

## July 18, 2012

The Lincoln County Board of Commissioners met for a regular session on July 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.

10:50 AM: Commissioner Roose **opened the meeting** with the Pledge of Allegiance.

10:55 AM: **Kathi Hooper, Sanitarian:** Kathi is addressing the issue of selling farm fresh eggs to the public. The laws on this subject are state laws, not county laws. Kathi feels that there are many other issues that are more important however, she cannot pick the laws to enforce, she must enforce all laws. The commissioners have spoken to Chas Vincent about questioning this law when the legislature is in session. Chas said he would try to get it addressed. It appears that the state made a law and then DPHHS has taken it and interpreted it to be far stricter than what was intended. The DPHHS is attempting to take the law even further by including huckleberries. There was talk of raising the subject at the next MACO meeting to see if they are interested in carrying the bill to the legislature.

11:30 AM: The commissioners read **the minutes of the July 11, 2012, meeting**. Commissioner Downey moved to approve the minutes as corrected and it carried.

11:35 AM: **The DUI Task Force** has submitted their annual plan of action for the upcoming fiscal year. There is no major change from last year. Commissioner Downey moved to approve the plan for DUI Task Force and it carried.

11:40 AM: The **DPHHS has sent an Amendment/Task Order/Contract #13-07-5-01-062-0** for signatures. This is for the **MIECHV grant**. Commissioner Roose signed the amendment.

11:45 AM: The **Gravel bid** from June 26, 2012, has been delayed due to an attorney's opinion on the legality of one of the bids. The County Attorney's office has determined that the bid by Kootenai Sand and Gravel is not a valid bid because the fuel permit did not accompany the bid. Commissioner Downey moved to approve the lowest bids which are Remp Sand and Gravel for Troy and Eureka and Ward Crushing for Libby.

11:55 AM: The commissioners were presented with the minutes of the **Salary Committee meeting** that took place yesterday. The Salary committee recommends a 3.2% increase. Commissioner Downey moved to accept the committee's recommendation of a 3.2% COLA increase for elected officials and it carried with Commissioner Roose and Commissioner Downey for and Commissioner Berget against. Commissioner Downey moved to approve the same increase for the hourly employees and it carried unanimously.

1:30 PM: **Shooting Star Subdivision**, 5 lots, Tract 1, COS 4159RB, preliminary plat review: Kristin Smith, Planning Director, presented the subdivision to the commissioners. Commissioner Downey moved to approve the subdivision as preliminary plat per planning staff recommendation and it carried.

1:37 PM: **Lakeshore permit:** Trevor **Mitzel** has property on Glen Lake. He is requesting a permit for 125' retaining wall along the lakebed approximately 8 feet from the ordinary high water mark and a dock. The planning staff recommended denial but the planning board discussed it and the board is recommending approval with conditions. One of the conditions is to move the wall to the high water mark and shorten the length to 55'. Commissioner Berget moved to approve the lakeshore permit as altered by the planning board and it carried.

2:00 PM: **Lakeshore permit:** Gary **Marshman** owns property on Glen Lake. He is requesting a permit to remove a concrete boat ramp, add a dock and build a retaining wall. The planning staff and planning board recommend approval of the lakeshore permit. Commissioner Downey moved to approve the lakeshore permit and it carried.

2:05 PM: **Lakeshore permit:** Rodney **Gray** owns property on Glen Lake. He is requesting a permit for a dock. Planning staff recommends approval. Commissioner Downey moved to approve the lakeshore permit and it carried.

2:10 PM: **Denegal Subdivision**, request for condition amendment: Preliminary plat approval was issued on 4-25-12. The developer is requesting that conditions 1 & 2 be removed due to topography considerations. Kristin recommends approval of the request with 3 replacement conditions. Commissioner Downey moved to approve the request with the replacement conditions and it carried.

2:15 PM: **Kiowa Hills Lots 5, 6 and 7**, request for reconsideration: On May 23, 2012, the commissioners granted preliminary approval for the subdivision wherein each of the 3 lots is allowed 2 permanent or RV units on them. On behalf of the owners of Lots 5, 6 and 7 of Kiowa Hill RV Subdivision, Enviro-Tech Consulting, Inc. has submitted a request to reconsider the subdivision approval. The application had proposed to have 3 living units on Lot 6. However, the covenants as amended on 10-12-11 do not allow for 3 structures on a lot. Planning staff is recommending denial of the request. It is not clear what the developer is asking for. The commissioners will address this again next week.

2:30 PM: **Koocanusa Arena Estates**, final plat: All conditions have been met. Commissioner Berget moved to approve the final plat and it carried.

2:35 PM: The commissioners signed the **Certificates of Nomination** for the three candidates that were successful in the primary election: Mike Cole, Commissioner, Steve Curtiss, Commissioner, and Susan Farmer, Clerk of Court.

2:40 PM: The commissioners signed signature pages for **the MACO changes to by-laws**.

2:42 PM: The **McCormick Fire District Board** is requesting that Michael Conte, Linda Lundin, Trevor Pelling and John Driebusch be reappointed to the board. They have not found anyone to replace Jim Hight who has resigned. Ron moved to approve the re-appointments and it carried.

2:45 PM: **Upper Yaak Fire Service Area Board** has requested that Michael Tucker and Jay Hovey be appointed to replace Lawrence Covey and Kevin Lamp Jr. who have resigned the board. The board is still seeking a replacement for Basil Canavan who also resigned his position, so at this point this is a 4 person board. Commissioner Downey moved to approve the appointment of Michael Tucker and Jay Hovey to the Upper Yaak Fire Service Board to serve with Sharon Sullivan and Laurence Chain. The motion carried.

2:50 PM: The commissioners met with an employee concerning a new **part-time employee working in Eureka**. Last week the commissioners approved a part-time position for Eureka at 4 hours per day. Commissioner Berget moved to alter that position to 5 hours per day with a limit on overtime in that office and it carried. Commissioner Berget emphasized that there should be a study of other ways to help the stress of that office such as a better phone system and perhaps a different floor plan.

3:30 PM: The **Bull Lake Rural Fire District Board** has requested to re-appoint Jerry Wallace and Mike Casey to 3 year positions. Commissioner Downey moved to approve the re-appointments and it carried.

3:35 PM: The commissioners were presented with **Resolution #881** which revises the 11/12 budget due to grant fees received and other differences that were changed during the fiscal year. Commissioner Downey moved to approve Resolution #881 and it carried.

3:40 PM: The **meeting was adjourned**.

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

---

Marianne Roose, Chairman

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