

JANUARY 17, 2007

The Lincoln County Board of Commissioners met for a regular session in the Lincoln County Courthouse Annex in Eureka at 9:00 am. Present were Chairman Rita R Windom, Commissioner John Konzen, Commissioner Marianne B Roose, Bill Bischoff and Clerk and Recorder Tammy D. Lauer.

9:00 AM: **Mary Klinkam, County Planner, Subdivisions:** Present were Mary Klinkam, Chris Fox, Rick James, Lisa Marek, Gwen Backs, Kathy Meyers, Don Longgood, Barry Gray, Carol Smith, and Marty Alexander

Byson Subdivision presented for approval: 5 Residential lots W1/2 SE1/4 S32, T37N, R27W. Mary presented the subdivision with the recommendation to approve based on conditions listed. The public was given time to comment. Gwen Backs asked about the covenants. The Commissioners explained that the county does not enforce the covenants, the landowners do. Kathy Meyers suggested that the county is already involved by enforcing that there is no subdivision. Commissioner Roose explained that the commissioners can only work within the rights that the laws give them. Lisa Marek ask if there is no road access granted, would there be no subdivision and Mary told her that is correct. Don Longgood asked to clarify that the lots cannot change hands until the subdivision has final approval, Commissioner Konzen answered him that they can sell the lots in trust, but not go forward until the final approval. Mr. Longgood also wanted to know if the final approval would be in a commissioner's meeting and would the public be notified. Mary assured him that she would let the landowners know. Barry Gray has questions about abandoned roads. Ms Marek asked who was responsible to pay to engineer a road for a subdivision. The answer was the developer. Carol Smith wanted to know who asks for the access, and was told it is the landowner. Marty Alexander asked if the developer has to get a road at both ends of the subdivision or just one. Mary replied that on this subdivision they would only need one way in. Commissioner Konzen said that he had looked up the original subdivision in the minutes but it was not less than 20 acres and so was not required to meet subdivision regulations. Carol Smith wanted to know if Kooanusa Estates is not a subdivision does the road have to be 60 feet wide easement. Mary told her yes because of current regulations. Commissioner Konzen moved to approve the subdivision, Commissioner Roose seconded, so ordered

9:45 AM Mountain Meadows I: Revised Request with road going down Wilson's Driveway. A 60' easement will be needed. Commissioner Konzen moved to approve and Commissioner Roose seconded; so ordered.

9:55 AM Mountain Meadows II: Revised Request with road going down Wilson's Driveway. A 60' easement will be needed. Commissioner Konzen moved to approve and Commissioner Roose seconded; so ordered.

Subdivisions for Public Hearing: Present were Mary Klinkam, Chris Fox, Rick James, Byron Sanderson, and John Peterson

10:00 AM Mountain Lion Estates Amended Lot 1: 3 Residential Lots, NW1/4 S14, T37N, R28W. Mary presented the subdivision and it was opened for public comment. No public comment. Closed public hearing at 10:15.

10:15 AM Vinal Lake Subdivision Amended Lot D: 5 Residential lots HES 841 in S29, T36N, R31W. Mary presented the subdivision and a letter from the USDA Forest Service concerning the road to the subdivision. The USFS was requesting that the county take over the road. No Public comment on this subdivision. Commissioner Konzen moved that the commissioners draft a letter to the USFS expressing that the county will not take over any Forest Service roads. Commissioner Roose seconded, so ordered. Public hearing closed at 10:25.

10:30 AM Rawlings Addition Amended Lot 81: 2 Residential Lots, NE1/4 S29, T31N, R31W. Mary presented the subdivision and asked for public comment. No public comment, hearing closed at 10:40.

10:45 AM Virginia Hills Subdivision for Review: 2 Residential Lots, SE1/4 S18, T35N, R27W. Subdivision was presented for review. Mary recommended approval but pointed out that road needs to be at 10% grade, not 21%. She will present it for approval 1-24-07. The meeting closed at 10:55.

11:00 AM Tobacco Valley Business Park: W1/2 W1/2 S3, and SE1/4 NE1/4 S4, T36N, R27W. Present were Chris Fox, Rick James, Byron Sanderson, John Peterson, Donna Gentry, Jim Wisener, Buck Schemerhorn, and Tracy McIntyre. Mary presented and suggested that road may not be sufficient for this level of traffic. Commissioner Roose stated that during the spring a lot of heavy loads on that road could have an impact on it. Donna Gentry asked if there was going to be a traffic count on the road. Commissioner Konzen said that the county does not have a counter but may be able to borrow one from the state if necessary. Jim Wisener, landowner adjacent to the Business Park is worried about the seven small lots on the end of the park where his home is located. He would rather see four or five lots because of septic and well issues. Buck Schemerhorn stated that they would be having very strict covenants and restrictions on the park that should solve those issues. John Peterson from Kootenai Surveyors stated that the water tests have been done and approved. Donna Gentry pointed out that a garage sits on the easement of one of the roads going in to the park. Public Hearing closed at 11:18.

11:20 AM Hanley Subdivision, Amended Lot 1, Deer Park Subdivision: SW1/4 NE1/4 S2, T35N, R27W. Present were Andy Belski, Kris Caister, Henry Miller, Chris Fox, Rick James. Mary presented subdivision. There may be an issue with the road. Mary had received a letter from GLID (Glen Lake Irrigation District) stating that there would need to be a meeting between GLID and the developer. Mary had forwarded the letter on to Glen Hanley. The meeting closed at 11:30.

11:30 AM Hanks Place, Amended Lot 2 Truman's Special: SE1/4 SW1/4 S11, T37N, R28W. Present were Andy Belski, Henry Miller, Chris Fox, Rick James, Mark Draper. Mary presented the subdivision. There was an issue with the grade on the roads and driveways; the grade must be 10% or lower. Andy Belski agreed to fix that before review. Henry Miller would like to thin less than the required 50% of the sapling sized trees on the property. Commissioner Roose explained that the fire risk assessment is done by an expert and his recommendations need to be followed. Mr. Belski asked if the fire risk man could be contacted and perhaps they could walk the property together and he may revise his assessment. The commissioners agreed that they would adhere to Steve Gauger's, Firewise, recommendations. Mark Draper, landowner of adjacent property voiced his concerns over the dirt flying from the improvements to the development. He would like something to be done about all the dust. Mary told him that the county cannot regulate this. Mr. Draper stated that the Forest Service is no longer willing to protect homes in the forests and that the county is not doing anything either. Commissioner Roose pointed out that the Firewise advisements are a proactive action from the county. The meeting closed at 11:45.

1:35 PM Tobacco Bay Estates: 20 Lots, S1/2 S7, T36N, R27W. Present were Andy Belski and Kris Caister. Mary presented the subdivision. The Commissioners had questions about the common areas and the access to them. Andy Belski addressed the issues and told the commissioners that the common areas were open to foot access only on multiple trails, no motorized vehicles. The common area on the highway is where the water system will be. Andy also pointed out that there will be two highway access points to the subdivision. The public meeting was closed at 1:45.

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1:45 PM Deer Park South, Amended Lot 3A: 2 residential lots SE1/4 S18, T34N, R25W. Present were Lawrence and Helen Riffell, Debbie Shoemaker, Kris Caister, Andy Belski. Mary presented the subdivision and opened the public hearing. No public comment was heard. Hearing closed at 1:55.

2:00 PM KOK Subdivision, Amended Lot 2: 5 residential lots, SE1/4 S18, T34N R25W. Present were Jack Peters, Tim Thier, Gary Montgomery, Penny

Montgomery, Tim Mieller Jr., Dawn Marquardt, Debbie Shoemaker, Mike Workman. Mary opened the public hearing by presenting two letters that she had received. The first was from a Neal Petz who is a landowner adjacent to the proposed subdivision. He voiced his concerns about the road into the subdivision going through his property and past the school. The other letter was from Tim Thier, Chairman of the Trego School Board, who also voiced concerns about additional traffic on an already very narrow road that goes by the school. A few members of the community were also there to voice their concerns about the road. Commissioner Roose asked if there was another way to access the property. Commissioner Windom suggested that the commissioners go look at the situation of the road. It was agreed that the public meeting would be extended to February 21, 2007, when anyone will be able to meet the commissioners at the school at 2:00 PM to discuss concerns.

2:25 PM North Country View Estates: 12 residential lots, SW1/4 SW1/4 S13, T37N, R37W. Present were Debbie Shoemaker, Sue Brown, Noel Williams. Mary presented this with the plans. Commissioner Konzen asked about the parkland requirements. Sue Brown stated that Robert Etchells is looking at a cash-in-lieu of land dedication for parkland requirements. The hearing was closed at 2:35.

Administrative Issues addressed throughout the day:

9:30 AM Commissioner Roose spoke to the Commissioners about the **PNWER** (Pacific Northwest Economic Region) conference she went to this past week. She represents the Governor on this Committee. There was a discussion about a mine in Canada that may have an impact on Flathead Lake, a discussion about the requirement of a passport into Canada, and discussion about tourism during the Olympics in Vancouver B.C. Commissioner Roose also spoke to the Governor's office about the **High Speed DSL** issue for Lincoln County and was told that the Governor's office is already working on it and may already have a solution.

9:55 AM Commissioner Roose presented a letter from the Governor's Office denying Lincoln County's request for consideration of an emergency declaration as a result of the mid-summer **flooding in Eureka.**

10:10 AM Commissioner Windom gave the other two commissioners a copy of the **lawsuits** that have been filed concerning the **Airport Subdivision.** She told the commissioners that they would probably want to meet with the County Attorney soon to discuss this.

10:14 AM Commissioner Windom told of her meeting with the **Port Authority Board** on January 15, 2007, and the lack of interest in the Board. She asked Chris Fox to help find his replacement and he said he would work on it.

10:55 AM The **minutes for January 10, 2007,** were reviewed by the Commissioners and approved as corrected.

11:45 AM The Commissioners had a brief discussion about the **CDBG**.

1:55 PM A variance request was presented to the Board on behalf of Tracy McIntyre. It was determined that the commissioners have a few questions and will need Tracy to come to the next meeting or call in so that she can answer the concerns.

1:59 PM: **Board Appointment:** Troy Park Board. The Commissioners accepted a resignation from Mike Balboni. Timory Peel will fill vacancy left by Floyd Bain and Sheila Etienne and Peg Fleming are reappointed for 3 year terms. Commissioner Konzen moved to approve, Commissioner Roose seconded, so ordered.

2:50 PM: **Noel Williams concerning Public Lands:** Noel presented a copy of a letter he is drafting to Max Baucus concerning Secure Rural Schools and Community Self-determination Act Reauthorization. The commissioners make a couple of suggestions for changing the letter and Noel will change and email it to the commissioners. A similar letter will go out to Jon Tester as well. Noel wanted to discuss his contract as it has expired and he currently does not have a contract with Lincoln County. There was a discussion about the future budget and it was decided that the commissioners will address this matter again in June when the budget is in place for the coming year. Commissioner Konzen moved to continue Noel Williams current contract until July 1, 2007. Commissioner Roose seconded and it was so ordered.

3:45 PM: Personnel issues were discussed with Bill Bischoff.

The Board adjourned at 3:55 pm.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Rita R. Windom, Chairman of the Board

ATTEST: Tammy D. Lauer, Clerk and
Recorder _____