

May 16, 2018

The Lincoln County Board of Commissioners met for a regular session on May 16, 2018, in the Lincoln County Annex, Eureka, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, Clerk and Recorder Robin Benson, and County Administrator Darren Coldwell, Libby via VisionNet.

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

9:15 AM Tax Appeal and Libby Park Board Appointments: Present were Nikki Meyer, Alan Gerstenecker and Ben Kibbey, Libby via VisionNet.

Robin said she received requests from the Libby Park Board and the Tax Appeal Board to public notice vacancies to fill unexpired terms. Robin informed the commission no applications were received.

10:30 AM Administrative Issues: Present were Nikki Meyer, Alan Gerstenecker and Ben Kibbey, Libby via VisionNet.

Robin presented the minutes for May 8 and May 9, 2018 for approval. **Motion** by Commissioner Bennett to approve the minutes as presented. Second by Commissioner Peck, motion carried unanimously.

Robin presented Resolution 2018-05. Commissioner Bennett said the resolution declares commissioner opposition to I-186 and read the resolution in its entirety. The Board Resolves that Lincoln County strongly opposes I-186, and the unnecessary changes it would make to Montana's existing permitting structure and the negative impact it would have on mining operations in our state. **Motion** by Commissioner Peck to strongly approve Resolution 2018-05 as submitted, declaring opposition to I-186. Second by Commissioner Bennett, motion carried unanimously. Commissioner Peck stated that he sees absolutely no need for it and that it creates confusion, ambiguity and sets up for more litigation. Commissioner Peck continued, stating this needs to be done legislatively where it can be closely analyzed, not through an initiative. Commissioner Bennett commented that he carried a bill that restructured settling ponds at mining sites to protect the environment and public health, and he finds it frustrating this initiative was even brought forward. Commissioner Cole agreed and said Lincoln County needs to be out in front leading the charge. Commissioner Peck commented that if anyone is sensitive of what mining operations can do, it's Lincoln County (referring to W.R. Grace and the superfund status), this is the other extreme.

Current resolutions can be viewed on the county website at www.lincolncountymt.us (under clerk and recorder department) OR can be obtained in their entirety from the Clerk and Recorder's Office.

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

11:00 AM County Ordinance Adoption: Present were Nikki Meyer, Josh Nemeth, Alan Gerstenecker, and Ben Kibbey. Robin presented Ordinances as follows:

Ordinance 2018-01 Recodification of Lincoln County Ordinances

Ordinance 2018-02 Litter Control

Ordinance 2018-03 Dog Control

Ordinance 2018-04 Park Rules and Conduct of in County Parks and other Recreational Lands

Robin commented the first reading was held on April 25, 2018 and all ordinances were approved. This is the second reading, and Robin is seeking adoption of all ordinances submitted and adoption of the Lincoln County Register of Ordinances to be maintained by the Clerk and Recorder. Robin said she has posted the ordinances on the county website under the Clerk and Recorder's Department for improved public service. Robin informed the commission that statutorily the Register of Ordinances will be reviewed and adopted every five years. Robin commented that Deputy County Attorney Josh Nemeth did amend Ordinance 2018-02 to help clarify the definition of "litter" and added a definition for "junk vehicle". Ordinance 2018-03 was also amended by adding a definition of "at large" regarding agricultural activities. Josh commented the amendments cleared up some language and were minor changes. **Motion** by Commissioner Peck to adopt Ordinance 2018-01, 2018-02, 2018-03, and 2018-04 as submitted and to adopt the Lincoln County Register of Ordinances as presented. Second by Commissioner Bennett, motion carried unanimously. Commissioner Bennett commented that he appreciates the work that has been done.

All ordinances can be viewed on the county website at www.lincolncountymt.us (under clerk and recorder department) OR can be obtained in their entirety from the Clerk and Recorder's Office.

1:30 PM Planning Department: Present were Nikki Meyer, Marc Liechti and Tamara Tanberg. Present from Libby via VisionNet were Kristin Smith, Jake Mertes, Alan Gerstenecker, and Ben Kibbey.

Jake said the planning department received a request from APEC Engineering on behalf of the owners of Wilderness Club to amend the recorded plat and establish a PUD for Phase 4. The applicants have now come back to decrease the density in a portion of Phase IV near the clubhouse again to create a smaller cabin product design, wherein the density is reduced from 54 units down to 38 units (8 units already constructed) with integrated parking throughout. The roads will largely remain unchanged with a few minor exceptions.

Kristin clarified that a PUD is generally used for high density projects, market targets and allows for flexibility in design standards as long as safety issues are met. Jake said the planning staff recommendation is to approve Wilderness Club Phase IV Amendment 12 PUD with conditions to be completed and filed on or before May 16, 2022. Kristin commented the fire department has signed off on this.

Motion by Commissioner Peck to approve Wilderness Club Amendment 12 subject to planning staff conditions and recommendations. Second by Commissioner Bennett, motion carried unanimously.

2:00 PM **Salary Review:** Present were John Leonard, Nikki Meyer, Jake Mertes, Joe Nagle, Marcia Boris, Chris Nelson, Kathi Hooper, Tricia Brooks, Wendy Drake, Brian Griffeth, Roby Bowe, Alan Gerstenecker, and Ben Kibbey, Libby via VisionNet.

Darren presented four resolutions as follows:

2018-06 Resolution To Set Elected Officials Base Salaries

Clerk and Recorder	\$46,768.63
County Commissioner	\$48,768.63
Sheriff	\$48,768.63
County Treasurer	\$46,768.63
Clerk of Court	\$46,768.63
County Coroner	\$ 7,793.75
County Attorney	\$30,631.09 County \$72,125.00 State

2018-07 Resolution To Set the Justice of the Peace Base Salary

Justice of the Peace	\$46,768.63
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2018-08 Resolution To Set COLA for FY 2018/-2019

The Board Resolves to grant a 7.5% COLA increase to all elected officials and to all regular employees, excluding all collective bargaining employees (union), with the COLA to become effective July 1, 2018.

Darren explained that the 1% longevity was left out of the sheriff wage for numerous years and some of the deputies received a 1% longevity based on the sheriff's wage and not their own wage as it should have been. There are statutes that mandates wage gaps between sheriff and deputies; Lincoln County is now out of compliance. To bring the county back into compliance, the commissioners need to approve a 7.5% COLA increase for elected officials.

Commissioner Bennett said it is important to note our savings in the reduction of staff was approximately \$665,000 and the Salary Review Committee recommended a 6.5% minimum increase. Commissioner Bennett continued by stating the increase will cost approximately \$300,000. We have reduced our employees from 133 over a few years to 88 and there has only been a 1% COLA for the employees in the past 5 years. Current employees have picked up the slack with no decrease in county services.

Commissioner Peck commented there is no hesitation giving the employees a raise, but to give one to ourselves bothers us. Commissioner Peck noted that we landed with a 6.5% minimum recommendation from the salary review committee, but it's one of those things that we just have to fix. There is no way we are going to accept an increase without passing it on to staff.

John Leonard, member of the Salary Review Committee said that when the lack of a COLA was explained after so many years, the Salary Review Committee admitted the county had to catch up. The 7.5% increase falls right into the catch up that needs to be done anyway. John continued stating that you have to pay your employees.

Commissioner Cole stated this is not something we would have done, but statutorily we have no choice and noted the county will continue to review this to find out how it happened and ensure it does not happen again. **Motion** by Commissioner Peck to approve Resolutions 2018-06, 2018-07, 2018-08 as presented. Second by Commissioner Bennett, motion carried unanimously.

Nikki questioned how the county plans to review the payroll errors. Commissioner Peck said to get to the true numbers we will need to bring in an outside auditor to review payroll from FY 2006/2007 to ensure we are on the right path moving forward.

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2:30 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

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