

July 12, 2023

The Lincoln County Board of Commissioners met for a regular session on July 12, 2023, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Hammons, Lincoln County Administrative Assistant Jennifer Brown and Clerk & Recorder Corrina Brown.

Meeting allows for teleconferencing and VisionNet availability. Present online were Kimberlie Catone, Chanel Geer, Diane Watson, Bree Adamson, Michelle Byrd, Rebecca Nelson Reporter-Tobacco Valley News, Scott Shindlecker Reporter-Western News, Bruce Phillips, Sheriff Darren Short, Director of Planning Jesse Haag, Ray Stout Reporter-Kootenai Valley Record, Undersheriff Brent Faulkner, Alyssa Ramires and Aleana Woody.

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

09:45 AM **Green Box Discussion:** Present were TJ Boswell Troy City Council, Michael Huck Evergreen Disposal, Jeffrie Kingsley, R Dwight Collins, Leanna Smith, Larry Smith, Veronica Bovee-Anderson, Bryan Alkire Refuse, Director of Planning Jesse Haag, Jenn McCully and Kathi Hooper Health Department.

Health Department Director Kathi Hooper advised she sent out a revision to Option 1 after the meeting two weeks ago and at the bottom listed action items. Kathi advised she is seeking commissioner approval to purchase two trucks, hire three full time employees and increase the refuse assessment in order to start the process of Option 1. Kathi said Option 1 would first close Pinkham, moving 10 boxes to Fortine, close Fourth of July, moving 10 boxes to Upper Yaak, close Savage Lake, moving 12 boxes-split between Hecla and Troy Ballpark. Kathi stated they would then move forward to Yaak Hill, Eureka Landfill and Glenn Lake. Kathi researched improvements to the Eureka landfill and advised they have contacted the engineer who designed the Libby Landfill, which has six roll-offs, regarding using the same engineered design to update the Eureka Landfill and were quoted \$2,500. Kathi advised Treasurer Sedaris Carlberg confirmed 13,150 current refuse assessments. Kathi stated \$5 refuse fee increase = \$65,750 and \$15 refuse fee increase = \$197,250. Commissioner Hammons asked about new hires starting wage. Bryan advised they are not under union pay and Kathi stated they would start at grade 5. Commissioner Teske stated he spoke with folks at the Thompson Chain of Lakes annual meeting and agreed to pass on concerns that due to the closing already done at McGinnis they have an influx of traffic and usage at Happy's Inn so they request an additional roll-off. Commissioner Teske inquired if Happy's Inn has real time video surveillance available. Kathi said yes and the cameras are also up at the Troy Ballpark. Kathi showed a live view via her cell phone clearly depicted activity and license plate. Commissioner Hammons inquired if by closing Savage Lake and splitting the cans will there be room for those cans slated for the Troy Ballpark at the transfer site thus allowing Lake Creek and Savage Lake residents a closer option. Bryan advised they had four cans by the tire bin originally but there is not a lot of room. Kathi stated they will look at the Troy Landfill to see what can be done. Commissioner Hammons inquired of a job description for the Rover. Kathi advised it's the site monitoring activities in addition to the site attendant responsibilities. Commissioner Teske suggested the Rover could coordinate with the contractor on issues where they need a big truck with a bucket to transport larger items. Commissioner Hammons asked if approved, how quickly the ads would go out for hiring. Kathi advised the internal post could go out this week. Commissioner Teske summarized Option 1 is closing 5 sites and compressing the Eureka landfill and Green Boxes. Kathi concurred along with making improvements to the Eureka Landfill facility. Commissioner Letcher inquired if the Eureka landfill could be open 7am-6pm. Kathi agreed they could test the hours and advise. Commissioner Letcher suggested Glenn Lake, Pinkham and Eureka outside sites remain open until the Eureka Landfill is expanded. Kathi advised Pinkham has some of the lightest use and Pinkham, Fourth of July and Savage Lake would be the first to close, freeing up boxes for other sites. Commissioner Hammons asked how many cans are at Yaak Hill. Kathi answered 14. Commissioner Hammons stated he has concerns with the Yaak Hill site closing due to area population and usage. Kathi advised they scheduled Yaak Hill later to give it some time and see how the first closings go. Kathi stated they are looking at getting electricity to Libby Creek with the intent of a shack for a gate attendant and video surveillance. Commissioner Hammons asked that the Yaak Hill site remain open the same as Hecla and Troy Ballpark 9am-6pm Friday through Monday. Kathi advised employees work 4-10-hour days. Kathi stated if the City of Troy is willing to open/close the ballpark location it may be open more hours. Commissioner Letcher inquired if there is a maximum number of containers the contractor manages. Kathi said there is a maximum number of sites, but the number of containers can change and initially the county supplied the containers but going forward the contractor will do so. Commissioner Teske question if Michael, as the contractor, has any concerns. Michael stated he is here to support this change and suggests putting up signage regarding dumping. Commissioner Letcher asked for public comment. Dwight thanked Commissioner Hammons for supporting the Yaak Hill site and stated virtually every time he visits it, he sees someone with out-of-state plates dumping large amounts. Dwight stated he was a bit shocked to find there is no county Ordinance in place to prohibit non-residents from using the green box sites given they are taxpayer funded. Dwight urged the Commissioners to include language in a Resolution that this is only for Lincoln County residents and prohibits out-of-state use. Dwight would like to see inexpensive use of signage all over the green box sites. Dwight advised if there are issues with that green box site, citizens like himself, would be happy to voluntarily assist. Jeffrie advised he uses the Yaak Hill site and if it was closed this would overload the Troy Ballpark site. Larry agreed stating this is a multifaceted situation and he has concerns about out-of-state high volume and large item dumping. Larry expressed concerns the older and disabled residents have ready access to dump. Veronica questioned the Fisher River Box being open May through October as it's currently open year around. Kathi advised it is open year around with limited hours April through November. Bryan advised it won't be open after 6pm. Jesse commented on the

ability to officially prohibit out-of-state residents from using the dumpsters given that Sander's County facilities are open to only Sander's County residents suggesting this is allowable under MCA. Kathi advised those counties have it posted yet have difficulty enforcing it. Commissioner Letcher questioned what tourists would then do with their trash and sees enforcement as a nightmare. Kathi agreed saying many with Canadian plates come into Eureka but also own property in Eureka, they are paying a refuse assessment in Lincoln County and who is gonna check that. Dwight would like to see the list of rules not hidden by the gate at Yaak Hill. Diane commented that the Trego site has a gigantic sign of what cannot be dumped yet it is dumped and suggests multiple discrete cameras are a great idea if locally monitored. Diane would like to know why a discussion of closing 5 sites is not more publicly advertised, such as on social media. Commissioner Teske advised there have been multiple discussions in commissioner meetings, articles in the newspaper and an article by the Health Department as well. Commissioner Teske advised this discussion started at a commissioner meeting two weeks ago where Options 1-3 were presented and narrowed down to Option 1 which has now been modified. TJ of Troy City Council appreciates the Commissioners addressing the concerns with the Green Box Sites and encourages an Ordinance to help with enforcement. TJ stated this is not a new conversation especially at the Troy City Council and he sees public frustration with resulting confrontations over these sites. TJ likes the idea of county paperwork in effect and advised Troy did an Ordinance to allow for ticketing of dumpster diving and likes the upgraded camera system which allows enforcement. TJ suggested closing Savage Lake will push people to Hecla and then Troy Ballpark. TJ advised Troy is mostly elderly and fixed income folks citing a study that showed 78 new houses built in Troy city limits since 1988. TJ stated growth is in both the Bull Lake and State Line areas. TJ believes this will be a challenge any which way this goes. TJ would like to see green boxes prior to the Troy Landfill. Commissioner Hammons suggested Bryan take time to go look at the Troy Landfill site as this could alleviate traffic going into town giving Lake Creek, Savage Lake and School House Lake residents a closer alternative. Leanna uses the Yaak Hill site and her biggest concern is seeing out-of-staters routinely dumping large amounts as she drives to work. Leanna suggested the site at Kila could be a model to follow and monitoring may help curb improper dumping. **Motion** by Commissioner Hammons to make Option 1 per revised revisions discussed. Second by Commissioner Teske. Public comments; Jeffrie inquired if there will be more time for public comment. Commissioner Letcher advised they are making a decision to move forward yet will adjust to make this fit the public budget and public needs. TJ questioned entertaining a county Ordinance regarding out of county dumping. Commissioner Teske confirmed advising he plans to refer to Sander's County to see how they did this. Commissioner Letcher urged a balance regarding out-of-state campers dumping trash. Commissioner Teske advised law enforcement uses discretion when issuing citations. TJ suggested the Ordinance target inappropriate dumping rather than trash. Motion carried.

10:00 AM **Health Department:** rescheduled

10:30 AM **Administrative Issues/Old Business: Approve Minutes. Resolutions. Award Bids.** Present were Melanie Howell Election Admin., Sierra Gustin Deputy Clerk-Election Assistant and Kathi Hooper Health Dept.

- Minutes for June 15, 2023, County Attorney budget meeting for approval. Commissioner Teske asked specific numbers be noted in the minutes. **Motion** by Commissioner Teske to approve minutes of June 15, 2023, as amended. Second by Commissioner Hammons. No comments. Motion carried.
- Minutes for June 26, 2023, employee salary review for approval. **Motion** by Commissioner Hammons to approve minutes of June 26, 2023. Second by Commissioner Teske. No discussion. Motion carried.
- Minutes for June 28, 2023, regular meeting for approval. **Motion** by Commissioner Teske to approve minutes of June 28, 2023. Second by Commissioner Hammons. No comments. Motion carried.
- Resolution 2023-18 to set elected official base salary: Commissioner Teske read Resolution 2023-18. **Motion** by Commissioner Hammons. Second by Commissioner Teske. Sheriff Darren Short commented he has concerns with employees getting 5% yet the elected officials get 4.7% as this affects every sworn deputy by getting 1% less last year and 3/10th % less this year and feels this is not right nor fair to the sworn deputies working 24 hours 7 days per week to protecting the citizens of Lincoln County. No further comments. Motion carried.
- Resolution 2023-19 to set the Justice of the Peace base salary: Commissioner Teske read Resolution 2023-19. **Motion** by Commissioner Hammons to approve Resolution 2023-19. Second by Commissioner Teske. No comments. Motion carried.
- Resolution 2023-20 Intent to increase the refuse assessment fee beginning September 1, 2023: Commissioner Teske read Resolution 2023-20. Commissioner Teske confirmed public notice posts and newspaper ads are in place. **Motion** by Commissioner Hammons to approve Resolution 2023-20. Second by Commissioner Teske. Public comments: Diane questioned what is included in this increase. Kathi advised Diane can call her to review. Commissioner Teske confirmed the last increase was 2008 and gave a summary of budgetary fiscal responsibility to the landfill. Commissioner Letcher advised a lot of this is the management of the landfill. Motion carried.

***Resolutions are available on the county website: lincolncountymt.us**

- Bid awards: Commissioner Teske advised bid openings took place at the Commissioner meeting held on June 28th, 2023. Administrative Assistant Jennifer Brown compiled a comparison. Commissioner Letcher called for motions.
 - Crushing / stockpiling gravel; **Motion** by Commissioner Teske to award to Noble Excavating *crushing / stockpiling gravel*. Second by Commission Hammons. No comments. Motion carried.
 - gasoline & Diesel; **Motion** by Commissioner Hammons to award Golden State Oil for Libby shop and to award Moore Oil for Troy and Eureka shops *gasoline & Diesel*. Second by Commissioner Teske. No comments. Motion carried.
 - election printing; Commissioner Teske clarified pricing differences and volumes. Commissioner Letcher stated across the board Eagle Printing is significantly less. Commissioner Hammons asked if shipping charges are known. Election Administrator Melanie Howell advised shipping estimate is \$120. Commissioner Hammons commented the Western News shipping is free. Commissioner Teske advised there is significant differences in pricing. **Motion** by Commissioner Teske to award Eagle Printing *election printing* based on information. Second by Commissioner Hammons. No comments. Motion carried.
 - legal display; **Motion** by Commissioner Teske to approve Western News *legal display*. Second by Commissioner Hammons. No comments. Motion carried.
 - printing, road oil, janitorial, asphalt; **Motion** by Commissioner Teske to award single bids submitted as listed: *printing* = The Printing Press, *road oil* = McAsphalt, *janitorial* = Annie's, *asphalt* = Noble Excavating. Second by Commissioner Hammons. No comments. Motion carried.
- Commissioner Teske advised LASOC Agreement has been reviewed and updated with no recording fee changes.
- Commissioner Hammons advised they finalized the walk through at Angle Island bridge and a plan to meet to finalize damages will be set for next week.

10:45 AM **Public Comment Time:** Present were none.

No public comment.

11:00 AM: **Deputy County Attorney Salary Discussion:** Present were Sheriff Darren Short, County Attorney Marcia Boris and Deputy County Attorney Jeff Zwang.

County Attorney Marcia Boris advised during her budget meeting she requested to increase the starting salary of the Deputy County Attorney. Marcia wants this opportunity to discuss things not included in her previous letter to the Commissioners. Marcia advised if we are not able to fill the second deputy position, we won't have the capacity to fulfill our obligations required by statute. Marcia advised new deputies get trial experience with a few cases then get a better offer as did the last two; Mrs. Copperstone went to Sanders County with a \$30k/year pay increase and Levi went to the AG's office with a starting salary of \$96K and he'd been out of law school less than a year. Marcia provided history of her position and her ultimate desire to take a \$30K/year pay cut to live in this area. Marcia expressed appreciation for law enforcement adding county employees are consummate professionals taking pride in serving the citizens of Lincoln County. Marcia stated we are not doing a good job of attracting quality Deputy County Attorney's who want to make a commitment to stay here. Marcia advised her office currently has 6 active homicide or attempted homicide cases, all complex cases with help from the AG's office on 2 of those cases. Marcia conveyed PST is at capacity and neighboring counties are not staffed where they can offer assistance. Marcia advised the Commissioners are responsible for the County Attorney fulfilling statutory obligations by providing adequate resources. Marcia advised the Commissioners her office juggles the case load, youth court, involuntary commitments, youth in need of care cases, county departments, boards and districts. Marcia stated she's advertised since late April for both an intern and a deputy with no results. Marcia has seen improved efficiency through the use of technology in her office yet fears capacity will affect efficiency. Marcia feels the attorney population is dwindling locally and younger attorneys are not setting up shop in Lincoln County. Deputy County Attorney Jeff Zwang listed Brittany Vincent and Ben Shumate. Marcia believes the only real solution is to contract out help with the civil side yet would prefer to see someone local take care of this. Commissioner Teske questioned Marcia's ask. Marcia stated her ask is that the Commissioners allow for advertising the open Deputy County Attorney at \$85k and give Jeff, with 9 years of experience, a raise to \$90k. Commissioner Teske commented of a tight budget and a substantial jump like that is hard and the conversation was to increase that starting wage \$10k to make it more favorable and a standard employee increase for Jeff. Marcia advised that is not going to solve the problem. Commissioner Teske stated we are in the same boat as other agencies, it's tough to find people to work. Commissioner Letcher explained that of 99.11 mills 92 go to the Sheriff's office and we are trying to balance all department needs. Commissioner Letcher really appreciates the county attorney office. Commissioner Letcher stated these are increases they are trying to address while working within the budget constraints. Marcia advised her deputy can walk into the Public Defender office and earn more. Commissioner Hammons advised he believes none of the elected officials would have taken an increase if it wasn't for the effect on the Sheriff's office. Commissioner Teske advised that currently the budget is tight and will discuss this in the future. Jeff stated he understands the challenges facing the board and it's been true the entire time he has worked here. Jeff said they have to give the Commissioners this information to allow for an informed decision. Jeff stated they would like to get someone who wants to be in this area but with the current pay folks can't afford to. Commissioner Letcher questioned why the Deputy County Attorney can't also be supplemented by the state in the manner the County Attorney is. Commissioner Teske advised he will bring this up with a representative and said he will start the process to pursue this with Marcia's assistance. Marcia would like to know when the budget assessment is known. Commissioner Teske advised sometime in August.

11:15 AM: **Planning Department: Court Ordered Split Stout/Bodgan:** Present was Jesse Haag Director of Planning.

Director of Planning Jesse Haag advised on July 5th the Planning Department received a request from District Court for comment on the Court Ordered Split for petitioner David B Stout and Paul Bogdan. Jesse advised per MCA the Planning Department has to determine if the proposal is an attempt to evade the Montana Subdivision and Platting Act and the Exemption Review Committee met to review. Jesse stated the petitioners submitted to the court a proposed survey of subject property being partitioned into two equal 9.98 acres parcels and it does not appear that any supporting evidence has been provided to show this is not an attempt to evade regulations. Jesse advised the Committee recommends that more information be submitted in order to justify the use of this exemption. Jesse advised the use of the Court Ordered Split exemption shall be used in the absence of an agreement between parties. Jesse said the clear agreement between the parties makes it unclear to the Committee as to the justification of using this exemption. Commissioner Teske asked Jesse to draft a letter in response to the court and present it during the next Commissioner meeting.

11:39 PM **Adjourn**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____
Corrina Brown, Clerk of the Board

Option 1 (rev) – 11 sites

Site	Distance to landfill	Open Hours	Notes
<i>Libby area</i>			
Happy's Inn	44.0 miles		Install real time video surveillance. Site is now fenced.
Libby Creek	14.8 miles	9 AM – 6 PM, Wednesday - Sunday	On-site attendant
Fisher River	15.5 miles	8 AM – 5 PM, Wednesday - Saturday	Limited to daytime hours May-October
<i>Troy area</i>			
Troy Ballpark	2.0 miles	To be determined	Limited to daytime hours. Roving site attendant.
Hecla	11.4 miles	9 AM – 6 PM, Friday - Monday	Limited to daytime hours. Roving site attendant.
Yaak Hill	12.4 miles	9 AM – 6 PM, Friday - Monday	Limited to daytime hours. Roving site attendant.
Upper Yaak	41.6 miles (Troy), 33.8 miles (Libby)	8 AM- 6 PM April-Nov, 24 hrs Dec-March	Increase current gatekeeper contract to include site monitoring
<i>Eureka area</i>			
Trego	19.0 miles	9 AM – 6 PM, Thursday – Sunday	Limited to daytime hours. Roving site attendant.
Fortine	15.7 miles	9 AM – 6 PM, Thursday – Sunday	Limited to daytime hours. Roving site attendant.
West Kootenai	23.0 miles		
Rexford	5.6 miles		Not fenced. Roving site attendant.

Site monitoring includes opening and closing gates, cleaning outside fence, checking fence, educating users, documenting violations, and notifying landfill staff and/or contractor of issues.

- Close Pinkham, Fourth of July, Savage Lake, Glen Lake, and Eureka Landfill greenbox sites.
- Purchase attendant shack for Libby Creek site.
- Purchase two trucks (Silverado 1500, Fort F150 style).
- Hire three full-time employees, Grade 5. One each Libby, Eureka & Troy areas.
- Increase refuse assessment from \$135/year to \$150/year.

Budget increase: \$162,000 – \$210,000 annually, \$100,000 initial set up