

May 30, 2007

The Lincoln County Board of Commissioners met for a regular session on May 30, 2007, at 9:30am, in the Lincoln County Courthouse. Present were Chairman Rita R. Windom, Commissioner John Konzen, Commissioner Marianne B. Roose, Bill Bischoff, and Clerk and Recorder Tammy D. Lauer.

9:30 AM: Commissioner Windom called the **meeting to order**.

9:31 AM: **Frank Waterman-Easement Exchange** with county: Present were Mark McCully, Dale Byers, Alvin Benitz and Peggy Williams. Frank presented a proposal to the Commissioners. Dale asked some questions about the easement agreement and stated that he was satisfied with the answers and does not have a problem with the agreement. Commissioner Roose moved to approve the agreement with the county and Frank Waterman. Commissioner Konzen seconded, and it was so moved.

9:36 am: **Mark McCully** showed the commissioners a flyer on a piece of equipment that would seal the walking paths. Commissioner Konzen moved that the county purchase a sealcoating machine for \$14,000 to be paid out of road funds and share it between the counties. Commissioner Roose seconded and it was so moved.

The commissioners discussed some equipment performance with the road crew.

9:45 am: **Flathead Valley Chemical Dependency Clinic:** The Commissioners read the Service Provider Designation Form and the four year county plan. Commissioner Roose moved to approve the four year contract. Commissioner Konzen seconded and it was so moved.

9:50 am: Marianne explained a phone call she had received from the Forest Ranger in Eureka concerning the developers of a subdivision called Tobacco Bay Estates near Mariners Haven that is advertising the lots as waterfront property and declares that they can put in a boat slip on Lake Koochanusa. This is **false advertising**. The Ranger informed Commissioner Roose that they will not be able to put in boat slips and the lots are not waterfront. Commissioner Windom mentioned an ad in the paper that says that a new county road will be built this spring for a McGinnis Meadows subdivision, which is false as well.

9:53 am: The Commissioners signed **Resolution No. 780** to designate a single point of contact to serve as the principal coordinator for NIMS implementation. The EMA Director, Marc McGill has been named the contact. Commissioner Konzen moved to approve the resolution. Commissioner Roose seconded and it was so moved.

10:00 am: **Road Abandonment hearing:** The property is on the edge of the Roose property in Fortine. The adjoining property owner had an issue with a location of a road that went to mediation. It was agreed between the parties to settle by abandoning the county road and Roose's putting in a new approach and moving their fence. Public hearing was closed. Commissioner Konzen moved that the County abandon the County road and Commissioner Windom seconded. It was so moved. Commissioner Roose was not involved in the approval due to her involvement in the property.

10:15 am: Rita mentioned that the **District 10 and 11 Meeting** is in Superior on June 11, 2007. She has concerns about issues with the State of Montana DOT using secondary road funds for flood repair Ravalli County.

10:22 am: **Sheriff's office:** Present were Daryl Anderson, Jerry Rust and Roby Bowe. The Sheriff's office wants to add one man in Eureka and one man in Libby. They would also like to create a transport officer/detention officer. Transports go to Kalispell, Warm Springs, Deer Lodge, etc. This is a growth issue for the community. No changes have been made in the force and the community continues to grow and expand to new areas. Every weekend there is something going on that requires the Sheriff's Department to be there. They have a lot of absences coming this summer for school, surgeries, vacations, etc. The commissioners asked them to put together some figures to look at for the transport position. Sheriff Anderson also asked that Roger Guches be a full time Sergeant for the department. Commissioner Konzen moved to allow the Sheriff's department to make Roger Guches a full time Sergeant. Commissioner Roose seconded and it was so ordered.

Commissioner Konzen moved to allow the Sheriff's department to hire a temporary replacement for Rich Larson while he is out on medical leave. Commissioner Roose seconded and it was so moved.

11:05 am: **Enhanced 911 update:** Mary Klinkam, Debbie Blystone, Marc McGill, Char Williams, Jerry Rust, Brent Shrum and Jay Dinning. Debbie Blystone has put together books of the new roads and addresses in the county. The end of June 5045 notices will be going out to residents to inform them of the change of addresses. There are an additional 2,165 residents that have new addresses but the county is unable to contact them due to an unknown "original address". The county has put together a news release about the address changes. They have also set up a new phone number for residents to call and an email site to access to ask questions about the address changes. Mark McGill gave an update on the equipment which should be up and running the end of October. There was a discussion of how everything will work together. The important issue to explain to people is that this is all for the 911 enhancement. It will save lives. The commissioners feel that there would be a greater response from people if they could receive a live person on the phone rather than a machine. The problem is a staffing issue; no department has an extra person to man the phone line at this time.

1:31 PM: **Mary Klinkam, County Planner, Subdivision reviews:**

1:35 PM: **Barnaby Heights, Continuation of Public Hearing:** 44 residential lots, NW1/4 Sec 28, T35N, R26W: Present were Bonnie Dill, Larry Newman, Ken Davis, Jack DeShazer, Barb Gannon, Paul Bunn, Charlene Wentzel, John Ague, Darrel Zauner, Connie Schreier, and Kate Longacre. Early this morning Mary received proof of sufficient easement on the road issue. Kate Longacre asked again about the egress and regress in case of emergency. She feels that fire could be an emergency safety issue. Mary stated that the current subdivision regulations do not require more than one ingress and egress if there is a loop system. The regulations have been in effect since 2004. Kate asked if the current regulations also say that the commissioners have the right to deny a subdivision if there is a risk to public safety. Mary said that yes they do. Commissioner Windom mentioned that a person may not have to leave the subdivision completely to escape the fire. Kate wanted to know if the county planning department had responded to the letter from the Fortine Fire Department Secretary. Mary said that they had not. Kate said Jerry Johnson talked about testing of the wells in the area by DEQ, do they automatically do that or does it have to be requested? She was told that the DEQ does it automatically on a subdivision such as this. Commissioner Konzen asked about solid waste for the area. Mary stated that she had not received a response from them. Public Hearing was closed 1:55 pm.

Commissioner Konzen is concerned about the fire risks. He spoke to the developer about putting a couple of turnouts in the subdivision to make it safer. He felt that 3 turnouts at 24 feet long and 12 wide would make a big difference in the safety issue. The developer did not see a problem with that. Commissioner Konzen moved to approve the subdivision as a preliminary plat as per new conditions. Commissioner Roose seconded and it was so moved.

2:00 PM: **Eastwood** 1 residential lot, ¼ SE, ¼, Section 2, T29N, R31W. Mary presented the subdivision to the commissioners and read the conditions.

2:03 PM: **Golden Eagle Estates**, 5 residential lots, W1/2 Sec 1, T29N, R31W. Mary presented the subdivision to the commissioners and spoke to them about some of the concerns with road issues. The road at 25% is being fixed soon to be 8%. The road has already gone through the “wet” area and has remained dry.

2:10 PM: **Johnny’s Haven** 3 to 1 issue Appeal. Mary recommended that the variance be approved. She read the requirements for variance and her answers to each requirement. Mary explained why they qualify for the variance. Commissioner Windom moved that they approve the variance. Commissioner Roose seconded for the purpose of putting it on the table for discussion. Commissioner Roose asked if he is doing this to avoid doing a subdivision. Mary said no, he is asking to do a subdivision. The commissioners voted and the motion was not carried.

2:20 PM: **Variance request for Paul Bunn**. Paul wants to subdivide a piece of property at the end of Bobtail Road which has a 40’ easement on the county road leading up to it. The subdivision will be 20 to 30 lots on a 200 acre tract. The Road department personnel have been consulted and are concerned about the turn around for the school bus at the beginning of the subdivision road. The school bus issue can be addressed in the final plat approval. Commissioner Konzen moved to approve the variance request by Paul Bunn for the portion of Bobtail Road through which the subdivision will have access. Commissioner Roose seconded and it was so moved.

2:43 PM: **Lower Meadow Creek**, final plat approval. Commissioner Roose moved to approve the final plat and Commissioner Windom seconded and it was so ordered.

2:49 PM: **Deer Park South Subdivision** final plat approval. Commissioner Roose moved to approve the final plat and Commissioner Windom seconded and it was so ordered.

3:00 PM: **Tim Orthmeyer** came to open the bids for the Eureka Airport Building. No bids were submitted. Tim will pursue different avenues. He may solicit quotes from contractors in our area.

3:30 PM: Commissioner Windom announced the changes in the **Road Department** personnel. Mark McCully will be the new Foreman and Joe Neisess will be the new Assistant Foreman.

3:36 PM: The **Commissioners’ reviewed their schedules** for the upcoming month with Bill.

3:50 PM: **Administrative issues**.

3:51 PM: **Hard Rock Mine Trust** picnic in Troy on June 20, at 7:00 in the Troy Roosevelt Park. The next day on June 21st they will tour both mines. The Commissioners would like to invite people from the state, county, cities, schools, and mines. Commissioner Konzen moved that the County supply the food for the picnic from the county Hard Rock Mine fund. Commissioner Roose seconded and it was so moved.

4:05 PM: The Commissioners had a discussion about the address changes that are coming up for county residents. They discussed the need to support Planning Department as they approach this task.

4:23 PM: **Meeting adjourned**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Rita R. Windom, Chairman

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