

**March 3, 2017**

The Lincoln County Board of Commissioners met for a special session on March 3, 2017, 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**.

**1:00 PM RS 2477 Road and the Greater Libby Trail Project Discussion:** Present were District 1 Road Supervisor Marc McCully, Forest Supervisor Chris Savage, Nathan Gassmann, and Mark Petersen.

Chris said that after reviewing the trail proposal, it would help to know exactly what the commissioner's want done and how they want it done. Chris said there are options that can be considered; some painful, some not. The goal is to all be on the same page. Chris said the forest service feels it is a great concept and idea, now how can we all work together. Chris said the forest service is a partner in this project and we want to support it.

Commissioner Peck explained that we are looking at a 3 phase build out; the project is based more on time. Phase 1 is the Snowshoe mine road to Leigh Lake. Marc said he sees no issues because all the roads are petitioned county roads. Mr. Petersen said the forest service cannot administratively nor do we have the latitude or authority to declare the county rights to those roads in question. Mr. Petersen said the routes are not open today and prefers not to authorize by old county records, but the forest service would need to grant a modern day easement. Mr. Petersen said, this is the way the law reads; need to be adjudicated legally before the county right is declared.

Marc said he has been told by a lawyer who specializes in road law to go by state law and that the county does have a 60' right-of-way (ROW). Chris said the county has the right to exercise their ROW but the forest service has to judicially accept it, not administratively. Chris said he does not want to go there and the intent is not to be adversarial. Judicially is not in the best interest of either of us. Chris informed the commission that the forest service will still have to look at NEPA and other consultation.

Mr. Petersen stated that a modern day easement is better than a court easement. Before we can do any federal action, we will need to complete a travel management and consult with other agencies; this will take some time.

Marc stated that many of these roads were open since the 1800's and then the forest service closed them. Mr. Petersen said that is because Lincoln County did not have continual use; the roads are no longer a declared route used for these purposes. Mr. Petersen stated again that the forest service prefers a modern day easement giving the county all the rights to construct their trail system.

Chris stated the forest service is in the budget process and they may be able to ask for money to help accommodate the project. Chris feels it would be a better opportunity to work on the Flower Creek trail area; there is greater flexibility and will be a lot easier. Flower Creek is an area that we will not have to consult on grizzly bear. Snowshoe will require more analysis than the Flower Creek area. Flower Creek will be more of an administrative action on the forest service side.

Commissioner Peck said we would have to flip the phases of implementation. Flower Creek would be Phase 1 instead of the Snowshoe area. Darren felt this would be good for the public too because it would show the project is underway and we would begin to see recreational public usage on the trail.

Marc expressed that it is important that we tie into the two state sections. Chris reiterated the project is a great idea and that there is a lot of opportunity, saying that technically you could have 4 different trails.

Mr. Petersen said it would be much easier if the forest service grants the county a perpetual easement on forest service land in the name of the public. The county would assume maintenance responsibilities. Commissioner Peck said he does not see any issue with the concept, but wants to get a more comprehensive study of where all these roads are at.

Commissioner Peck expressed that he is confused about not being able to exercise our rights if a road is petitioned. Mr. Petersen said the disconnect is not maintaining the use of the old road and a newer road is recognized as the one for public use.

**2:00 PM Sheriff's Department/Troy Juvenile Detention (TJD) Discussion:** Present were:

Commissioner Cole said this is a continued discussion from Wednesday. Roby submitted a breakdown of actual costs stating that Brandon has spent a lot of time on cost analysis. To put things in perspective...one juvenile for 47 days equates to \$47,000 (1,000 per day) but if we would have outsourced the service the cost would have been a little over \$12,000. Brandon submitted a spreadsheet reflecting current cost and projected numbers of running the Troy Juvenile Detention Center vs. suspending the Troy Juvenile Detention Center with added full time employees to the Sheriff's Department.

Commissioner Peck asked operationally what do we need to do now to take the pressure off of the jail. Roby said adding three full time employees at a minimum. Darren asked if we went to 5 full time employees is there any place in the budget to make any decreases? Roby said that would be very difficult, the budget is already tight and has been reduced approximately one million dollars over the past 4 years. Roby said there will be a cost of a transport vehicle that is not reflected in the cost analysis spreadsheet. Commissioner Cole expressed frustration that the Sheriff's Department takes 85% of our levied funds for 1% of our population. Roby reminded the commission that it is their job to keep that 1% away from the citizens. Commissioner Peck stated this is a priority; we are putting staff in danger and that piece we have to fix. Commissioner Peck said that all departments have trimmed their budgets and now we need to start setting the stage for budget cuts. We are not getting PILT, SRS, and other revenues continue to drop while costs continue to go up. Commissioner Peck said he does appreciate what the sheriffs department is going through, but there are some real difficult decisions to be made.

Brandon commented that we need to visit with our judges to get speedy trials so the stay in the jail is not extended while waiting for trial. The people being held in jail have high bonds due to criminal offense and criminal history and we do not want to let these people out into the public. Roby said there is just no easy answer, but does not see the issue minimizing at this time.

Commissioner Cole said that we need to make a move to get this fixed. The only way is with full time employees.

Commissioner Bennett clarified that according to the cost analysis submitted, the bottom line is the sheriff's department

may be approximately \$30,000 over budget if they increased to 5 more full time employees; quantify this with a significantly reduced overtime amount.

Commissioner Peck said the number one priority is safety. The other decision point is Troy Juvenile Detention. Is this plan the only way to make this work... is to suspend the TJD? Do we make that decision today to move forward?

Statutorily it is the sheriff's department authority.

Brandon said the sheriff's department is asking for authorization to reallocate TJD funds and absorb those employees into the sheriff's department. Commissioner Peck said that instead of shifting money now, wait till end of year to know the actual of overages.

Commissioner Cole asked for comments from TJD employees who were in attendance. Pam Norman said that financially it makes sense being the TJD has been over budget the last two years and is over budget this year. Commissioner Cole thanked the TJD staff for their efforts. Commissioner Peck wanted to be clear this decision is not a reflection of staff or how the TJD facility was run. Don Burrell asked for clarity about staffing. Commissioner Peck said that currently there are 2 open positions and the sheriff's department will be adding 5 full time employees.

**Motion** by Commissioner Peck to authorize the reallocation of funds from TJD to the Sheriff's Department to help fund up to 5 full time employees (moving TJD staff) at a level of no more than a \$30,000 increase to current budget. The budgets will stay in place at this time but will be adjusted at end of year. Commissioner Cole clarified that from what we understand, adding 5 full time employees helps to solve our immediate staffing issues. Darren said that he believes if we analyze the sheriff's budget, we can make FY 17/18 budget look a lot better. Darren wanted everyone to be clear that the 5 full time employees are to significantly decrease overtime and comp time back to straight time.

Commissioner Peck said the staff is a safety issue and public safety as well. At the inmate/officer ratio, we are busting state and federal law; a big liability to the county.

Commissioner Bennett said we don't have a lot a choice; we have to meet the demand.

Second by Commissioner Bennet, motion carried unanimously.

### 3:00 PM **County Administrator Update:**

- Darren spoke with Kirk Zander at Flathead Valley Community College (FVCC). Lincoln County has no agreement in place with the college and is significantly behind on taxes. The roles and responsibilities are in question. Darren will coordinate with Kirk to see if that can become an income for us instead of a negative. Darren said the college is insuring the building.
- Darren said he has met with Deb Blystone regarding the GIS position and he has contacted 5 firms that contract that service out. Deb has looked at all the firms. The position involves day to day data entry. There was a brief conversation about potentially sending a person from IT to do this work part time.
- Matt Pickett contract expired August 16, 2016. Darren would like permission to draft a letter that the contract is not renewed but the county is thankful for his service.
- Darren said he was offered free training from County Auditor Bob Denning and is looking into ways to reduce audit fees by absorbing some of the audit services.

3:20 PM **Meeting adjourned**

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mike Cole, Chairman

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