

**September 21, 2011**

The Lincoln County Board of Commissioners met for a regular session on September 21, 2011, in the Eureka Annex of the Lincoln County Courthouse. Present are Commissioner Marianne Roose, Commissioner Tony Berget, Commissioner Ron Downey and Executive Assistant Bill Bischoff.

The commissioners began the day with a visit to the Kootenai Valley Forest Supervisor's office to meet the Regional Supervisor.

10:30 AM: Commissioner Roose **opened the meeting** with the Pledge of Allegiance.

10:30 AM: **Tracy McIntyre** gave an update of the project at the Tobacco Valley Industrial District.

1:30 PM: **Preliminary Plat Review – Rexford RV Park.** Kristin introduced the Town of Rexford RV Park, which was reviewed as a Subdivision for Lease or Rent. The proposal consisted of 5 spaces for RVs on the Town's existing public park. It would be served by the Town's water and sewer and a looped road. Kristin recommended approval with 3 conditions. The mayor of Rexford commented that she didn't know why they had to go through so many hoops. Kristin explained that since the Town of Rexford did not have its own subdivision regulations and the state Department of Environmental Quality required review of the main extensions to the site, there was a need for an approval to deliver to DEQ. Chairman Roose asked Mayor O'Brien if she had any concerns or questions about the conditions of approval and the Mayor stated no. Commissioner Berget moved to approve the RV Park and Commissioner Downey seconded the motion. The motion passed.

**Preliminary Plat Review – Screamin' Eagle.** Kristin presented the subdivision application from Davis Surveying on behalf of Debra Mocko for property approximately 3 miles northeast of Eureka. The project is proposed to have 4 lots. Kristin explained the issue with legal access and the requirements associated with it. Commissioner Berget moved to approve the RV Park and Commissioner Downey seconded the motion. Motion passed.

**Lakeshore Permit – Purdy (Glen Lake).** Kristin presented the application for a dock permit on Joe Purdy's lot, which involved relocating a dock from another property (Spiers) to his. Kristin summarized the Planning Board's discussion from the night before and why they unanimously recommended denial of the permit – namely, that it was twice as wide as what was permitted by the regulations; was on a property that did not previously have a dock; the lot and neighboring lots are very narrow (approx. 39 feet wide); and would have set an unfair advantage over the neighboring properties who would be required to have docks that meet the standards. Commissioner Roose asked Mr. Purdy if he had any comments. Mr. Purdy stated he had moved the dock because the Spiers were installing a new dock and that the neighbors of his property on Fleming Drive were using his property anyway. He also stated that he would put the dock back to its original location. Commissioner Downey stated that they should go with the Planning Board's recommendation and moved to deny the request for a permit; Commissioner Berget seconded the motion. Motion passed.

**Lakeshore Permit – Spier (Glen Lake).** Kristin presented the application for a dock permit from Mark and Eldora Spier for their lot. Kristin summarized the Planning Board's discussion from the night before and why they voted 7 to 1 to recommend approval of the permit on the condition that the dock be modified to meet the standards of a maximum of 8' wide and 50' long. Because this property previously had a dock, the Planning Board felt they could approve a replacement dock provided it met the criteria. Commissioner Downey moved to approve the request for a permit; Commissioner Berget seconded the motion. Motion passed. Commissioner Roose commented that the Planning Board should be commended for really taking a lot of time to evaluate each project.

**Family Transfer – Johnson/Hecker.** Kristin presented the request to file this family transfer survey from Ms. Tracy Johnson-Hecker, represented by Marquardt Surveying. Kristin suggested that since the property had previously been divided as a result of a family transfer (even though it pre-dated Ms. Johnson-Hecker's ownership by several years) that it created a pattern of development without review and should be denied. Dawn Marquardt read from an attorney general's opinion about the County's role in reviewing such exemptions and suggested that the request was not an attempt to evade subdivision review. Commissioner Berget expressed reservations because the proposal was to give *each* of the parents a parcel as opposed to one parcel to both the parents. Ms. Johnson-Hecker had submitted a letter the day prior and stated that the request was for family planning purposes admitting that the parents would give the parcels to other family members in the future. Commissioner Downey stated he did not see an evasion because the other parcels were created so long ago. He moved to approve it; Commissioner Berget seconded the motion with reservations. Motion passed 2 to 1, Chairperson Roose voting against.

**Court Order Division (Lehenky) – Post-Order Discussion**

This item was not on the agenda, but Kristin had notified the parties it may be discussed. Judge Wheelis had already issued the divorce decree in August without soliciting governing body comment as required by state law. Kristin made the Judge aware of this and she had just received a request from him the day before as to "whether [the County] will pursue any action to remedy the apparent defect in the distribution of real property in this dissolution action through the court's failure to abide by 76-3-201." The commissioners decided not to take any action upon hearing from the Lehenkys.

Kristin updated the Commissioners on the status of several legal issues and noted that she had visited the Steed's property on Glen Lake and that the dock that Mr. Casazza had installed had been removed by the requested date.

2:45 PM: The **meeting was adjourned.**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Marianne Roose, Chairman

**ATTEST:** \_\_\_\_\_

Bill Bischoff, Executive Assistant and Kristin Smith, Planning Director