

**January 18, 2012**

The Lincoln County Board of Commissioners met for a regular session on January 18, 2012, in the Eureka Annex of the Lincoln County Courthouse. Present are Commissioner Marianne Roose, Commissioner Tony Berget, Commissioner Ron Downey, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

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

10:00 AM: **Leslie Graves, Pintler Billing Services:** Leslie gave an update of the HRSA funds. There is about \$1 million dollars that will probably have to be returned to the Federal Government because the CDC is only allowing that money be used for screening not for patient care. Leslie talked about the future use of the money and the end of the program. The program looks to be ending in May unless the CDC has a change of heart on the requirements for the funds.

10:30 AM: **Tracy McIntyre, Tobacco Valley Industrial District:** Tracy talked about late fees due to Bain Inc. for a late payment that was due to a string of unfortunate circumstances and the county will take responsibility for the fees. Commissioner Downey moved to make payment of late fees to Bain out of PILT and it carried.

11:00 AM: **Community Action Partnership:** Danielle Bundrock, Jane Nolan, and Hannah Vandervord are here from the CAP. Jane brought some statistics and a letter to the Board. She read the letter which was a request for funds to help with Legal Services Partnership program. LSPP helps provide legal services to the lower income people in Montana. The legal program helps with debt lawsuits and family court matters. LSPP was started in 2009 and now the funds are being discontinued and the program will be cut if they cannot raise the money from other sources. They are hoping that Lincoln County will be able to give \$5,000 to that program. Commissioner Roose and Commissioner Berget voiced concerns over the funds being used in Lincoln County. Commissioner Berget moved to allocate up to \$5,000 to the program determined by the other 3 counties and their proportionate allocations. Commissioner Downey seconded and it carried.

11:30 AM: **Decision on the Wrecking Yard Permit for Robert Payne:** There was a public hearing on the wrecking yard on January 11, 2012. The commissioners discussed the pros and cons of the wrecking yard to the neighborhood and the owner. Commissioner Roose moved to not make a decision but to turn the decision over to the DEQ and the state to address the issues at hand and make the decision at that level. Commissioner Berget seconded and it carried. Bill will be sending a letter from the commissioners and enclose the copies of the opposition and the statements made by Mr. Payne.

1:30 PM: The Commissioners read the **minutes of the January 11, 2012, meeting**. Commissioner Downey moved to approve the minutes and it carried.

1:30 PM: **Lot 1 Keim Krueger Subdivision**, final plat: All conditions have been met. Commissioner Downey moved to approve the final plat and it carried.

1:34 PM: **Esler & Moraine Lots 1**, density change requests: The developer is requesting that Lot 1 of both subdivisions be changed to allow for one single family residence and additional RV lot on each. The lots are 5 acres each. The roads are already to standard. The approval would be subject to DEQ approval. Commissioner Berget moved to approve the density changes and it carried.

1:40 PM: Commissioner Roose presented a **request lease contract for the State** for rent on the room that they use at the Eureka Annex. The three commissioners signed the lease.

2:30 PM: **Public Hearing, Road Abandonment:** The Sanquines are requesting that a county road be abandoned on Glen Lake Drive. Commissioner Roose opened the public hearing. Richard Carter has been appointed by the easement holders to object to the abandonment of the road. The easement holders are requesting that the road remain a county road.

Kretie Follensbee is opposed to the abandonment. They have lived there for 22 years and they have always had the road plowed by the county and for a turnaround. She said the people doing any construction work cannot always get any equipment to the properties so they use that road as well. The land of the easement was donated to the public forever on the deeds.

Gary Tisdale asked if the abandonment included the parking area. He was told that it does not include the parking area by Mr. Steed. Kretie Follensbee said that the road is designated as 60' wide so it would include that area. Mr. Steed said that the part of the road that they are concerned about would not be affected.

Jan Cornelius said that the road is very narrow and if that was abandoned would they continue to abandon more parts of the road? Commissioner Roose said no the first part of the road is already abandoned.

Kretie Follensbee asked why they would want the road abandoned. There is sufficient access to the property.

Bill Sanquine said that he is not able to get plowing or anything on that road so he thought it should be his own road. In his request Mr. Sanquine stated that the abandonment would allow them to clear out the road and make it more accessible. Commissioner Berget asked if this request is different than the request that was denied in 2009. He was told that it is the same request. Mr. Steed explained that he felt that the first time they made the request there was a misunderstanding of the request. He felt that this request is more thorough and explains the intent better for the easement holders to understand.

Don Truman said that his concern is that if the lane or trail that is being described is abandoned the road they should have to have a road standard as is required by county standards.

Kristin Smith said that the road is different because the Steeds will get an easement from Sanquines and it would be a private matter.

Don Truman had another concern which was the easement trail that has been provided for landowners to access the lake that are not on the lake. Vicky Tisdale said that the main concern she has is the walking easement as well. She is asking if it would be accessible as it is now. Mr. Steed said that the easement has been acknowledged in his application.

Vicky Tisdale asked if the road from the turnaround to the lake is a county road. She was told that it was.

Gary Tisdale said that Mr. Steed needs to declare on paper what the plan is to accommodate the easement holders to get to their trail before the abandonment is approved. Mr. Steed said that he said in his application that he acknowledges the easement and that it needs to be cleared as a 6 foot walking path as is described on the easement.

Mr. Follensbee asked for a show of hands as to for and against the abandonment. There was a show of hands.

Commissioner Berget said he would like to table the request in order to ask the county attorney for an opinion on some of the issues. Commissioner Downey agreed that he would like to table it for the same reason. Commissioner Roose said that she would prefer not to table it but if they do she hopes they would move forward in a timely manner.

At 3:15 the public hearing was closed.

3:20 PM: The meeting was adjourned.

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

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Marianne Roose, Chairman

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