time)

Office hours of said courts will be set at:
Justice Court #1 8:00 a.m. to 5:00 p.m. (Monday through Friday)
Justice Court #2 8:00 a.m. to 5:00 p.m. (Monday and Tuesday)
8:00 a.m. to 12:00 p.m. (Wednesday)
With the 4 hours on Wednesday adjustable according to the needs determined by the Justice of the Peace #2 as deemed necessary and convenient to the to the operation of the court.
MOTION by Commissioner Konzen to approve Resolution No. 747. Second by Chairman Roose, so ordered upon consensus of the Board.
4. Resolution No. 748: A resolution to grant a **3.4% COLA increase** to all elected officials, plus the COLA of .90% not paid by the state of Montana to the County Attorney, and to grant a 3.4% COLA to all regular employees of Lincoln County, with the COLA to be effective July 1, 2006.
MOTION by Commissioner Konzen to approve Resolution No. 748. Second by Chairman Roose, so ordered upon consensus of the Board.
5. Resolution No. 749: A resolution to deposit the interest revenue generated by the **2110 Road Fund investments** directly to 2110 Road Fund revenue; and such interest deposited to 2110 Road Fund revenue monthly shall then be transferred to the 1000-383000 General Fund revenue on a monthly basis to supplement the General Fund revenue; and the Board of Commissioners does direct the Treasurer to calculate the investment to "fair market value" directly in the 2110 road Fund. This resolution shall be retroactive to July 1, 2006. **MOTION** by Commissioner Konzen to approve Resolution No. 749. Second by Chairman Roose, so ordered upon consensus of the Board.

Routine business completed the day and the Board adjourned at 4:00 p.m.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Marianne B. Roose, Chairman of the Board

ATTEST: _____
Coral M. Cummings, Clerk & Recorder