

**October 29, 2008**

The Lincoln County Board of Commissioners met for a regular session on October 29, 2008 in the Lincoln County Courthouse. Present were Commissioner John Konzen, Commissioner Marianne Roose, Bill Bischoff and Clerk and Recorder Tammy Lauer. Commissioner Rita Windom was present by phone.

10:00 AM: Commissioner Konzen **opened the meeting** with the Pledge of Allegiance.

10:01 AM: **Terry Utter**: Present were Robin Schiferl, County Attorney Bernard Cassidy, Brent Shrum, Steve Newman and Brad Fuqua. The Commissioners have asked former Justice of the Peace Terry Utter to fill in for Gary Hicks who is on suspension. Terry was Justice of the Peace in Eureka for 8 years and retired in 2006. The County Attorney read the law concerning replacing a suspended judge. Terry is not interested in a full time position or long term position but is willing to help for the next 2 or 3 months. Robin believes that 2 or 2 ½ days per week would be sufficient to keep the office running smoothly. Terry was told about the video appearances that are available from the Eureka courtroom. Video would be available when Stormy Langston is doing her City Judge duties on Wednesday afternoons, Thursdays and Fridays. Bernie mentioned that Terry has a good reputation for fairness and is the best choice for this situation. The Commissioners agreed to pay Terry \$19.62 per hour (base rate for the Justice of the Peace) and allow him to use the silver County car for his trips back and forth. Commissioner Roose moved to appoint Terry Utter the interim JP and it was so moved. The County Attorney noted that Terry should be sworn in. Tammy Lauer administered the Oath of Office to Terry.

10:37 AM: The Commissioners addressed some **administrative issues**.

11:00 AM: **Secured Rural Schools Funding decisions**: The Commissioners reviewed the formulas and decided on the same formula that has always been used. There was a discussion about the changes in the uses for Title III money. There was a discussion about Title II funds. Bill provided some examples of dollar amounts at different percentages. Commissioner Roose moved to adopt the State Allocation formula and out of that money 15% be used for Title II and Title III. The amounts for each will be \$200,000 to Title III and \$865,983 for Title II. The motion carried unanimously.

11:25 AM: The Commissioners went into **Executive Session** with the Sheriff concerning a personnel issue.

1:30 PM: **Subdivision Review**: Lisa Oedewaldt and Ken Peterson

1:31 PM: **Amended Lot 2, Libby Creek Estates**, 3 lots, W1/2 Sec 1, T29N, R31W, Public Hearing: Present were Johna Morrison and Marc Liechti. Lisa opened the public hearing by reading the details of the subdivision and the conditions. David Nash wrote a letter and had a concern about water being available for the subdivision. Lisa informed him that the DEQ would determine that in the subdivision process. There was no other public comment. Lisa closed the public hearing.

1:35 PM: **Amended Lot 3A of Amended 2A of Lots 2 & 3 Kettlehorn No 2**, 2 lots, Commissioner Decision: Lisa reviewed the subdivision and conditions from last week. Commissioner Roose moved to approve the subdivision as preliminary plat and it was so moved.

1:38 PM: **O'Brien Creek Meadows**, 2 lots, Commissioner Decision: Lisa reviewed the subdivision presented last week. Commissioner Roose moved to approve the subdivision as preliminary plat and it was so moved.

1:40 PM: **Lyman Estates**, 2 lots, Commissioner Decision: Lisa reviewed the subdivision presented last week. Commissioner Roose moved to approve the subdivision as preliminary plat and it was so moved.

1:43 PM: **Wood Spirit Subdivision**, 4 lots, Commissioner Decision: Lisa reviewed the subdivision presented last week. Commissioner Roose moved to approve the subdivision as preliminary plat and it was so moved.

1:45 PM: **Willett's Subdivision**, final plat approval, Commissioner Roose moved to approve the final plat and it was so moved.

1:47 PM: **Amended Lot 1-A Amended Kootenai Meadows BLA 6585RB**, final plat approval: Commissioner Roose moved to approve the final plat and it was so moved.

1:48 PM: **Bluhm-Woods Subdivision**, final plat approval: Commissioner Roose moved to approve final plat and it was so moved.

1:50 PM: **Court ordered split**: The Howard and Stacy Shaffer divorce is splitting the property in 2 pieces. Commissioner Roose moved to approve the split and it was so moved.

1:54 PM: **Family Transfer: Michael Gwynn** wishes to transfer to his son Marvin J. Gwynn. There is no evidence of evasion of subdivision. Commissioner Roose moved to approve the family transfer and it was so moved.

1:56 PM: **Family Transfer: Jerry and Suzanne Rempel** wish to transfer land to their daughter Christine Nichols. There is no evidence of an evasion of subdivision. Commissioner Roose moved to approve the family transfer and it was so moved.

1:57 PM: **Panoramic View Estates**: Clarification of Conditions 3 and 4: Lisa stated that there are 2 options for the conditions and read the two options. Commissioner Konzen mentioned that the water source is only part of the problem, they still need to get the water to the fire and if the subdivision is not annexed into the fire district then there is no fire suppression system. Commissioner Konzen said that the safety is not there if the subdivision is not covered by the fire department and the subdivision may be denied. The developers said that they have met with the Fire Department and didn't get an answer but have another meeting with them on November 10, 2008.

2:51 PM: **Administrative Issues:** The Commissioners read a proposal from Ken Boyd for an improvement to the **heating system**. The Commissioners agreed that it was necessary and gave him permission to proceed.

2:53 PM: An employee had declined her retirement in the past but now wishes to purchase it back. Commissioner Roose moved to approve paying **PERS for the employees back payments** and it was so moved. Commissioner Roose moved to discontinue this practice in the future so that if an employee refuses PERS they can not come back for it as per Sec 19-3-505 and 19-3-504 and it was so moved.

3:05 PM: The Commissioners addressed a letter from **Stormy Langston, Justice of the Peace District 2**. The Commissioners discussed the grade change of an employee and decided it was not warranted. The Commissioners will look at the figures at the end of the calendar year and consider making the part time person a full time employee. They agreed that no action should be taken at this time.

3:14 PM: The Commissioners read the **minutes of the October 15 and October 22 meetings**. Commissioner Windom moved to approve the minutes as written and it was so moved.

3:26 PM: Tammy Lauer, Clerk and Recorder, approached the Commissioners about raising the **pay rate for the Election Judges** by 25 cents to keep up with the minimum wage increase this year. The base wage will be \$6.75 followed by \$7.25 and \$8.25 for chief judges. Commissioner Roose moved to approve the pay raise for the election judges and it was so moved.

3:30 PM: The meeting was **adjourned**.

#### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Commissioner John Konzen, Acting Chairman

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