

October 7, 2009

The Lincoln County Board of Commissioners met for a regular session on October 7, 2009 in the Lincoln County Courthouse. Present were Commissioner Konzen, Commissioner Roose, Commissioner Berget, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

9:00 AM: Commissioner Konzen **opened the meeting** with the Pledge of Allegiance.

9:01 AM: **Kootenai National Forest Update:** Present are Cami Winslow, Paul Stantus, Quinn Carver, Noel Williams and Brad Fuqua. Paul talked about the stimulus projects that are beginning to develop now. Bids are coming in and being accepted. Paul mentioned that some projects were not bid at all. Cami talked about the RAC projects. Quinn talked about ongoing litigation. Paul said that the Motor Vehicle use map is complete and takes effect January 1, 2010. Commissioner Konzen talked about a meeting with Tester on Saturday and what will be discussed.

10:00 AM: **Planning Board:** Joe Kelly talked about a letter the Planning Board wrote to the Commissioners. They were confused about the liaison with the forest service. They were under the impression that Ted Andersen would be the liaison with the forest service but were told that Noel Williams has been hired by the County. Commissioner Konzen explained that Noel has worked for the County for 5 years as a contract employee dealing with the Forest Service and any forest issues. Commissioner Konzen stated that when a coordinating and cooperative status is developed with the Forest Service then the County will have the right to go to the planning meetings of the Forest Service. This is when he sees Ted coming in to the picture. Commissioner Roose clarified that Ted would not represent the County but would gather information for the County pertaining to the Growth Policy. Chas explained the roles of both men in the cooperating status. Ted would go to meetings and Noel would help the Commissioners communicate about those meetings with the Forest Service. Noel explained his role in the Mineral County natural resource plan to show how this would work in Lincoln County. Commissioner Konzen said that the Forest Service has the right to reject anyone from sitting in the planning meetings because the coordinating status is not in effect yet. There are five districts in the County and it's nearly impossible to be a part of all meetings, a person would need to be selective about what issues will really impact the County and attend those meetings. Joe Kelly said that over the last three years the Planning Board has developed a Forest Revitalization Plan. They were told that Chas's group was developing their own and then they would give it to the Planning Board to incorporate into the Growth Policy with their own. Chas stated that the group just wants the Planning Board to choose some vital topics and then they will move forward. There was a discussion about the expectations for the cooperating status. Communication will be the key to this working for the future.

11:15 AM: **Administrative Issues:** The Commissioners discussed some personnel issues.

11:30 AM: **Chuck Evans, Attorney:** Present is Marc McCully, Libby Road Supervisor. Charles is here in regard to cattle guards in the McGinnis Meadows area that was discussed last week. Marc expressed his concern over the cattle guard and the County having to maintain it. Chuck said that the cattle guard would be installed very well and his client would bring it to standards that will not affect the County road maintenance. Marc said that the snow plowing issue is the biggest issue. Commissioner Roose said that the landowners need to incur the costs of doing business, including the costs of fencing the property. Commissioner Berget said that he is unsure if it is open range or not so that needs to be clarified. Also, he thinks they need to decide what would be the criteria for the cattle guards. The Commissioners decided to postpone a decision until there is more clarification.

1:30 PM: **Subdivision Review:** Kristin Smith and Lisa Oedewaldt

1:31 PM: **McGinnis Creek Flats IV**, 6 lots, W1/2 Sec 6, T26N R28W, Public Hearing: Present are Russ Barnes, Craig Munro and Ken Davis. Lisa presented the subdivision. Craig Munro stated that the owner is not Debra Munro but Real Property LLC which is owned by Paul Tisher, Paul Brown, Matthew Munro and Craig and Debra Munro. Lisa presented the recommended conditions of approval. On the road issue, Craig said that the road approach has been permitted by Marc McCully, Libby Road Foreman, and he will provide documentation of this at final plat. Commissioner Berget asked about the 100' stream protection zone. Craig talked about the treatment of the dead and downed debris, most of this has been cleared now. He questioned the reasons for the 50' requirement as opposed to making the property fully thinned. Ken asked why the floodplain needs to be determined and delineated on the face of the plat. He felt this would cost approximately \$10,000 and doesn't understand why the FEMA map won't work. Lisa explained that the FEMA map shows the floodplain as an "approximate A" and the line has not been determined. Ken doesn't know why there is a change in the requirements stating that "Lincoln County has always approved the floodplains on FEMA maps." He is confused why DNRC has any say on this issue. Russ asked where the requirement is coming from. Kristin answered the concerns with the subdivision regulations. Russ asked if every County in Montana requires this. Kristin said no, that some counties require more and some less. Russ wondered if any law backs this up. There was a discussion on Floodplains and exceptions. There was a discussion about changes in subdivision approvals by Russ and Craig and their frustrations in knowing why the changes are taking place without legislation. They have both been in real estate for over 30 years and they see the subdivisions getting harder and harder to get through the channels. Kristin and Lisa explained that the regulations have not changed, but that historical application of the regulations was lax. There was a question about the covenants requirement that was cleared up right away. Lisa stated that that condition had been modified by the Planning Board, which clarified Mr. Munro's concern. The public hearing was closed.

2:18 PM: **Dry Creek Subdivision**, 3 lots, final plat approval: Conditions have been met. Commissioner Berget moved to approve the final plat and it carried.

2:19 PM: **Family Transfer:** George and Eveline Curtis are dividing their property between their four children. The Planning staff found there to be no evasion of subdivision. Commissioner Roose moved to approve the family transfer and it carried.

2:22 PM: **Lakeshore permit,** Timothy Christensen on Bull Lake is requesting to move an existing structure to another location on their property. Commissioner Roose moved to approve the request due to the history of the property and the ongoing request by the County to be moved for three years. Commissioner Berget seconded. Commissioner Konzen gave a brief history of the property and building. The motion carried.

2:27 PM: **Stonehill Subdivision,** 3 lots: The developer is requesting an extension of one year to due to the weather. Commissioner Berget moved to approve the one year extension and it carried.

2:29 PM: **Campbell Subdivision,** 3 lots with remainder: Mr. Campbell passed away before this subdivision could be completed. Campbell's children now own the property and wish to continue with the subdivision but have lost valuable time. They are requesting a one year extension. Commissioner Roose moved to approve the extension and it carried.

2:31 PM: **Lot Use Change Discussion:** Kendra Lind came to add to the discussion that began last week concerning a change in use of any property. She and Lisa developed a form to use in these cases. The most current case was one where a homeowner wanted to change a shop in to a "mother-in-law cottage". The Commissioners approved the form and the procedure Kendra and Lisa presented.

2:35 PM: Kristin gave a MAP (Montana Association of Planners) update. She has recently been to a conference.

2:38 PM: **Amy Paris and Gary Lamey from the Mental Health Center** came to introduce themselves to the Commissioners. Commissioner Konzen gave Amy a brief history of the relationship the County has had with the Mental Health Center. Amy talked about some of her concerns so far. They discussed the past and the future and gave ideas for improvements.

3:38 PM: **KaiEllen Bucher:** Karol Spas and Kelly are present. The Commissioners had a conference with KaiEllen to discuss the grant funds for asbestos treatments in Lincoln County. The role of LAMP was discussed. KaiEllen explained that the Consortium's wish is for 90% of the bills to be paid. Plan B is that they would utilize the New West Network. The network is based on a fee schedule. They will not bill the patient for the balance. The fee for the network is 18% of the amount saved. Commissioner Berget moved to approve option B for the Network Plan and it carried. KaiEllen asked if buying ensure is a duplication of services? Commissioner Konzen questioned the paying of mileage for people coming for doctor appointments. Commissioner Berget moved to have a meeting with the pharmacists to discuss the medicines for the patients at no cost to them. Commissioner Berget moved to approve the Durable Medical Equipment plan that the consortium recommended and it carried.

5:05 PM: The Commissioners signed **Resolution 830** which modifies the daily rate for incarceration by the detention facility to \$85.00. Commissioner Berget moved to approve the resolution and it carried.

5:15 PM: The **meeting was adjourned.**

Lincoln County Board of Commissioners

John Konzen, Chairman

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