

April 25, 2007

The Lincoln County Board of Commissioners met for a regular session in the Lincoln County Courthouse at 10:00 am. Present were Chairman Rita R Windom, Commissioner John Konzen, Commissioner Marianne B Roose, Bill Bischoff and Clerk and Recorder Tammy D. Lauer.

10:00 AM: Call to order.

10:00 AM: **Charlie Clough:** Present was Alvin Benitz.

Charlie came to discuss the Farm to Market Road in the area that he lives by the Airport. He had emailed pictures of the road and the flooding to the Commissioners earlier this spring. The Forest Service has been contacted also. Commissioner Windom said that she feels that the State needs to clean the ditches out to allow the water to go back to Libby Creek. Commissioner Windom said that a lot of the private driveways do not have sufficient culverts. Charlie said he has not contacted the State yet. Commissioner Windom suggested that Charlie contact Rich Sipe at the State Department of Transportation.

10:34 AM: **Ric Kesling -Wireless Connection:** Present was Alvin Benitz.

The wireless link that we have from 6 years ago is failing because the equipment is old and the technology is old. We have two options to increase the speed by more than 50%. Option B would be preferable because it would provide for the things that have been talked about for future courthouse communications. Ric firmly recommends Option B. Commissioner Roose moved that they choose Option B and fund it out of the PILT budget. Commissioner Konzen seconded and it was so ordered.

The Treasurer's office has been having a lot of trouble with Black Mountain software. They are getting kicked off the system and losing information. Black Mountain suggests that we hire Morrison & Maierle out of Helena to test the switches and wiring to make sure the hardware is not the problem. They can come next week and do this. The Commissioners agreed to allow Ric to hire Morrison & Maierle using his current budget.

11:00 AM: The Board discussed having **Myra Schultz**, an attorney contracted by MACo, come to a meeting and provide legal advice and training on subdivision matters. As the number of subdivisions continue to increase, it is important that the County Attorney, Planning Department, and Commissioners are knowledgeable on legal problems that can occur during this process. Until this meeting can be scheduled, the Commissioners agreed that discussions with any developers should only be done in a formal Board meeting and not on an individual basis.

11:10 AM: **Discussion of Planning Board and Growth Policy.** Addressing comments in the Tobacco Valley News, Bill Bischoff revealed some of the things he has learned about the Growth Plan from MACO. The Commissioners feel that they had been misinformed in the past about the requirements. They all agreed that the Growth Plan is still a very necessary course of action.

11:33 AM: There was a discussion on **House Bill 407** regarding the money for LAMP. Chas Vincent said there is nothing more anyone can do. It is a budget issue and it doesn't look good for the bill. Roger Sullivan said it may be beneficial for the commissioners to call the Governor. The Commissioners called the Governor's office requesting a call back from him this afternoon.

1:30 PM: **Mary Klinkam, Subdivision Review:** Present was Bonnie Dill.

Final Plats Approval: Present were Ken Davis, Debbie Shoemaker and Robert Kappes.

Wild River Estates, Mary told the commissioners that as of this moment the property was still not in the name of the developer. The commissioners turned this over to the County Attorney for clarification of the legalities of applying for a subdivision without being the owner of the property.

Butcher Creek West and Butcher Creek East. Both plats were signed by Rita Windom, Chairman.

1:36 PM: **Amended Lot #2, Cooper Subdivision:** Commissioners Decision: Present were Debbie Shoemaker, Ken Davis and Robert Kappes. Bonnie researched the issues that were brought up at the Public Hearing last week. The easement that exists did not have a specified width. The plat shows a 60 foot easement. There is no documentation to verify that it is a 60 foot easement. Debbie Shoemaker pointed out that the Subdivision regulations state that a 40 foot easement is required for any minor subdivision so it must be at least 40 feet. Mary recommended approval with a new condition that states that the applicant shall provide proof of 40 foot easement access and that the road shall be constructed to Lincoln County Subdivision Regulations-road standards. Commissioner Roose moved to approve as recommended by the Planning Department. Commissioner Konzen seconded and it was so ordered.

1:45 PM: **Public Hearing, Mt. Snowy Vista, Amended Lot 7,** 3 single family residential lots, E1/2 S11, W1/2 S12 T29N, R31W: Present were Ken Davis and Cheri Meyer.

Mary presented the subdivision. There was no Public comment. Public Hearing closed. Commissioner Roose moved to approve the subdivision as a preliminary plat with conditions from the Planning Department. Commissioner Konzen seconded and it was so moved.

1:50 PM: **Wild River Estates revisited.** Cheri Meyer from First American Title Company brought copies of deeds putting the property to Debra Cernick's name that will be recorded today. The Commissioners stated that they still need to find out if it was legal in the beginning (2 years ago) for Cernick to apply for the subdivision as owner. The Commissioners must table the issue until they get a legal opinion. Ken wanted to know if there was anything else they can do. Commissioner Windom said that they would not know until they talk to the County attorney. Bonnie retrieved the file to show the commissioners that Debra Cernick had signed every document as owner.

2:07 PM: **Cabin Ridge, Amended Lot 1,** 2 single family residential lots, N1/2 SE1/4 NW1/4 Sec 14, T30N R30W: Present was Lynn Yanak.

Mary presented the subdivision. No Public comment was heard. The public hearing was closed. Commissioner Konzen moved to approve the subdivision as a preliminary plat. Commissioner Roose seconded and it was so ordered.

2:11 PM: **Red Top Subdivision,** commissioners review, 2 single family lots, Sec 30 and 31, T35N R33W. Mary presented the subdivision. Commissioner Roose moved to approve the subdivision as a preliminary plat. Commissioner Konzen seconded and it was so moved.

2:14 PM: **Mud Creek Estates, Amended Lot 2, Therriault Creek Subdivision,** 2 residential lots, N1/2 Govt Lot 2, Sec 2 T35N R26W and SW1/4 SE1/4 Sec 35, T35N R26W: Commissioner Roose moved to approve the subdivision as a preliminary plat. Commissioner Konzen seconded and it was so moved.

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2:16 PM: **Khaz Subdivision**, 5 single family residential lots, NW1/4 SW1/4 Sec 25, T35N, R26W. Present was Lynn Yanak. Commissioner Roose moved to approve the subdivision as a preliminary plat. Commissioner Konzen seconded and it was so moved.

2:21 PM: Commissioner Windom played a phone message from Attorney Bill Douglas concerning **DeShazer vs Kukas**. The issue on this was that it was presented as a court order but no court order existed. The request needs to be redone without reference to the court order status. Ken Davis said that the attorneys are in agreement so it just needs to be signed. Commissioner Konzen said that they will have to have signatures of all parties involved before they will sign it off.

2:29 PM: **Growth Policy**: Mary presented a statement that she and Bill have been working on to clarify the facts on the Growth Policy. The Commissioners had been told in meetings with MACO and other commissioners that they would be required to have a Growth Policy. The former County Planner had told them that they had to have it by October 2006. The commissioners recommended some changes to the statement.

2:55 PM: **Financial and Operating Plan between the Sheriff's Office and the Forest Service**. The annual plan is under the provisions of the Cooperative Law Enforcement Agreement. The total amount of money allocated is \$27,480. Commissioner Konzen moved that the Commissioners support the agreement between the County and Forest Service. Commissioner Roose seconded and it was so moved.

3:00 PM: **Amy Guth, Port Authority**: Present was Paul Rumelhart. Paul presented financial statements for the Port Authority for nine months ending March 31, 2007. Port Authority manages the Industrial District EPA Grant money. Paul also presented financial statements for Kootenai Business Park Industrial District and The Kootenai River Development Council, Inc.

3:16 PM: Call from **Hal Harper at the Governors office** concerning Bill 407. The Governor could not call but asked Hal to call instead. The Commissioners voiced concerns about the LAMP money and wanted to make sure that the Governor knows how crucial this bill is to Lincoln County. Hal said the bill has died in claims. He said he will try to see if there is something else that can be done.

3:29 **Port Authority continued**: Paul said that he and Amy feel that the Economic Development should not be treated differently than any other county entity as far as funding goes. They would like to continue their funding as is on a month to month basis which is \$8,333 per month. Commissioner Roose moved that the funding continue through July 31, 2007. Commissioner Konzen seconded. Commissioner Windom abstained because she is on the board for the Port Authority and the KRDC. The motion carried and it was so ordered.

3:50 PM: **Bernie Cassidy**: Commissioner Windom began by saying that the commissioners would like to bring Myra Schultz to Libby. The potential date is May 29, 2007. Subdivisions are getting so involved that the commissioners would like to have Bernie designate one county attorney to come to meetings on Wednesdays and give advice on subdivisions and legal aspects of the requests. Bernie believes that the public and the commissioners would want an immediate opinion and that is not possible until research has been done which usually takes three weeks. Commissioner Roose expressed her frustration of trying to get a timely answer from the county attorney's office and wonders if the county commissioners cannot be a priority for the County Attorney's office. Bernie said that the law sets what the priority is. Legal opinions can usually wait because it isn't a matter of someone's immediate health or welfare. Some legal issues facing the commissioners were discussed.

4:22 PM: **Hal Harper** called back with some clarifying information on Bill 407.

Administrative Issues:

4:40 PM: The Commissioners signed **Resolution #778** which sets **National Crime Victims Rights Week for April 22-28th, 2007**.

4:45 PM: The Commissioners approved the **minutes of the April 18th meeting** as corrected.

4:50 PM: The Commissioners spoke about ordering the **new mail machine** for the shaped based pricing that the USPS will implement on May 14, 2007. Commissioner Roose moved to purchase the new machine for the mail. Commissioner Konzen seconded and it was so moved.

5:06 PM: The meeting was adjourned.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Rita R Windom, Chairman of the Board

ATTEST: _____
Tammy D Lauer, Clerk of the Board