

December 11, 2013

The Lincoln County Board of Commissioners met for a regular session on December 11, 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: Commissioner Berget **opened the meeting** with the Pledge of Allegiance.

9:00 AM: **KNF, Paul Bradford:** Today Paul has a group of people with him to discuss Alvord Lake Community Forest Proposal. Gail Bissel, FWP in Kalispell began by giving an overview of the project. The Alvord lake community proposes to purchase 143 acres of private land on the east side of Alvord Lake using a grant from the Forest Service Community Forest Program to establish a community forest that "provides continuing and accessible community benefits". Ryan Moody, Vital Ground, told that Vital Ground is a non-profit organization that hopes to facilitate the grant for this project. They work in Idaho and Montana. Commissioner Downey praised their work and stated that he has been following their efforts and is supporting them whole-heartedly. Commissioner Berget suggested that the county get involved for the future. Russel Gautreaux and Kirsten Kaiser were also on hand to support the project.

Paul spoke to the commissioners about the Kootenai National Forest. He showed a graph of the uncut volume under contract in the Northern Region. He said the graph shows that our region is still healthy under contract. Paul announced that he is retiring as of February 3, 2014. The commissioners told Paul that he will be missed. The group discussed the future of the Kootenai National Forest. The RAC money for the next year was discussed but Paul was not sure how it would be spent.

10:30 AM: The commissioners discussed the **Secured Rural Schools** funds that are coming and how they should be divided between Title II and Title III.

The commissioners signed **Resolutions #905 and 906 which are the resolutions of intent to combine elected offices for the Superintendent of Schools and the Justice of the Peace**. The vote to sign these resolutions was at the special meeting on Friday, December 6, 2013.

The commissioners were presented with a **Tax Abatement Form for the building that was being taxed to the Vial Funeral Home/Schnackenberg and Nelson Funeral Home**. The commissioners have a policy of refunding 3 years on a tax abatement. Commissioner Downey moved to approve a refund of 3 years, 2012, 2011, 2010 and it carried.

Commissioner Cole received a letter from a landowner in Eureka that was questioning his delinquent taxes. Bill researched the land sale and informed Commissioner Cole that **Donald Gibson's penalties** would be justified.

11:00 AM: **FWP/USFW Update:** Tonya Chilton-Randandt gave an update on the hunting harvest numbers this season. She said the moose numbers are down across the region but not in our area. We have the most stable population in the state. Commissioner Berget asked her about the Black Bears that were found to be a part of the Grizzly Bear Study that was announced recently. She said it was very interesting how much information came out of that study. They are currently working to obtain that information for their use on the Black Bears.

1:30 PM: **Public Hearing, Lakeshore Protection Regulations Amendments:** Commissioner Berget recused himself from this meeting due to a perceived conflict of interest from a relative's involvement. Kristin Smith, Planning Director, presented the proposed changes to the Lakeshore Regulations. The changes include Eligibility, Exemptions, Notifications, Permit procedure, work without a permit and standards for dock size. The meeting was opened to public comment.

Richard Carter said he is an easement holder that has been litigated through the supreme court and he feels that this change is based on his easement and wonders if this change will affect his easement since it has already been submitted. Kristin answered that it would depend on what he submitted from this point forward. He also asked about the lack of a public hearing in Eureka. He said he didn't know about this hearing prior to an article in the newspaper. Kristin said that it was advertised in two newspapers for 2 weeks which is the protocol for such a meeting. David Guild said that 2 years ago they were emailed about information about meetings. Commissioner Downey asked the public if they felt that more time was needed for them to review the information and they all said they did. Commissioner Downey said he didn't see why the decision couldn't be moved and another public hearing take place.

Larry Stewart said he is speaking for a couple of Canadian landowners and they are worried about being informed prior to their doing work on their property.

Steve Curtiss said that he doesn't believe in Lakeshore Regulations at all. He also wants to go on record that Glen Lake does not qualify as a "lake" as it is a reservoir.

Buck Shelmerhorn said he has some suggestions for the changes. He feels an on-site visit should be mandatory as each case is unique. Buck said the high water mark is always an issue. He would like better notification, such as a written approval, before work has begun for his clients.

Joe Kelly asked if the eligibility requirement was completely new and if so didn't it have to go through the whole process. Kristin answered that it did and that was what today was.

David Guild asked about the "Grandfather Clause" being changed to "legal building" he is worried that it leaves the existing structures open to litigation. Kristin assured him that it only changed the wording to apply to non-conforming structures that were never approved for lakeshores.

Richard Carter talked about his litigation against the county.

Ron Pearson said the standards need more clarification for widths and lengths. He said the docks being 20 feet from the property lines is not a practical rule due to small lot sizes and easements on the lots. Ron said he has been a land

surveyor for over 30 years and he feels that the Eligibility regulations are not legitimate for land owners and will cause a lot of legal headaches for the county. He feels they will cause more lawsuits against the county and not prevent them. Commissioner Downey told the group that there will be another public hearing in Eureka in January 15, 2013, and assured them that no decision will be made today. The Public Hearing was closed at 2:15 PM.

2:15 PM: **Lake Creek Ranch**, Preliminary approval extension: The owner and developer, Doug Thomas has requested that he be granted a 90 day extension due to his loss of a computer and server. Commissioner Cole moved to approve the 90 day extension and it carried.

2:25 PM: The commissioners read the **minutes of the November 20, 2013 meeting and the December 6, 2013 meeting**. Commissioner Downey moved to approve the minutes as amended and it carried.

2:30 PM: **Public Hearing, Land exchange between the county and Libby Public Schools**: Martha Jewell said she is questioning the boundaries. She thought the boundaries are going through the property she once owned. She was given a map of the boundaries. Keith Johnston said he thinks the exchange is a good idea. Earl Messick asked if any of the property was obtained by a grant and if it was if the grant would have to be repaid. Bill Bischoff said that all of the history has been checked on the properties and no grant was involved. Commissioner Downey moved to approve the county side of this exchange of land and it carried. The school board will now need to proceed with their decision.

3:00 PM: **Shelly Murphy and Pam Walling, MACO Health Care Trust**: Shelly and Pam told the commissioners about the MACO Health Care Trust and pointed out how strong the fund is. They offer Dental and Vision as well. The Trust has grown to 21 counties. Commissioner Berget said the county has a 3 year contract with Joint Powers Trust at this time. The commissioners thanked them for coming and said they would be willing to look at rates for dental and vision.

3:30 PM: **Sheriff Roby Bowe and Undersheriff Brent Faulkner**: Roby and Brent updated the commissioners about current things they are dealing with in their department. Roby talked about a couple of good arrests lately that took a lot of work for some deputies and he is pleased with the results. They spoke about some shift changes they are looking to make with deputies. The deputies are supporting the changes.

4:15 PM: The commissioners were presented with a **Department of Health and Human Services contract for mental health**. The commissioners have had this contract for many years. Commissioner Cole moved to approve the contract and it carried.

4:10 PM: The commissioners have a request from a few weeks ago from **Justice of the Peace Jay Sheffield** to replace a staff member that is retiring. The request comes on the heels of a decision to reduce the number of Justices to one and talks of reducing employees with attrition. There was a discussion about those issues. Commissioner Cole moved to authorize Sheffield to advertise and interview for the position but not hire anyone until after the first of the year and the decision is made about the reduction of the Justices. Commissioner Downey seconded and it carried.

4:25 PM: The commissioners are supportive of the **Shop with a Cop** program through the Sheriff's Department. It is a program where children are selected to join a deputy to shop for members of their families when on their own that may not be possible. Commissioner Cole moved to donate \$1,500 out of the economic development fund of Metal Mines to the Shop with a Cop program and it carried.

4:35 PM: **Mariners Haven Subdivision**: Larry Stewart and Don Truman of the developing team are here today to talk to the commissioners about their frustration. They allege that there is a lack of planning interest in helping them and the deadline is December 31, 2013.

4:55 PM: The **meeting was adjourned**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony Berget, Chairman

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