

June 22, 2022

The Lincoln County Board of Commissioners met for a regular session on June 22, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, County Administrator Jim Hammons and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

Commissioner Bennett opened the meeting with the **Pledge of Allegiance and Prayer.**

**9:30 AM LCRFD Annexation Public Hearing/Resolution 2022-15:** Present were Fire Chief Steve Lauer, Tom Lane, Scott Shindledecker, Ray Stout, and Rebecca Nelson.

Robin submitted Resolution 2022-15, Resolution to Annex Property into the Lincoln County Rural Fire District. The commissioners did approve and pass Resolution 2022-14, Intent for Annexation on June 1, 2022. Notice of Public Hearing was advertised pursuant to MCA 7-1-2121. Commissioner Bennett read Resolution 2022-15 in its entirety. Steve commented that he makes every effort to make personal contact to every landowner. There were no public comments.

**Motion** by Commissioner Teske to approve Resolution 2022-15 to Annex Property into the Lincoln County Rural Fire District. Second by Commissioner Letcher, motion carried unanimously.

**All resolutions can be viewed in their entirety on the county website: [www.lincolncountymt.us](http://www.lincolncountymt.us) under Clerk and Recorder.**

**9:45 AM Planning/Final Plat Ekholt 2 Subdivision/Sherwood Family Transfer:** Present were Planning Consultant Kristin Smith, County Planner Jesse Haag, Veronica Bovee-Anderson, Ray Stout, Rebecca Nelson, Tom Lane and Scott Shindledecker.

- Sherwood Family Transfer: Kristin said she has spoken with Mr. Sherwood and he does plan on building a spec home and did not understand the correct process. Kristin said Mr. Sherwood understands the request will be denied and will proceed with the minor subdivision process. **Motion** by Commissioner Teske to deny request to use exemption based on planning staff recommendation. Second by Commissioner Letcher, motion carried unanimously.
- Final Plat for Ekholt 2 Subdivision South of Eureka: Kristin commented that preliminary plat had 8 conditions of approval and all conditions have been met. **Motion** by Commissioner Teske to approve final plat for Ekholt 2 Subdivision based on planning staff recommendation. Second by Commissioner Letcher, motion carried unanimously.

**10:00 AM Employee's Salary Discussion:** Present were HR/Payroll Dallas Bowe, County Treasurer Sedaris Carlberg, Veronica Bovee-Anderson, Rebecca Nelson, Solomon Alcain, Tom Lane, Herb Cargill, Scott Shindledecker, and Ray Stout.

County Administrator Jim Hammons said he believes the market values will probably increase, but it is still too early to receive definitive information from the Department of Revenue. Jim submitted a spreadsheet indicating what the yearly increase would be for different COLA increase percentages and commented that without revenues from DOR, it's difficult to know where the budget stands at this time.

Commissioner Bennett commented that elected officials automatically receive 1% longevity annually and he would like to see employees receive a minimum of 2.0% if the budget allows for that. **Motion** by Commissioner Teske to approve a 2.5% COLA increase for all county employees, excluding collective bargaining agreement. Second by Commissioner Letcher, motion carried unanimously. Commissioner Bennett commented that employee insurance rate increased 7.9%, which is an added cost to the county, not employees. Dallas commented there were 56 new employees since January of last year, which is considered a high turnover; but most are retirees. Dallas noted that it is hard to accept a position in the county, when it is difficult to find housing.

**10:30 AM Administrative Issues/Old Business/Board Appointments:** Present were Veronica Bovee-Anderson, Herb Cargill, Rebecca Nelson, Tom Lane, Ray Stout and Solomon Alcain.

- Robin submitted the minutes for June 15 regular meeting and June 16 special session for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Robin commented that board vacancies were advertised in the Kootenai Valley Record and Tobacco Valley News May 11 & 18, 2022 as well as posted on the county website under Public Notices, 2 courthouse public bulletin boards and the N. Annex public bulletin board. Robin presented board applications/vacancies as follows:
  - Airport Board / one vacancy / four applications received from Darwin Pluid, Cam Sherwood, Cory Clasen, Michelle Petrina. Recommendation received from the Airport Board to appoint Darwin Pluid.
  - Boyd Hill Cemetery Advisory Board / one vacancy / one application received from Camille Leidigh for reappointment. Recommendation received from the Cemetery Board to reappoint Camille Leidigh.
  - Bull Lake Rural Fire District Board / one vacancy / one application received from Herb Cargill for reappointment.
  - Eureka Dispatch Board / one vacancy / three applications received from Joel Cobb, Yvonne Letien, and Stormy Langston. Recommendation received from Eureka Dispatch Board to reappoint Yvonne Letien.
  - Fisher River Valley FSA Board / one vacancy / one application received from Jerry Auger for reappointment.
  - Fortine Trego Cemetery District / two vacancies / two applications received from Tim Their and Gayle McCarron for reappointment.
  - Troy Dispatch Board / one vacancy / no applications received.

- Lincoln County Planning Board / one unexpired term through December 2022 / one application received from James (Scott) Rodich. Recommendation received from the Planning Board to appoint James Rodich.

**Motion** by Commission Teske to appoint applicants as presented and per board recommendation. Second by Commissioner Letcher, motion carried unanimously.

- Brent commented the draft resolution for excise tax will go to the county attorney for review. Brent commented that he has conducted some research and the election cannot be held in conjunction with a Federal Primary/General or School Election. The election would need to be held as its own special election.

**10:45 AM Public Comment Time:** Present were Jesse Knapp, Herb Cargill, Veronica Bovee-Anderson, Tom Lane, Ray Stout, Rebecca Nelson, and Solomon Alcain.

*Herb Cargill read from the following prepared report:*

Good morning, Commissioners:

My name is Herb Cargill and I live in the Bull Lake area of south county. I have some prepared comments this morning that I would like to read. I will give a copy to the secretary before I leave this morning.

I last appeared here in the public comments time of a regular meeting of the

Commissioners on July 29, 2020. I will quote from the minutes of that meeting.

"Herb Cargill said he noticed on his taxes there is a charge for county ambulance. After investigating he wondered why these board members are not up for public election. Their meetings seem to be secret and they are not filing minutes with the Clerk and Records office.

Commissioner Peck said it is a legitimate question that hasn't been completely dealt with. Commissioner Bennett said he is working with the board and he would sit down with Herb about his concerns. Herb says he does not believe anything underhanded is going on but just would like to see it be more transparent and brought up to date.

Commissioner Bennett will set up a time to meet with Herb."

I have meet with Commissioner Bennet at the Troy office, usually once a month ever since. The only change I have found in almost 2 years is recently I was given a copy of the "Lincoln Country Board Meeting 10-16-2021 @10:00 in Troy "when I asked at the Clerk and Records office.

The beginning of the ambulance service levy on property taxes began as follows:

County resolution 81 dated the 15<sup>th</sup> of July, 1981.

"It is hereby RESOLVED that in addition to all other levies authorized by law, there shall be levied an additional tax of one (1) mil on the tax dollar of the taxable value of all taxable property within Lincoln County, Montana, to defray the costs incurred in providing ambulance service, within the meaning of Title 7 Chapter 34 Part 1 Montana Code Annotated, 1979"

I quote the law. "MANNER OF PROVIDING AMBULANCE SERVICE

7-34-103. Manner of providing ambulance service. (1) If a county, city, or town establishes or maintains ambulance services acting through its governing board it:

(a) may operate the ambulance service itself or contract for ambulance service."

It is apparent to me Lincoln County does not operate the ambulance service itself. Hence within the meaning of the law there must be a contract for this service. I cannot find any such contract filed with the Clerk and Records office.

It seems the beginning has never been compliant with the MCA.

Through the years this levy has increased to 5 mils. Fund number 2230 in the County budget allows each year several hundred thousand of dollars to the ambulance service. There is no financial information submitted to the Clerk and Records office as required by the MCA. Other boards in the county are compliant. Somehow over the years this County Ambulance service has slowly morphed into Libby Ambulance.

I quote from the above ambulance board minutes I received from the Clerk and Records office.

"By-law changes/legal issues for boards. This was brought to us by Jerry Bennett with a handout .. ..Most of the handout did not seem to pertain to us. Penny Kyes — She also read all of it and felt most of it was not applicable to this board"

"Rachel Duram felt we needed to look at our terms which will have to be changed in each ambulance service bylaws. "

There is an ambulance service in Troy, Libby and Eureka. I have never found a copy of bylaws for any of these entities at the Clerk and Records office. Why is there not a public election for each of these boards?

My purpose for being here today is to ask the Commissions one question. When will the ambulance service in Lincoln County be brought compliant with the MCA just like other boards operating in the county?

Sincerely, Herb Cargill

Herb commented that he appreciates Commissioner Bennett's time working with him and answering his questions.

Commissioner Bennett said Tom Lane has been working with the ambulance board and they have made several by-law changes to come into compliance; they don't have their final by-laws yet but are still working on it.

Herb commented the Ambulance Board finance reports indicate they do not receive public funds and this needs to be resolved.

Veronica commented that she worked as an election judge and heard there may be an audit of the hand count.

Robin explained the ballots have been sealed and locked away and an audit is not planned. Audits are normally conducted to ensure the tabulator results were accurate.

Veronica commented the hand count process was well organized and she was very impressed with Paula Buff and Amanda Eckart.

Commissioner Bennett commented that he was impressed with the volunteers and grateful for their support.

11:00 AM **Bid Opening: Gravel Crushing-Gas & Diesel-Road Oil-Legal/Display Advertising:** Present were HR/Payroll Dallas Bowe, Suzanne Resch, Chris Noble, Jesse Knapp, Tom Lane, Ray Stout, Rebecca Nelson, Scott Shindledecker and Solomon Alcain.

Road Oil: One bid received.

McAsphalt Industries, 22/23 season. Commissioners reviewed bid as submitted. **Motion** by Commissioner Letcher to accept bid for road oil for Libby, Eureka, and Troy, road departments. Second by Commissioner Teske, motion carried unanimously.

Advertising: Two bids received from Kootenai Valley Record and the Western News.

Commissioners reviewed and read bids as submitted. Dallas commented that the Western News came in lower. **Motion** by Commissioner Teske to accept advertising bid from the Western News. Second by Commissioner Letcher, motion carried unanimously.

Gas & Diesel: Two bids received from Moore Oil and Golden State.

Commissioners reviewed and read bids as submitted. Dallas commented that Moore Oil will be awarded Troy and Eureka and Golden State bid will be awarded for Libby. **Motion** by Commissioner Teske to accept Moore Oil bid for Troy and Eureka and to accept Golden State bid for Libby. Second by Commissioner Letcher, motion carried unanimously.

Gravel Crushing: One bid received.

Noble Excavating, 22/23 season. Commissioners reviewed bid as submitted. **Motion** by Commissioner Teske to accept Noble Excavating gravel crush bid as submitted. Second by Commissioner Letcher, motion carried unanimously.

There was a brief conversation about adding language regarding how many yards to be included in the gravel crushing call for bid.

12:00 PM **Break**

1:30 PM **Preliminary Budget Meetings: Library / Election Department / Health Department:**

**Library Department:** Present were Library Director Alyssa Ramirez Peck, Barb Hvizdak, Tracy Cook with Montana State Library, and HR/Payroll Dallas Bowe.

Alyssa gave an overview of the preliminary budget and discussed anticipated expenditures for FY 22/23.

Alyssa commented on having an amazing staff and talked about the increased programming and good community involvement in the library programs that are offered. Alyssa talked about the importance of leadership training for staff. Commissioner Bennett commented that the voters approved 3.49 mills, but the budget is well beyond that amount, and we need to look at that. The people make decisions about what they are willing to spend for services.

Alyssa talked about grants received that do help offset costs. There was a brief conversation about setting up a CIP account for future expenditures and improvements.

Barb commented the 3.49 mills was set many years ago.

Commissioner Bennett said the general fund receives a specific amount of money and cannot keep up with departmental growth and cost increases; these are hard conversations. Commissioner Bennett conveyed that road departments are planning a third of the work than usual due to fuel and other increased costs.

Alyssa wants to be clear that there are standards that must be met in order to receive state aid and her main concern is about staffing levels. Libraries are required to be open 40 hours a week which is becoming increasingly difficult with current staffing. Alyssa commented it is not common to have 3 branches in multiple communities.

**Election Department:** Present were Election Administrator Paula Buff and Assistant Election Administrator Amanda Eckart.

Paula submitted the Certificates of Nomination from the 2022 Federal Primary Election for Commissioner signature.

Paula gave an overview of the preliminary budget and discussed anticipated expenditures and revenues for FY 22/23.

Paula noted the revenue reflects approximately \$35,000 HAVA grant that is not anticipated as future revenue.

Paula said savings came from moving election judges from county employees to contracted service, saving the county from paying worker's comp, social security, Medicare and unemployment. Another cost saving is the change in ballot envelopes.

Paula said she is halfway through processing election judge wages and cost of the hand count to be reimbursed and feels county election judge cost will come in well below budgeted amount.

Paula informed the commissioners that she has not received an invoice from the Western News but shared the statement indicating approximately \$34,000 in ballot cost. After the actual invoice comes in, Paula will bring information to the commissioners for continued conversation. The FY budget for 22/23 is approximately \$2,000 less than current year.

Paula noted that Dallas Bowe is checking with MACo and researching statutes regarding bid contracts and potential options for the General election.

**Health Department:** Present was Kathi Hooper.

Kathi gave an overview and discussed anticipated expenditures and revenues of the preliminary budgets that fall under Public Health and Environmental Health for FY 22/23, explaining the differences in grant funded and fee-based budgets.

Kathi is requesting a grade increase for the county sanitarian and submitted the job description for commissioner review.

Kathi said she is requesting a wastewater fee increase; researching other counties, Lincoln County is well below.

There was a brief conversation about application, permit and inspection fees, and options/best practices moving forward.

Kathi said she will continue researching other counties processes and fees.

Tobacco Valley Animal Shelter is requesting a contract change/budget increase from \$3775 to \$4200 monthly; they are seeing a lot more animals and Kathi feels it is a fair request.

Kathi is requesting a planning increase of \$10,000 under professional services to accommodate planning consulting services.

**Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Jerry Bennett, Chairman

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