

## MARCH 28, 2007

The Lincoln County Board of Commissioners met for a regular meeting on March 28, 2007, in the Lincoln County Courthouse at 10:00 am. Present were Chairman Rita R. Windom, Commissioner Marianne B. Roose, Commissioner John Konzen, Bill Bischoff, and Clerk and Recorder Tammy Lauer.

10:00 AM: Called meeting to order.

10:01 AM: **Marianne Smith, Mental Health Director** for the Western Montana Mental Health Center: Present was Alvin Benitz.

Marianne has her Mental Health Professional license now. She states she has had great cooperation from the doctors at the hospital. Lincoln County does not have a 24 hour emergency call procedure however, the hospital and jail know to call her right away in the morning and she will come. Eureka has a therapist now, Claudia Vogl. Claudia has been in the area for over a year but did not want to commute to Libby for work. She should be licensed in Montana within a couple of weeks. Marianne has recently hired 2 therapists for Libby, Carol Kelly and Gary Lamey. WMMHC moved into their new building January 12. They modified the Rosenquist building by the Heritage Museum. She wants to have an open house next month to let people know where they are. Commissioner Roose said that it is very encouraging to hear that she is working well with the hospital and the sheriff's department. Marianne said that she has an attitude of helping when needed, not when convenient. In the past mental health was reluctant to come to the jail. Commissioner Windom expressed her appreciation that Marianne is willing to go to the jail. Commissioner Konzen wanted to know what level of education the deputies have to determine if Mental Health is needed. Marianne said she has told them to call her if there is a concern or a doubt. Marianne has been very pleased with the cooperation from the community she deals with. She has 21 employees now and is very pleased with their positive attitudes. They are in the process of looking for a facility in Eureka.

10:54 AM: The Commissioners reviewed a report from **Roger Cox** on the county investments.

11:00 AM: **Library Board**: Present were Sami Pierson, Jennifer Seifert, Pat Pezzelle, Beth Schweitzer, and Joann Johnson.

Pat presented a copy of the budget for this year which pointed out that they are under budget for most all categories as of now. He also presented the commissioner with a series of graphs that provide a history of the library over the past few years. Commissioner Windom asked Pat about the graphs and why the revenue has decreased so much. Sami will look at the data and find out what revenue has been discontinued or decreased. They will meet back with the commissioners next quarter.

11:44 AM: **Don Clark and Ken Rayome**: Brent Shrum was present.

Don is the President of the Rod and Gun Club and Ken is on the Board of Directors of the Archery club. Don began by thanking the Commissioners for their support of the Rifle Range

this past year. At a recent Archery Club meeting some land owners came to express their concern about the shots all around them during hunting season. They wanted to see if there was a possibility of creating an archery only area south of town. Montana fish and game has the power to declare that. There are a lot of homes in this area and they are nestled in the woods. The acreage is about 3500 acres and about 1100 people live in the area now. It is located in the Farm to Market Road area. This would not limit private property owners from shooting on their own land. Don is looking for the commissioners' approval so he can state that when he presents it to USFS and others. Commissioner Konzen asked about shot guns, they don't have a great range. Don said that if they are going to do it they need to do all guns to make it effective. Commissioner Windom asked if this could be done as a pilot project. Don thinks that once it's done, it will be permanent. This area could be a safe place for kids to learn to bow hunt. Don said that one of the reasons the game wardens got involved is because they are getting many complaints and finding it hard to enforce any laws. Commissioner Konzen told Don that the commissioners agree with the concept but would like to get some public feedback before getting behind it completely.

1:30 PM: **Bonnie Dill, Subdivision Review:** Present were Arnie Brouillett, Ken Davis, Kendra Lind, Paul Tisher and Sam Shupe.

1:31 PM: **Deer Park Amended Lot 2:** Arnie Brouillett and Ken Davis came to address the road issue the commissioners looked at last week in Eureka. Arnie would like to keep his land at 40' because a 60' easement would be very close to his house and make his fence move too far back. Commissioner Konzen told him that it is only an easement and it wouldn't matter where he put his fence. Commissioner Konzen moved that the commissioners approve a 40' easement on the part of the road that is not Arnie's property and the 60' on his property. Commissioner Roose seconded and it was so moved.

1:42 PM: **Lime Butte Views Public Hearing,** 5 residential lots located 15 miles southwest of Troy: Present were Ronald Massey and Ken Davis. There is a floodplain issue for lots 1 and 2. The developer and the surveyor do not understand what the problem would be because the building sites are well above the high water marks. The developer has made many changes due to the floodplain. It is possible that the DNRC does not have all the information. Kendra will call the DNRC to find out what is required and to be sure that the DNRC received all of the information. The developer has made a road that allows adjacent landowners access to their property. Ronald asked if he was the first to be asked for this hydrologic study. He was told that no one here had seen it before. Ronald doesn't mind being the first out of the gate but he is sure that this will cause a big issue with other developers along the Bull Lake Road. Commissioner Konzen mentioned the impact on local fire departments of the new subdivisions. Commissioner Roose stated that currently the county has no process in place to address that and therefore the board has no authority to access impact fees. The Public Hearing was closed.

Kendra said that there should be a mapping of the Bull Trout setback for a **Channel Migration Zone** on surveys from now on that involve creeks and rivers.

2:11 PM: **Sheldon Tracts Subdivision Public Hearing,** 10 single family lots, North of Libby. Present were Paul Tisher and Ken Davis. There is a road issue on this subdivision. The Forest

Service said that they would give the developer the FS road but then changed their mind. It was decided that the county would realign their road and abandon the original road. The county would actually end up with a smaller road than they started with. The county is not taking on a new road, just repositioning the existing one. Commissioner Roose said that she felt that it would work out fine for the county. Ken asked about the condition #6 which states a 75' radius for a cul-de-sac. Commissioner Konzen said that condition #6 should be changed to "county standards" not 75'. The public hearing was closed and the commissioners will vote next week.

2:31 **Sauls Subdivision**, NW1/4 Sec 17, T37N, R26W, 2 single family lots 9 miles east of Eureka: Commissioner Roose moved to approve as recommended by the planning board. Commissioner Konzen seconded and it was so ordered.

### **MARCH 28, 2007 CONTINUED**

2:36 PM: **Meadow Springs, Unit II Subdivision**, NE1/4 NE1/4 and SE1/4 NE1/4 Sec 31, T35N R26W, 2 single family lots, 5 miles west of Fortine: Commissioner Konzen moved to approve the subdivision as recommended by the planning department. Commissioner Roose seconded and it was so moved.

2:39 PM: **Yarnell Subdivision**, W1/2 Sec 26, T36N, R28W, 5 single family lots 2 miles south of Rexford. Commissioner Konzen pointed out to revise turnaround to read "as to county standards", not 70'. Commissioner Konzen moved to approve as per recommendations by planning staff, Commissioner Roose seconded and it was so moved.

2:45 PM: **Kendra Lind** was asked to stay at the meeting to discuss a message from Robert Seymour in the Swamp Creek Acres Subdivision by Trego. His septic has flooded twice. Kendra is trying to contact Mr. Seymour. Kendra has asked someone to go to the site and check the septic tank and the seals to be sure that it is only runoff that is the problem.

2:55 PM: 3:00 PM: **Eileen Carney**: Eileen came to discuss **Kootenai Pets for Life** spay and neuter clinics. The KPFL takes animals to Kalispell and Bonners Ferry for altering. They provide certificates for spay and neutering discounts in Libby too. In 2006, they altered 460 animals. They have altered 75 animals in January and February. Ron Anderson told Eileen that there is \$3,800.00 in a spay and neuter account through the county. She is asking that the county release that money to the KPRL. Rita said that a committee had been formed to deal with the distribution of that money, what happened to them? Eileen has not been able to contact anyone on the committee. It was suggested that Ron Anderson contact the committee and someone from Eureka and Eileen to get together to figure this out. Eileen agreed and scheduled a meeting for next Wednesday at 3pm in the commissioner's room.

#### **Administrative Issues:**

3:28 PM: Commissioners signed a Quitclaim Deed that signs over **Hamann Avenue to the City of Libby**.

4:04 PM: The **Planning Board** has an opening due to the resignation of Henry LaSala. Stu Brisken of Troy has volunteered for the position. Commissioner Roose moved to approve the appointment of Stu Brisken to the Planning Board. Commissioner Windom seconded and it was so moved.

3:30 PM: **Bruce Vincent**: Bruce came to talk about resolutions he had written about mining projects that can be presented to other organizations for backing. He asked for input from the commissioners. Commissioner Konzen and Commissioner Windom suggested a few changes. They discussed the content of the resolution having a positive attitude and not a negative attitude for the mining opposition. They discussed some of the bullet points on the document. Bruce will tweak the resolution and then he will begin presenting it to groups in the county. The commissioners said they could do newspaper ads in addition to person to person presentations.

Provider Pals-virtual village will go live on earth day. They will web cast from Little Rock, Arkansas earth day festival on the Clinton Library lawn and Clinton will be there. The city of Little Rock wanted Provider Pals to have a booth. Provider Pals in every school in Arkansas within 2 years is the goal.

4:06 PM: Meeting was adjourned.

#### LINCOLN COUNTY BOARD OF COMMISSIONERS

---

Rita R. Windom, Chairman of the Board

ATTEST: \_\_\_\_\_ Tammy D. Lauer, Clerk of the Board