

June 23, 2020

The Lincoln County Board of Commissioners met for a regular session on June 23, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, Commissioner Bennett, Commissioner Letcher, County Administrator Patrick McFadden and Clerk and Recorder Robin Benson.

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

10:30 AM **Administrative Issues:** Present was Derrick Perkins. Also present was Nikki Meyer, Eureka via VisionNet.

- Patrick commented that he emailed the annual DUI Task Force Plan to the commissioners for review. There are no differences in the new plan. The commissioners requested to put this on the commissioner's agenda with DUI Task Force representation present.
- Patrick submitted an amendment to the Lincoln County Abatement Contractor Agreement. Patrick explained the amendment allows the contractor to come back in for additional work required to reach satisfactory completion of services at no more than the daily rate of the bid determined under the original contract. Commissioner Peck said that on quick, low cost repairs, ARP can do some of this, which is the perception from the EPA. Commissioner Peck will talk with ARP to define and clarify responsibilities. Patrick commented this being the first contract, ARP wants the contractor to be responsible to the end of a project. The amendment is not agreeing to a new contract, it is an amendment that holds the contractor to completion.
- Commissioners signed a support letter to the Forest Service for Bruce Vincent to serve on the Pacific Northwest National Scenic Trail Advisory Council.
- Patrick talked about the employee survey for the county picnic and will plan accordingly for early August.
- Robin commented that board appointments were approved last week. A new board application was received from Cheryl Roediger to serve on the Fisher River Fire Service Area (FSA) Board. Robin said 4 vacancies were advertised but only 2 applications were received and appointed. The Fisher River FSA Board is requesting the commission to appoint Cheryl Roediger to serve on the Fisher River FSA Board. **Motion** by Commissioner Bennett to appoint Cheryl Roediger to serve on the Fisher River FSA Board. Second by Commissioner Letcher, motion carried.
- Robin presented the minutes for June 16 special session and June 17, 2020 regular meeting for approval. **Motion** by Commissioner Bennett to approve minutes with one correction. Second by Commissioner Letcher, motion carried unanimously.

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

11:00 AM **County Bids / Gas and Diesel / Legal-Display Advertising:** Present were HR Director Dallas Bowe, Derrick Perkins, Suzanne Resch, and Lee Bothman. Also present was Nikki Meyer, Eureka via VisionNet.

Libby and Eureka Gas & Diesel Bids: Three bids were received; Moore Oil, Golden State Oil, and City Service Valcon. The commissioners opened and read from each bid. Moore Oil and Golden State were tied. City Service Valcon bid only for Eureka. Dallas said she would go back and read the MCA's for process on tied bids. No decisions were made at this time.

Legal Display Advertising: Dallas said she visited with the county attorney and that bids are not determined by how much legal and display ads cost the county, but by adding the legal and display cost in the bids, and awarding low bid. The Western News came in at low bid for legal and display ads combined. **Motion** by Commissioner Bennett to award the legal display advertising bid to the Western News as submitted. Second by Commissioner Letcher, motion carried unanimously.

Lee Bothman commented that the county used to bid only for the legal ads and other counties do the same and recommends the county goes back to just bidding the legal ads and not displays. There was a brief discussion about the bid process for counties and potential changes in the future.

11:15 AM **Planning / Sanderson FT / Big Water Subdivision Extension:** Present were County Planner Jake Mertes, Byron Sanderson, Chelsea Sanderson and Derrick Perkins.

- Jake said planning received a request from Kootenai Surveyors on behalf of Byron and Chelsea Sanderson. Planning staff recommends approval to use exemption. **Motion** by Commissioner Bennett to approve the Sanderson Family Transfer subject to planning staff conditions and recommendation. Second by Commissioner Letcher, motion carried unanimously.
- Jake said the planning department received a request to extend the final plat deadline for Big Water Subdivision which is due for completion August 17, 2020. Issues with DEQ approval and pandemic restrictions have slowed progress to completion. Planning staff recommends a second extension request for Big Water Subdivision for three (3) years to expire August 17, 2023. **Motion** by Commissioner Bennett to approve the 2nd extension request to expire August 17, 2023 subject to planning staff conditions and recommendations. Second by Commissioner Letcher, motion carried unanimously.

11:45 AM **Slausen Crossing:** Present were Mike Fraser, Tricia Brooks, and Derrick Perkins.

Commissioner Peck said his concern is the liability of the switch house. The county would be responsible for repairs if somebody else creates damage and there is potential for high dollar repairs and maintenance.

Mike said there is no maintenance agreement, and there should be some joint responsibility, but BNSF has rejected responsibility unless the damage is done by BNSF. Mike said BNSF is responsible for maintenance.

Mike said BNSF is the operational side, but there is an issue of a potential switch house replacement in the future, it could be costly and that should have at least, a cost-share in place, but BNSF has rejected all ideas of any liability agreement. Commissioner Peck commented that he is not even sure the county can insure it. The county does not own it, does not have access to it, and it's not on county property. We will need to talk to Kevin Peck, Glacier Insurance.

Mike suggested a phone conversation with Taylor Smith, BNSF and the commission. We need to have something in writing regarding liability into perpetuity.

Motion by Commissioner Bennett to approve the Construction and Maintenance Agreement, Easement Agreement, and Memorandum of Easement subject to Commissioner Peck's conversation with Taylor Smith of BNSF and Kevin Peck, Glacier Insurance. Second by Commissioner Letcher, motion carried unanimously.

Commissioner Peck called Taylor Smith present via phone conference. Taylor said if the damage is caused by BNSF, they would be responsible, but if vandalism, or a tree fell on it (Act of God), the county would be responsible, which is consistent with how that is across the state.

Commissioner Peck said he is not sure the county can even insure it since it is not county owned. Commissioner Peck said he is looking at years down the road, and someone vandalizes it and it cost \$150,000+ to repair without insurance.

Commissioner Peck called Kevin Peck present via phone conference. Kevin said he thinks it is doable for the county to obtain insurance, but he would like to contact MACo to confirm and know the details how this works.

1:30 PM Employee Salary Review: Present were HR Director Dallas Bowe, Wendy Drake, Don Burrell, Deb Burrell and Derrick Perkins. Also present was Nikki Meyer, Eureka via VisionNet.

Patrick shared a PPT presentation showing historical average wages, COLA vs. inflation, insurance cost, funding, and tax revenue history. Patrick recommended modest yearly COLA increases, predictably tied to inflation, to bring the county in line with position standards across the state (adjusted for the local cost of living index). Patrick suggested this year, a 2.5% COLA is appropriate to approximately match last year's inflation and an additional 1% to match the sheriff deputies. Patrick said his research shows Lincoln County wages are average comparable to other counties, saying there is a comfort that wages are in the right ballpark. Funding a 3.5% COLA for 108 employees would cost approximately \$163,296. Offset approximately \$50,000 by employees opting out of insurance and reminded the commissioners that worker's comp was reduced by approximately \$100,000 and permissive mills are available to cover insurance cost increases.

Commissioner Bennett said his only concern is looking at \$163,000 without knowing next year's revenues yet.

Commissioner Letcher commented that last year, a part of the discussion was the separation of wages between employees and supervisors and a 2.5% keeps it consistent with that separation.

Commissioner Peck said he supports more money for the employees and noted he did not support money for the elected officials. The question is how the value of the mills come in and what that revenue is. Wages will increase everyone's budget. The other side to it is if we give the COLA and if it doesn't come to fruition, we will have to cut budgets, that's how it works.

There was a brief discussion about new properties that may be missed during the DOR assessment cycle and how that may affect missing revenue to the county.

Motion by Commissioner Peck to approve a 3.5% COLA for county employees. Second by Commissioner Letcher. Commissioner Peck commented that departments will have to continually scrutinize their budgets. Commissioner Bennett asked about the county's philosophy moving forward in the future regarding annual COLA increases. Does not mean following it every year, but a projection of how we move forward.

Patrick commented that it does not mean we peg COLA increases to inflation by policy, but rather use inflation from the previous year as a philosophical default starting point and adjust for revenues and costs with respect to the budget.

It would be what we look forward to and plan for, but if we enter a recession, it's not set in stone.

Dallas said she feels a COLA would be very good for morale since we did not replace all employees that left the county over the past few years, and those remaining took on a larger workload as a result.

Motion carried unanimously.

2:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

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