

May 16, 2007

The Lincoln County Board of Commissioners met for a regular meeting on May 16, 2007, in the Eureka annex of the Lincoln County Courthouse. Present were Chairman Rita R. Windom, Commissioner Marianne B. Roose, Bill Bischoff, Clerk and Recorder Tammy D. Lauer, and County Planner Mary Klinkam. Commissioner John Konzen was in Minnesota on Interoperability for DES planning meeting.

9:30 AM: The commissioners met on site at the **Corvette Heights Road**. They met with Doug Newmaster and Jim Hammond about the width of the road and concerns about the grade in places. The Commissioners told the men that they would ask for the direction of the County Attorney and it would be 3 weeks until they would get an answer. Several other property owners came to the meeting.

10:40 AM: Called official **meeting to order**.

10:45 AM: Commissioners read and approved the **minutes of May 9, 2007**, meeting as corrected.

10:46 AM: Commissioner Windom asked about **the Budget** status. Tammy reported that the packets had been handed out.

10:49 AM: The Commissioners reviewed a contract with the **Weed Department** and Bill Chalgren for \$15,000. Commissioner Roose moved that we approve the Tansy Modification 1 Weed district and the FS agreement. It involves indirect costs from a County contract, Commissioner Windom seconded and it was so moved.

10:51 AM: The Commissioners addressed a request from Marc McGill for a memorandum of understanding with the **Northern Tier Agencies** of EMA/DES agreement. This MOU identifies Lincoln County as a member and enables the county to receive equipment in a disaster situation. Commissioner Roose moved to approve the agreement. Commissioner Windom seconded and it was so moved.

10:52 AM: The Commissioners reviewed four **Noxious Weed Trust Fund Grants** with the Montana Department of Agriculture. The Bio Education Grant for Eureka at \$6,532, two Tansy Ragwort grants for \$32,697 and \$63,819, and the Rush Skeleton Weed grant for \$40,000. Commissioner Roose moved to approve grant and Commissioner Windom seconded. It was so ordered.

10:55 AM: **Flex plan** has been changed from June to July to an August 1st to July 31st schedule. Memos will go out today to employees to let them know that there will be no Flex in July for this year only while the schedule changes.

11:00 AM: Commissioner Roose mentioned that **Census time** is beginning soon and she feels it is important that the Commissioners get involved so the county can obtain more accuracy on the next report.

11:01 AM: Commissioner Windom asked Tammy to tell about the training that she is attending in Helena next week on the **Montana Votes** system with the Secretary of State.

11:09 AM: There was a discussion of **personnel changes** in the County Road Crews and the Treasurer's office and Clerk and Recorder's office.

11:10 AM: Break

11:20 AM: Commissioner Roose moved to approve the work order for **Marc McGill**, Director, EMA, as submitted to the Montana DES for the coming year. Commissioner Windom seconded and it was so moved.

11:30 AM: **Decision on Road Abandonment petition for Old Sinclair Creek Road:**

Commissioner Windom introduced herself and Commissioner Roose and said that Commissioner Konzen was on County business in Minnesota. Commissioner Windom read the document from the County Attorney. She said that this is not a public hearing. The public hearing had already taken place on this issue. The commissioners did allow landowners from the area to reiterate the opinions they had said at the public hearing. Commissioner Roose moved that the commissioners accept the County Attorney's opinion and not abandon the Old Sinclair Creek Road according to the law. Commissioner Windom seconded and it was so ordered.

12:00 Lunch

1:30 PM: **Mary Klinkam, Subdivision Review:**

1:31 PM: **Osprey View Estates Amended Lot 17A, Public Hearing**, 2 residential lots, E1/2 Sec 14, T36N R28W: Mary presented the subdivision and recommendations. The developer is taking the original lot and splitting it in two. Commissioner Roose moved to approve subdivision as a preliminary plat. Commissioner Windom seconded and it was so moved.

1:36 PM: **Upper O'Brien Creek**, 1 lot, S1/2 Sec 32, T35N R26W: Mary presented the subdivision and read the recommendations. Commissioner Roose moved to approve as a preliminary plat as recommended by planning department and Commissioner Windom seconded, so moved.

1:40 PM: **Baker Lake Ridge**, 1 residential Lot and a remainder, SE1/4, SE1/4, Sec 21 SW1/4 Sec 22, and East 1/2 NE1/4 Sec 28, T36N, R27W: Mary presented the subdivision and stated that one recommendation is that the name be changed due to a Baker Lake subdivision that already exists. The developer was present and agreed to change the name. Commissioner Roose moved to approve the subdivision as a preliminary plat and Commissioner Windom seconded and it was so moved.

1:45 PM: **Barnaby Heights**, 44 Residential Lots, Public Hearing, NW1/4 Sec 28, T35N, R26W: Present were Robert Starling, Lloyd Bridges, Andy Belski, Jerre Johnson, Kris Caister, Ginny Emerson, G K Hanson, Larry Wilke, Bonnie Dittmer, Rich Deucher, Al Longacre, Kate Longacre, Connie Schreier, Don Truman and Darrel Zauner.

Mary submitted the subdivision and conditions and recommendations. Mary also read three letters. The first is from the Secretary of the Trego/ Fortine/ Stryker Fire Department, Jennifer Persson. The second is from Rod Lingerfelt an adjacent land owner. The third is a letter from Catherine M. Longacre, adjacent land owner. Mary also addressed two letters from David Harman, attorney, written to Ken Peterson, County Planner in 2006, which concerned the width of the road not being 60' for the entire length of the road. Rita asked Andy Belski to show how the traffic will get through the 30' part safely. Andy drew a map showing that the driving surface would always be 24' even in the part where the easement is smaller. Kate Longacre asked about the road issue. Lloyd Bridges asked the reasoning behind the 60' easement. Al Longacre was concerned that the community septic and sewage system would be just north of his water well. He wondered if

easements already existed concerning this. Mary explained that it would have to be within County Guidelines to pass as a septic and sewage system.

Jerry Johnson, a land consultant told that the sewer systems will be up to standards according to state laws which is 100 yards from a water well. Rich Deucher asked Jerry how he can figure the drain fields before you know the size of the homes. Jerry said that they use an average home of 4 bedrooms. Kate Longacre wanted to know if there has been a study to see if there is sufficient water in the area. Jerry stated that the State monitors wells and can make landowners go deeper or make larger lots to find sufficient water. He then explained the requirements for a single family dwelling well. Commissioner Windom asked if there has been a consideration to size of lawn due to water issues. Andy stated that they had not addressed that yet because they haven't found out how much water they have. Larry Wilke asked if they planning a community water system. Jerry answered yes with typically 2 wells. Al Longacre brought up the issue of one egress and one regress and asked how residents would protect themselves if there was a fire that blocked the road. Mary explained that current subdivision laws don't require 2 exits in a loop subdivision like this

Al wanted to know how the county allowed the roads to be put in and the land logged. Mary explained that a landowner can do what they want on their own property and it is not a subdivision at this time. Kate asked if Mary had the authority to stop them had it been a subdivision. Mary said that the new subdivision laws that have yet to be adopted will have some language to help with this. Ginny Emerson wanted to know if it would do them any good to call the sheriffs department. Mary said no, the sheriff's office would not be involved as no laws are being broken. The Commissioners ended the public hearing for today at 2:33 PM. They will continue the public hearing on May 30, in Libby at 2:00 in the Commissioner's office.

2:43 PM: **Blankers 93 North Subdivision**, 3 single family lots, SW1/4 SW1/4 Sec 12 T27N, R27W, Mary presented subdivision. Commission Roose moved to approve the subdivision as a preliminary plat and Commissioner Windom seconded. It was so moved.

2:45 PM: **Johnny's Haven**, appeal of denial of variance request: The variance was denied because it was in conflict with the 3 to 1 rule. However, Mary stated that the subdivision is within the guidelines of the variance of the rules. Commissioners Roose and Windom decided to continue the appeal until May 30th. No decision was made.

2:50 PM: Final Plat **Susan's Retreat 3**: Commissioner Windom signed the plat.

2:53 PM: **Family transfer for Carl Kassler**. Owned by a limited partnership in Dec 2000, April 9, 2007, was taken out of LLC, family partnership and put in husband's name. And now he wants to split some to his wife. Mary recommends that they deny based on the recent transfers of property title. Commissioner Roose moved that the Kassler Family transfer be denied and Commissioner Windom seconded and it was so moved.

2:55 PM: **Lloyd Bridges** came to discuss the bridge issue with his development. The county has said that it needs to be a 2 lane bridge. Lloyd feels that the other developers in that area should share in the cost and he would like to have legal recourse. Lloyd said that he does not want the county to collect compensation, but just address the issue. Compensation is cost of bridge times the number of lots. The commissioners will consult the County Attorney for an answer to this.

3:05 PM: Mary mentioned a **grant announcement** she had just received in the mail that she would like to pursue with the commissioners approval. The commissioners agreed that she should pursue the grant.

3:06 PM: **Bid openings for Airport Projects**: Tim Orthmeyer, Morrison Maierle, Inc.

Tim opened the bids for a snow plow truck. Missoula Freight Liner was missing the EEO and Signed Proposal so the bid was rejected. I State Truck Center had all paperwork in tact. The bid was \$174,624.00. Commissioner Roose moved that they take the bids under advisement, Commissioner Windom seconded and it was so moved.

Tim opened the bids for the Libby Airport. Maxwell Asphalt of Salt Lake City had paperwork intact. Their bid was \$46,025., \$28,524.75, \$16,838.25, and \$31,500 for a total of \$122,888. Promark Inc. of Lolo Mt had paperwork intact. The bids were \$23,714, \$16,886.70, \$15,715.00 and \$31,002. Total base bid was \$87,317.70. Kootenai Paving and Construction of Libby had paperwork intact. The bids were \$21,195, \$17,152.25, \$13,108.75 and \$29,600.00. The total base bid is \$81,056. Commissioner Roose moved that they take the bids under advisement. Commissioner Windom seconded and it was so moved.

Tim explained three new projects. He is looking for approval of the contracts. Commissioner Roose moved that the county approve the professional service contract for Morrison Marile for snow removal at Eureka Airport. Commissioner Windom seconded and it was so moved. Commissioner Roose moved to approve the service agreement with Morrison Marile project for the pavement and electrical update at the Libby Airport. Commissioner Windom seconded and it was so moved.

Tim showed the commissioners a FAA specs order to sign for the FAA.

3:40 PM: **Meeting adjourned.**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Rita R. Windom, Chairman

ATTEST: _____
Tammy D. Lauer, Clerk of the Board