

July 26, 2017

The Lincoln County Board of Commissioners met for a regular session on July 25, 2017, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Cole, Commissioner Peck, County Administrator Darren Coldwell and Deputy Clerk and Recorder Chris Nelson. Commissioner Jerry Bennett was in Washington DC.

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

9:30 AM **Nancy Higgins: Treasurers Monthly Report:** Allen Gerstenecker, Treasurer Nancy Higgins and John Blodgett. Commissioner Peck was not present at the start of the meeting. Treasurer Nancy Higgins presented the year end cash report to the board. On the cash report the operating cash in the road fund is in the negative but it should be taken care of the end of July or August. With no SRS funds coming in as yet, Nancy would like to have a discussion to be more proactive to prevent that from happening in the future. Darren said this is definitely a project that will be addressed. The county did receive 25% of timber receipts of approximately \$400,000 but still falls far short of funding all three road departments. Commissioner Cole asked Nancy about the assessments on property taxes and how it works. Nancy suggested bringing in someone from the Department of Revenue next month and they could discuss how the assessment process works. Commissioner Cole said some people have seen increases of 50 and 100 percent on the assessed value. Nancy also discussed new legislation passed that affects the tax sale process. Now the treasurer's office must send out a notice of tax lien, which resulted in over 1,700 letters being sent out by her office. Commissioner Peck arrived at 9:45 AM.

10:00 AM **Administrative Issues:** Present were Allen Gerstenecker, John Blodgett, and Dallas Bowe .

Motion by Commissioner Peck to approve to approve the Lincoln County Interagency Fire Management Operating Procedures. Second by Commissioner Cole. Motion carried.

Dallas presented the commissioners with the PCORI reporting form bill for \$794.22. **Motion** by Commissioner Peck to approve under protest paying \$794.22 for the PCORI reporting form. Second by Commissioner Cole. Commissioner Peck said under the Affordable Care Act over the last three years the county's cost have increased. Motion carried.

Dallas said the county also has to send out 1095's, which EBMS prepared them in 2015 and the county now owes \$6,724.00. The county prepared this year's 1095's but after trying to protesting the bill, the county now must pay it. Motion by Commissioner Peck to pay EBMS \$6,724 for ACA Management out of PILT and refund the account after receiving refund from Flex. Second by Commissioner Cole. Motion carried.

Motion made to table minutes. Motion made by Commissioner Peck to table, second by Commissioner Cole. Motion carried.

10:15 AM **Public Comment Time:** Present were Tim Rooney, Allen Gertenecker and John Blodgett.

- Mike presented the commissioners an executive summary concerning coal mines on the Elk and Lake Koochanusa in Canada. Commissioner Cole said after a previous discussion with biologist Jim Dunnigan, the didymo blumes in the river are tied to a rise in nitrates in the water. Mike said they gain nothing from the coal mining but will have to deal with the impacts of what goes into our water upstream.

10:30 AM **Site Tour of Jail Facility and Possible Improvements with Jim Muskovich:** Present were Sheriff Roby Bowe, Detention Supervisor Jessica Vanderhoff, Alan Gerstenecker, and John Blodgett.

The commissioners met in Lincoln County Sheriff Roby Bowe's office where he gave a brief overview of the jail overcrowding and building issue. Currently detention is allowed 13 staff but only currently has a staff of 8 which allows for 2 detention officers per shift. Roby asked Jim Muskovich, MACo Representative for Jail Facilities, if they expanded could they have psych, juvenile, and standard cells in the same facility. Roby said he did understand that the juveniles would have to be out of sight and sound of the other inmates. Jim said that would not be a problem and would actually aid in making it easier for doctors and mental health professionals to come to the detention facility to see patients saving money and time that it takes to transport inmates. Roby mentioned that expansion had been looked at in 2006 that included closing the portion of 5th Street between California Avenue and Main for parking and an outdoor recreation area for inmates. Commissioner Peck said that idea should stay as an option. Jim said he liked the county's idea of expanding the detention facilities using the existing building and moving non judicial, attorney or law enforcement to another building. Darren said he is looking at an InterCap loan rather than utilizing a bond issue that would cost taxpayers more money. The commissioners were then given a tour of dispatch, detective and patrol offices, interrogation and detention. Roby said he would like to see an expanded check-in and visitation area as they can get very congested with upwards of 20 people waiting to visit inmates. He also said they would like to see the capacity brought from the current 27 inmates to 72. With the higher capacity there would be the opportunity to house inmates from other counties that would bring additional revenue.

Commissioners returned to the boardroom at 11:30 AM.

Commissioner Peck expressed frustration over the people in jail being required better treatment then we give to people in the military, wildland firefighters and others. He added the big point is providing a better and safer facility for the staff, whom he said work extremely hard in a very stressful environment. The library building was also mentioned as being a possible location for offices for non-detention sheriff's office staff.

1:00 PM **Discussion with Jim Muskovich, MACo Representative for Jail Facilities:** Present were Sheriff Roby Bowe, Nikki Meyer, Alan Gerstenecker, Dallas Bowe from HR, Detention Supervisor, Jessica Vanderhoff and John Blodgett. Sherriff Bowe talked about the morning site visit and the formation of a citizen advisory committee. Commissioner Cole said they should have some good traction in starting the conversation about improving the detention facility. Roby said it will probably be an easy sell until it comes to actual cost of the project. Commissioner Cole asked approximately how much of the proposed jail expansion is a federal mandate and how much is to eliminate the risk of a lawsuit. Roby said lawsuits are a big key in seeking improvements. Jim said it really comes down to the safety and working condition of the

staff which, if taken care of, will dramatically decrease risk to detainees and the county to lawsuits. He did stress that they will never be able to eliminate 100% of the risk but it will make a very big difference. Roby asked if the county spends money now to fix it, will it decrease money later. Jim said it most definitely would. Jim said MACo is looking at a carrot and stick approach; rewarding those who are proactive in decreasing risk but it is not currently in place. In New Mexico they have a system that identifies proactive behavior and the more proactivity, the bigger the carrot. Jim said after seeing what the county has planned as far as expanding using current space, he is very much in support. He further complimented the county in taking the issue head on.

2:00 PM Planning Department: Present were Alan Gerstenecker, John Blodgett, Jake Mertes and Kristin Smith. Kristin said she had no action items to present. She commented that Jake is doing a good job and they are working on several projects with one coming before the commissioners in September. There will be issues that may arise due to the gap between when the last planner resigned. There was an issue of an extension on Montana Wild Resort that needs to be looked into.

2:45 PM Discussion on Callahan Creek: Present were Mike Fraser, Alan Gerstenecker and John Blodgett. On July 12th, Mike Fraser had a conference call with EPA and Army Corps of Engineers. One good thing that came out of the call was the Corps acknowledged that Dennis Welch has some responsibility for his property. Fraser said the Corps is requiring there to be a survey of a similar stream to get some baseline data to show what the "natural flow" of Callahan Creek should look like. HDR Engineering has proposed a services agreement for the survey work that would cost \$14,450. Commissioner Cole and Commissioner Peck were not in favor of this further request by the Corps but Fraser said at this point there isn't much of a choice. Commissioner Peck asked what impact, if any, the county work had on the slide. Mike said the county work did not cause any of the slide and has told them the county will not fix that. Commissioner Cole said it is ridiculous to survey another stream unrelated to Callahan Creek to find parameters for how they should fix it. Commissioner Cole said he would like to have all sides come in and discuss the issue together. Commissioner Peck asked about the survey process. Mike said they will take the width and depth of the channel so they can determine what Callahan Creek should look like. Commissioner Peck asked why they can't use undisturbed parts of Callahan creek to determine how the lower part can be fixed. Fraser recommends approving it and paying the \$14,500. Commissioner Cole said he would like to have a discussion with all the agencies because he feels they are making it harder than it should be. **Motion** by Commissioner Peck to approve Amendment 2 to Agreement for Engineering Services for \$14,450 for stream survey work and draft restoration plan on Callahan Creek by HDR Engineering, Inc. to be paid out of PILT. Second by Commissioner Cole. Commissioner Cole stated he was in favor of restoration but the survey work and draft restoration plan requirement is ludicrous. Commissioner Peck said as frustrating as it is it could be worse. Motion carried.

3:00 PM Johnson Property Discussions: Present were Alan Gerstenecker. Johnsons wish to donate just over 6 ½ acres to the county that may not be developed but retained as open space forever. The Commissioners both deeply appreciate what the Johnsons want to do but the county has more land now than they can deal with now. Commissioner Peck said the county's role is not to act as a land trust. **Motion** by Commissioner Peck to decline the very generous acreage offer of the Johnson family on Farm to Market Road. Second by Commissioner Peck. Commissioner Peck said it just doesn't fit in to what the county does. Commissioner Cole also appreciated the gesture but agreed with Commissioner Peck. Motion carried.

3:50 PM Motion by Commissioner Peck to approve Resolution 991 to move to Stage II Fire Restrictions. Second by Commissioner Cole. Motion carried.

Meeting adjourned at 12:00 PM.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Chris Nelson, Deputy Clerk of the Board