

October 23, 2013

The Lincoln County Board of Commissioners met for a regular session on October 23, 2013, in the Lincoln County Courthouse. Present are Commissioner Tony Berget, Commissioner Ron Downey, Commissioner Mike Cole, Executive Assistant Bill Bischoff and Clerk and Recorder Tammy Lauer.

9:00 AM: The commissioners met with **Kathi Hooper, Sanitarian**, to discuss some concerns with the new litter ordinance.

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

10:00 AM: **Public Hearing on new Litter Ordinance:** Kathi opened the meeting with an explanation of the ordinance and the reason for it. She explained that the ordinance is not new; it is a way of taking several laws and ordinances and put them into one effective ordinance. The only new aspect of the ordinance is a stricter penalty. Kathi addressed the questions that have been dealt with already due to phone calls and comments. Dead animals will be changed to domestic animals. One gentleman is concerned about his old cars on his property being considered for the junk vehicle law. Carol McAllister said her sister at 409 Minnesota has neighbors that put garbage all over their property which makes her property unable to sell. Penny Carr asked about the shielding law and was told that the shielding is from "public" view and does not address "private view". Herb Cargill doesn't understand why the county gets involved in neighborly disputes. Kathi explained that there are potentials for disease in some cases which becomes a health issue. Herb said that "litter" is not defined in the ordinance. Rhoda Cargill is concerned about the definition for the word "person" which includes city or town and then the Jurisdictional Area section says that there is an exception of the incorporated municipalities. She also feels "litter" is not defined. She had many questions about the wording of the document. Donna Shursky is worried about the junk vehicle definition. Rita Windom talked about an appeal board to be set for an examination of the ordinance and then making it fair to all to have an impartial third party opinion. Tom Wood says he applauds the commissioners for their efforts in doing this because he knows that there is a very serious problem in the area. He also said that from a fire chief point of view, there are many fires that his firemen have had a hard time getting to because of junk and garbage in their way. James McGlasson said that it's time to enforce the junk vehicle laws and the garbage ordinances because complaints are made for years and nothing is done. Laura McGlasson said that several people 8 years ago did research and tried to get something done about litter and junk but the county attorney couldn't help them because there was no fine available. She told of a neighbor that was told to clean up his yard but because he couldn't be fined, he did nothing. She wanted to know that the enforcement process would change so they could get some satisfaction on complaints. Aubyn Curtiss said that the ordinance could be challenged by the bill of rights because it does not give the accused a chance to face his accusers. She thinks that is unconstitutional. Rita Windom said that when she was a county commissioner they tried many times to deal with the bad litter problem and were unable to do anything. She thinks that the commissioners are moving in the right direction with this document. She mentioned that Lincoln County residents are trying to get grants and tourism for the area and these properties are detouring from that goal. The commissioners stated that they will be reviewing this for a while and will continue to take comments. Commissioner Berget stated that they are in no hurry to adopt this ordinance because of the coming snow.

10:45 AM: **Revett Mine Update:** Monique Hayes and Paul Lammers have come from Revett to discuss the latest developments at the mine. Monique mentioned the latest news announcement. Continued dewatering and inspection of the Lower Quartzite haulage route have revealed unexpected structural instability, which the company feels does not meet its standards of safety for further development. As a consequence, the Company has decided it will not resume mining operations using the Lower Quartzite haulage route, as originally planned, but will instead construct a new development decline to the North C-Bed and I-Bed deposits in the Lower Revett Formation. This provides clarity on where they have to go and what they have to do. It will take 12 months to get back to production materials. Paul showed a map of the mine and what the new plan will look like. Monique says that they feel the mine still has an eleven year life ahead of it. The group discussed a ruling from the Ninth Circuit and Judge Malloy. Monique expressed that the company is still very committed to the project.

11:30 AM: **Dr. Larry** came to talk to the commissioners and Marc McCully, Libby Road foreman, about the Champion Haul Bridge repairs.

1:30 PM: **Townhouse Subdivision**, preliminary plat extension request: Stew Briskin, developer, has requested a 90 day extension to the preliminary plat to comply with the City Water requirements. Planning staff recommends approval of the extension. Commissioner Downey moved to approve the extension to December 31, 2013, and it carried.

1:35 PM: **Kimball Subdivision**, final plat: The conditions have been met for this subdivision. Commissioner Downey moved to approve the final plat and it carried.

1:37 PM: Kristin Smith, Planning Director, presented a draft of a **change to the Subdivision Regulations** in relation to multiple units on one property. This allows for up to 3 units on one property without subdivision review. Over four units would require subdivision review.

1:55 PM: The commissioners read the **minutes of the October 16, 2013, meeting**. Commissioner Downey moved to approve the minutes as written and it carried.

2:10 PM: **The Upper Yaak Fire Service Area Board of Trustees** is requesting that Jim Johnson and Allan Randall be appointed to replace Mike Sanders and Bill Sullivan. Commissioner Downey moved to approve the appointment of Jim and Allan and it carried.

2:13 PM: The commissioners received a letter from Dr. Jana and David Hall requesting **annexation into the Lincoln County Rural Fire District**. There are other petitions coming so the commissioners will address them all at the same time.

2:25 PM: The commissioners signed the lease agreement for the **repeater property on Blue Mountain** with the Forest Service.

2:30 PM: **Kathi Hooper, Sanitarian**: Kathi came to talk about the public hearing this morning and some changes she is making on the Litter Ordinance as a result of the meeting and suggestions.

2:50 PM: The commissioner discussed some claims on the MIECHV grant.

3:10 PM: Bill Bischoff went over the schedule for the commissioners for the next two months.

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

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony Berget, Chairman

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