

May 9, 2018

The Lincoln County Board of Commissioners met for a regular session on May 9, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Bennett, Commissioner Peck, County Administrator Darren Coldwell, and Clerk and Recorder Robin Benson.

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

9:30 AM **Leavett Group/Update on Insurance Rates:** Present were Brent Schwab, Dallas Bowe, John Blodgett, McKenzie Williams, and Nikki Meyer, Eureka via VisionNet.

Brent said this year's renewal rates from Joint Powers Trust/EBMS came in favorable, slightly under 4% increase for county health benefit coverage for employees. Brent provided three plan options for commission review. Brent recommended a 3-year commitment, reducing cost. Commissioner Cole said he would like to see the 3-year commitment lock the county rates. There are no changes to coverages or deductibles. Telemedicine has been beneficial to employees and will be promoted, reducing claims and ER visits. Dallas commented that we need to promote the county wellness event because it does help reduce rates with more employee participation.

10:00 AM **Health Department Update:** Present were Noah Pyle, Kathi Hooper, Jennifer McCully, Bryan Alkire, John Blodgett, McKenzie Williams, and Nikki Meyer, Eureka via VisionNet.

Kathi said air quality burning was extended through May 6<sup>th</sup> and the Environmental Health Department issued over 900 permits.

Animal Spay and Neuter Clinic was successful; 120 pets were brought in.

Transition for Animal Control under the Sheriff's Department has been smooth and Kathi said James Derryberry is doing a great job.

Jennifer informed the commission that public health is working with Troy Public Schools to develop a school nursing program. Riley Black, RN will be committing 208 hours to Troy Public Schools for the 2018/19 school year.

Jennifer McCully presented the Public Health Emergency Preparedness grant (PHEP) to the commission. The contract is for \$37,262 and there are no changes from previous years. **Motion** by Commissioner Peck to approve and sign the annual PHEP Grant Program as submitted. Second by Commissioner Bennett, motion carried unanimously. Commissioner Bennett asked that this and any contract be given to the Commissioners a week in advance before requesting approval.

Noah commented that interviews have been conducted for the DEQ Liaison Position per Senate Bill 315. The position will be located in Libby. Three people were interviewed and the panel unanimously came to the same conclusion on the right person for the job. The process will be completed by the end of week, if that person accepts the contract. The position is funded through the state, but is a representative of the county.

Kathi said E-Waste Collection is scheduled for August, and will be advertising soon.

The fencing at Pinkham Creek green box site has been completed. Kathi is still working on other green box sites throughout the county.

Kathi said there are still issues with uncovered loads blowing debris along Pipe Creek. Warnings have been issued, but nobody has been fined yet. Kathi said she will visit with the Sheriff's Department for enforcement.

Kathi commented there are still issues with litter complaints and she may need to take a closer look at the litter ordinance. Commissioner Peck said he was in a meeting with Kathi, the county attorney and sheriff because some of the areas are high crime areas as well. Commissioner Peck stressed that he is talking about the extreme places that fall into public health and safety risks. Commissioner Peck expressed that he personally is staunch on personal property rights, but with that comes responsibility; when it affects health, safety and property values, it is ok for the county to step in.

10:30 AM **Administrative Issues:** Present were Brady Selle, John Blodgett and Nikki Meyer, Eureka via VisionNet.

Robin presented the minutes for April 24 Finance Meeting, April 25 Regular Meeting and May 1 Finance Meeting to the commission for approval. **Motion** by Commissioner Bennett to approve the minutes as presented. Second by Commissioner Cole, motion carried. Commissioner Peck commented he has received positive public feedback regarding the amount of content in the minutes.

Darren received a request from EMA Director Brent Teske. Darren said the request is to waive a portion of the personnel policy so he can be authorized to carry concealed weapons. Sheriff Bowe has approved the request. Darren clarified that only law enforcement is allowed to carry weapons on county owned properties. Commissioner Peck commented that Brent has been trained and is fully qualified but questioned if the county should have a policy for this situation. Commissioner Peck explained that he fully supports having weapons in the courthouse other than law enforcement, but we should have a policy in place for emergency response. Darren said the request was also approved by MACo. Darren said he will research other county policies and put one together for Lincoln County prior to any decision.

Commissioner Bennett submitted the annual maintenance agreement between the Department of Transportation, Kalispell Division and Lincoln County for the purpose of the allocation of winter maintenance duties and responsibilities of Secondary Road System 508, also known as "Yaak Hwy". Commissioner Bennett explained the contract is for 3 years and expires June 2021. For the services described in the agreement, the State will pay the County annually the sum of

\$60,000. **Motion** by Commissioner Peck to approve the road maintenance agreement as submitted. Second by Commissioner Bennett, motion carried unanimously.

Commissioner Bennett submitted a draft resolution for commissioner review in opposition of I-186. Commissioner Bennett explained that I-186 allows for more stringent laws on mine permitting. Commissioner Bennett read the resolution in its entirety as said he will have Robin run it through the newly established resolution process. Commissioner Peck commented that we have to stop this kind of stuff or it will wipe out the entire mining industry and then the timber industry is next.

Commissioner Bennett suggested partnering with Sanders County and do an amicus brief on the HECLA lawsuit. Commissioner Bennett strongly expressed that its time Lincoln County stands up for itself. Commissioner Cole and Commissioner Peck expressed complete agreement.

*Draft resolution submitted by Commissioner Bennett as follows:*

**Lincoln County Resolution # \_\_\_\_\_**  
**Declaration of Opposition to I-186**

WHEREAS, Montana is home to some of the most stringent mining permit requirements in the world,

WHEREAS, a least 37 new state and federal laws have been enacted over the past three decades that ensure mining operations are strictly regulated and operated responsibly,

WHEREAS, Montana has enjoyed a balance between agriculture, industry, outdoor recreation, and environmental protections,

WHEREAS, the mining industry has created thousands of good-paying jobs to support generations of Montana families so they can remain in our state,

WHEREAS, individuals, businesses, and communities across Montana rely on the economic activity generated by our mining industry,

WHEREAS, the mining industry delivers \$42 million annually in state and local tax revenue that support our schools, repair our roads, pay our teachers, and provide first responders with the tools they need to keep our residents safe,

WHEREAS, the legal review of I-186 conducted by Montana Legislative Services revealed several ambiguous and confusing sections, undefined or ill-defined terms, and conflicting legal standards that would promote litigation and prevent mining in Montana,

Be it resolved that Lincoln County strongly opposes I-186, 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.

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

**11:00 AM Troy Lake Creek TV District Board Appointments:** Present were Brady Selle, John Blodgett, and Nikki Meyer, Eureka via VisionNet.

Robin informed the commission that she did advertise a public notice for 5 vacancies for the Troy Lake Creek TV District Board. Robin said the Troy TV and Lake Creek TV Districts have combined. Applications came in from Deanise Killingsworth and Ted Dodson to be reappointed and Richard Williams and Michael Giesey to be appointed. The Troy Lake Creek TV District board is recommending that all applicants be appointed. Commissioner Peck commented the board does an important service to its community. Robin asked if there were any legal requirements to combine the two boards. Darren and Commissioner Bennett will coordinate efforts with the Troy Lake Creek TV District to write a letter to the Department of Administration and the County to abandon Lake Creek TV District and rename the board to Troy Lake Creek TV District.

**Motion** by Commissioner Bennett to appoint all applicants as presented with the understanding that Lake Creek TV District will be abandoned and the Lake Creek TV District and Troy TV District will be combined and renamed Troy Lake Creek TV District. Second by Commissioner Peck, motion carried unanimously.

**11:15 AM School Superintendent Update:** Present were Brady Selle, John Blodgett, and Nikki Meyer, Eureka via VisionNet.

Brady said he is finishing up his 4<sup>th</sup> school year contracting to help the Superintendent of Schools and working within Lincoln County rural schools. Brady said he very much enjoys what he is doing working alongside teachers and kids. Brady said he enjoys working with teachers on their professional responsibilities and goals and conducting end of year teacher evaluations as well as acting as a resource for research to be conducted. Brady said with Nancy Higgins upcoming retirement, he is willing to assist wherever possible. Commissioner Cole said he appreciates the update and said it's important to stay in communication.

**1:15 PM VOIP Discussion:** Present were IT Director, Ernie Anderson, Wendy Drake, Brett McCully, Sam Shupe, Maranda Davis, Jake Mertes and Nikki Meyer, Eureka via VisionNet.

Ernie submitted a Revised Proposal for Lincoln County Mitel VoIP Solution clarifying that it covers the Libby/Troy area only. Project total investment is \$115,097 for the system. Five-year software assurance, maintenance & warranty are \$13,652. Lincoln County is currently paying \$3,626 monthly; this would be a \$27,438 annual savings and would pay for itself in a little over 4 years. Commissioner Bennett suggested paying 40% this year and 60% next year and have the costs come out of each department.

Commissioner Cole asked for clarity on benefits to the new system. Ernie said it allows for a better phone tree which benefits the public. Anytime employees change workstations, they just take their phone with them instead of having frontier come in for service calls and the system allows employees who are traveling to receive calls from their workstation phone on their cell phone or they can take their phones with them and plug them in to any location. Currently the sheriff's department has a separate phone system; this would put it all under one system. The commissioners agreed to allow Ernie to move forward and negotiate a final contract.

1:30 PM **Planning Department:** Present were Kristin Smith, Jake Mertes, Sam Shupe, Maranda Davis, Brett McCully and Nikki Meyer, Eureka via VisionNet.

**Shelterwood Park Subdivision. Road Question:** Brett shared a PowerPoint presentation on the chronological order of surveys potentially affecting easement created per COS 338. The developers are putting together the final plat application at this time and planning staff is looking for clarification on the issue of the road sign requirement and Condition #12 under Road Maintenance on the preliminary plat. The discussion focused on emergency access. **Motion** by Commissioner Peck to approve a new road name other than Mud Lake Road. Second by Commissioner Bennett, motion carried unanimously.

Kristin commented the point of planning is to plan for future access and connectivity stressing public health and safety in the future. Jake said planning staff recommends that it is one road that stays connected. Commissioner Peck commented that his vote is predicated that in the event of further subdividing, a secondary access becomes a condition.

2:00 PM **Salary Review:** Present were Wendy Drake, Dallas Bowe, Kathi Hooper, McKenzie Williams, John Davis, John Hyslop, Brent Faulkner, Marcia Boris, Sheriff Roby Bowe, Kirk Kraft, Nate Scofield, Brandon Holzer, Steve Short, Charity Ginther, Brian Griffeth, David Hall, Duane Rhodes, John Leonard and Nikki Meyer, Eureka via VisionNet.

Darren is requesting another week for analysis before making a recommendation to the commission. Commissioner Peck informed everyone in attendance that the finance department conducted a wage analysis within the sheriff's department going back to FY 2006-2007. Commissioner Peck further explained there are statutory/mandatory gaps between sheriff and employee wages. It appears that a historical error occurred when personnel in the sheriff's department received 1% longevity based on the sheriff's wage instead of being based on the employee's personal wage as it should have been. We are working on how to get that gap fixed. Commissioner Peck ended by stating it has created a real conundrum and a difficult situation.

Commissioner Cole commented we are making sure we have the facts and numbers correct before any decisions are made.

Dallas clarified the base salaries are correct, it was the longevity over a period of years that the errors have occurred.

2:30 PM **Meeting Adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

**ATTEST:** \_\_\_\_\_  
Robin A. Benson, Clerk of the Board