

April 11, 2018

The Lincoln County Board of Commissioners met for a regular session on April 11, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Peck, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson. Commissioner Cole was absent

Commissioner Peck opened the meeting with the **Pledge of Allegiance**.

10:00 AM **Health Department Update:** Present were Jennifer McCully, Alicia Hoffman, Amy Fantozzi, Kathi Hooper, Bryan Alkire, Jake Mertes, John Blodgett, Alan Gerstenecker, and Nikki Meyer, Eureka via VisionNet.

Jake said burning season in the Libby air shed began April 1; currently 501 permits have been issued. There have been 25 hours open time to burn, but hours will extend for burning through to May 6 because of the wet weather conditions. Kathi said the goal is to have people call the hotline to know when burning hours are. Jake said he has issued some warnings.

Kathi informed the commission that the enforcement part of animal control has gone to the sheriff's department. Other animal control functions such as rabies clinic and kenneling will be retained under the Animal Control Department.

Kathi said Pinkham Creek green box site will be fenced and she has applied for a special use permit for a green box site at the Yaak Hill.

Bryan submitted a 2017 Solid Waste and Recycling Annual Report. The report covers information on green box sites, safety, recycling, and the junk trailer program. Bryan said he is hopeful there will be new markets available for plastics in the future; the plastic recycling effort was halted at the end of 2017 due to no available market for the recycled materials. *2017 Solid Waste and Recycling Annual Report can be obtained in its entirety from the Environmental Health Department.*

Jennifer submitted a Public Health Snapshot for Lincoln County to the commission for review.

Immunizations were as follows:

January	February	March
Influenza/8	Influenza/12	Influenza/1
Other immunizations/64	Other immunizations/29	Other immunizations/51

Jennifer introduced Alicia Hoffman as the new Health Department Tobacco Prevention Officer.

Amy informed the commission that she is certified as a mental health/first aid instructor and shared a PPT presentation. The presentation focused on risk factor and warning signs, mental health first aid action plan which includes assessment for risk of suicide or harm, professional help, importance of the need for mental health first aid and crisis help. Amy discussed the reasons and benefits for employees to be trained as a mental health first aider. There will be training offered to county employees on Mental Health First Aid on April 30, 2018.

10:30 AM **Administrative Issues:** Present were Leigh Riggelman, John Blodgett, Alan Gerstenecker and Nikki Meyer, Eureka via VisionNet.

Robin presented the minutes for April 4, 2018 to the commission for approval. **Motion** by Commissioner Bennett to approve the minutes as presented. Second by Commissioner Peck, motion carried.

Darren proposed an update to the fire suppression system in both the Annex and Courthouse. The system currently used is antiquated and no longer meets current code. Grizzly Security has reviewed both buildings and has submitted a proposal to bring the system up to code. The new system will include new control panels, outdoor/indoor strobes, addressable pull stations, addressable smoke detectors, and addressable heat detectors. The estimate for all labor and parts is just over \$7,000. The commission agreed to place this upgrade in next year's fiscal budget.

10:45 AM **Public Comment Time:** There were no public comments.

11:00 AM **Fire Board Appointments:** Present were Election Administrator Leigh Riggelman, Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Advertisement for the following board vacancies was published on March 21 and 28, placed on the county website and courthouse bulletin boards. Leigh presented district board appointments to the commission as follows:

Troy Rural Fire District/3 Vacancies: Declarations of Nomination were received after the filing deadline. The candidates are aware that the declarations would serve as their letter of interest in being appointed for 3-year terms; Herbert L. Gregory, Robert J. Welch and Larry Chapel. No other letters of interest were received.

Libby Park District/1 Vacancy: Declaration of Nomination was received after the filing deadline. The candidate is aware that the declaration would serve as his letter of interest in being appointed for a 4-year term; J. Ben Scott. No other letters of interest were received.

McCormick Fire District/1 Vacancy: No letters of interest were received for the vacant position on the board. It is a 3-year position.

Motion by Commissioner Bennett to approve appointments for Troy Rural Fire District and Libby Libby Park District as presented. Second by Commissioner Peck, motion carried.

11:15 AM **LCRFD Annexation/Date for Public Hearing:** Present were Election Administrator Leigh Riggelman, Alan Gerstenecker, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Leigh informed the commission of M.C.A. 7-33-2125(b) whereby the county commission is required to set a public hearing on the petition submitted not less than 4 weeks after the date of the presentation. Petition for Annexation for Big Horn Terrace, Museum and Graham properties into the Lincoln County Rural Fire District was presented to the Commission on April 4, 2018. Leigh asked the commission if May 23rd, 2018 can be placed on the commissioner's calendar for the public hearing date. **Motion** by Commissioner Bennett to approve a Public Notice to be advertised for the Lincoln County Rural Fire District Annexation Public Hearing for May 23rd, 2018 at 10:00 AM in the commissioner's office. Second by Commissioner Peck, motion carried.

Robin presented Resolution 2018-04 to the commission for approval and adoption. Resolution 2018-04 Intent for Annexation, with a Public Hearing scheduled on May 23rd, 2018 to hear protests and comments relating to the proposed annexations. **Motion** by Commissioner Bennett to approve and sign Resolution 2018-04 Intent for Annexation as submitted. Second by Commissioner Peck, motion carried.

11:30 AM **Misdemeanor Probation Officer:** Present were Jennifer McCully, Vel Shaver, Bill Foster, Undersheriff Brian Griffeth, Sheriff Roby Bowe, County Attorney Marcia Boris, Deputy County Attorney Jeffrey Zwang, JP Judge Jay Sheffield, Kathi Hooper, Alan Gerstenecker, John Blodgett, and Nikki Meyer, Eureka via VisionNet.

Jennifer submitted projected costs for a full-time misdemeanor probation officer, saying it is a high estimate. Total cost estimated at \$103,640 which includes costs for salary, employee contributions, insurance, training, travel, vehicle, cell phone, and operating supplies. Jennifer clarified that she is not asking for approval today, but looking for consideration for next fiscal year.

Jay explained a misdemeanor probation officer will serve two very important functions. The first being the pretrial monitoring of defendants who have either posted bail or are out on own recognizance release. These defendants are under court order to comply with certain terms and conditions that can range from hours of curfew and not consuming alcohol to having no contact with crime victims or possessing weapons. Strict monitoring will assure greater compliance with those conditions, resulting in a higher level of both public and victim safety as well as reducing overcrowding in the county jail.

Jay continued by saying another key duty of a probation officer will be the timely monitoring of defendants for compliance with the terms and conditions of their sentence. Currently, the only form of monitoring being done is when court clerks observe several months of nonpayment of fines, failure to pay restitution or failure to participate in court ordered drug, alcohol or domestic violence counseling programs. Addressing issues of noncompliance when they occur is the best possible method of assuring that a defendant successfully completes all required conditions.

Commissioner Bennett asked about any information regarding cost savings to justify how the position helps. Jennifer said she will provide that information. It was briefly discussed that Justice Court will be the supervising authority. Darren commented he will need to create the job description, training and long-term plan for policy and procedures. Jennifer said the details are to be worked out over the months prior to next fiscal year, but needs approval now to move forward. The commission expressed agreement to allow the hiring of a Probation Officer Position to move forward. Darren suggested meeting with Jennifer, Roby, and Jay to discuss budget and to work out the details.

1:15PM **Eureka Airport Agreement:** Present were Bill Caldwell, Jim Perhay and Alan Gerstenecker.

Bill presented and explained the Eureka Airport Border Airpark Access Agreement to the commission. The agreement is between the County of Lincoln and individual(s) under the laws of the State of Montana located at Eureka Airport Border Airpark. Bill said the agreement lists the county chair as the signor and questioned if the commissioners want to sign every individual agreement. The commissioners agreed the Airport Board Chair can sign all agreements, but copies will need to be sent to the county. Darren clarified that Bill is looking for commissioner approval of the agreement for repetitive use.

Motion by Commissioner Bennett to approve the Eureka Airport Border Airpark Access Agreement as presented with a change that the airport board chair signs the agreement.

Jim shared pictures of the access gate and shared that he feels the access is not adequate, so if we are charging for access, this needs to be taken care of.

Darren said he does not feel the agreement should be approved until this issue is resolved.

Commissioner Bennett withdrew the motion.

See continued conversation and motion at end of today's minutes.

1:30 PM **Planning Update:** Present were Jake Mertes, Kristin Smith and Alan Gerstenecker. Also present were Robert Glenn, Developer of the Laughing Larch Subdivision via phone conference.

- **Laughing Larch Subdivision:** Jake reminded the commission of Condition #2 requirement of widening Wapiti Lane to 24', and last week's meeting discussion was to allow a variance now, but to have language to require Condition #2 be met should there be more impact to Wapiti Lane. Robert commended the commission for their consideration and suggested a plat note stated on the plat map with language. The Planning Department recommends denial of the request for a variance, but also submitted four additional options for consideration. Kristin said the concern is setting precedence. Robert said the county should be accountable to poor information and representation by the former planning staff. Commissioner Peck commented this is a unique situation created from poor county information. Commissioner Bennett said he will agree with option number 4 to require that a statement be added to the CC&R's (local government portion), plat note and the deeds that the owners of Lots 1 & 2 of Laughing Larch Subdivision are financially required to contribute to the improvements relating to the width of Wapiti Lane in the event of any subsequent subdivision of parcels adjacent to Wapiti Lane. **Motion** by Commissioner Bennett to approve a variance, option #4 from the road requirement

Condition #2 due to extraordinary circumstances from inaccurate information provided at the time of pre-application. The motion to approve requires a statement to be added to CC&R's, a plat note, and deed note as written by the county planning department. Second by Commissioner Peck, motion carried.

Commissioner Peck stated the planning staff recommendation is correct, however, due to the circumstances of this issue, he wants to state this variance is no reflection on current planning staff and they have done due diligence; when we put citizens in positions of wrong information we need to bear that burden and option number 4 provides a solution. **Motion** by Commissioner Bennett to approve preliminary plat for Laughing Larch Subdivision with Condition # 2 to be replaced with variance option number 4 as presented by the planning staff. Second by Commissioner Peck, motion carried.

- **Cause No. DV-18-51-Request for Comment on Court Ordered Split:** Commissioner Comment: There does not appear to be an attempt to evade the Montana Subdivision Platting Act (MSPA) 76-3-201 MCA.

2:00 PM **Salary Review Committee for Elected Officials:** Present were Wendy Drake, Robin Swimley, Jon Leonard, Dallas Bowe, Sedaris Carlberg, Tricia Brooks, Marcia Boris, Brian Griffeth, Roby Bowe, John Righter, and Alan Gerstenecker.

Darren provided packets to the committee for review showing statewide salary comparisons of the Clerk and Recorder's Salary. Elected official salaries are based on the Clerk and Recorder's salary. Darren informed the committee that Lincoln County currently has 88 full time employees compared to fiscal year 13/14 there were 131 full time employees. Darren provided a budget sheet showing a decrease in county expenditures of \$1,468,213.10 from last year. Of that savings, \$664,969.88 is savings from payroll, employer contributions and health insurance.

Commissioner Peck commented the savings is reflective of the way employees have stepped up and if anyone deserves a pay raise, it's the employees. Darren clarified this meeting is specific to elected officials but the workload has been on the employees and that needs to be recognized. Commissioner Peck said he is not opposed to giving back some of the 1.4 million to employees as a result of decrease in payroll costs. John Righter recommended a 7 to 8 percent increase. Robin Swimley agreed if the savings allows for it but commented there should be some separation between management and employee rates. Swimley further commented that Lincoln County definitely has some catch up to do and agrees with Righter on a 7% to 8% increase. Jon Leonard commented that an increase should be at least 5% minimal.

Commissioner Peck commented that the commissioners did get some push back hiring the County Administrator position; now we are looking at the savings to the county because of his work that we did not have time to do.

Robin Benson mentioned that as a supervisor, it's a difficult conversation to tell employees, another year without a COLA increase, having only a 1% since FY12/13 although she understands budget constraints. Commissioner Bennett said the balance is the insurance benefit to employees and those costs increasing to the county each year.

Commissioner Bennett commented that when you look at going from 131 employees to 88 without decreasing service, those employees need to be acknowledged for stepping up.

Swimley recommended a 6% increase with a serious look at catching up more next year.

Righter Righter recommended an 8% increase stating that wages are an investment into our community.

Leonard feels 8% would be too much in one year, but 5% or 6% this year and if the budget remains stable, there can be another increase next year.

It was agreed by the citizens, John Righter, John Leonard and Robin Swimley to recommend a 6.5% salary increase for FY 18/19. The commission will take the recommendation under advisement.

Commissioner Peck stated that if there is an increase to elected officials, it will also go to the employees.

Leonard said he will defend his recommendation and is glad to be part of the committee and discussion. Righter and Swimley agreed.

Eureka Airport Border Airpark Access Agreement Continued: Commissioner Bennett commented that after further conversation, Bill Caldwell pointed out Article #5 Paragraph 1 that all construction requested by Users on Owner's property must be approved by Owner 90 days prior to commencement of construction. During the term of the Agreement, User shall also be solely responsible for all maintenance (snow removal, utility cost, turf or pavement maintenance, pavement marking, etc.) of said private-use-infrastructure and shall at all times maintain it in good repair. **Motion** by Commissioner Bennett to approve the Eureka Airport Border Airpark Access Agreement with the change that the Chair of the Airport Board will be the signor on agreements. Second by Commissioner Peck, motion carried.

3:00 PM **Meeting Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board