

May 1, 2018

The Board of Commissioners met at 9:00 a.m. in regular session in the Commission Office of the Granite County Courthouse with Chairperson Bill Slaughter and Commissioners Scott Adler and Barton Bonney attending. Also attending was Executive Assistant Mike Kahoe. The session convened with the pledge of allegiance.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt's meeting with the Board was deferred until next weeks' meeting. The Board noted that he is tracking flooding on Lower Rock Creek and other areas of the county today. Commissioner Bonney moved to purchase the refurbished Panasonic Toughbook31, auto charger, cradle and mount for an estimated cost of \$2,089.00 plus installation from DIS Technologies for the Road Superintendent's pickup truck. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. Tom Mullen with the *Philipsburg Mail* newspaper attended.

Georgetown Lake level was reported at 6,428.27 feet, according to the USGS gage and the dam tender's report. The lake is approximately 14.76 inches below full pool at an outflow of approximately 48 cfs through the power plant and 52.2 cfs over the weir. The Board made no change in the outflow on the motion of Commissioner Bonney and a second by Commissioner Adler. There was no public comment. The motion carried unanimously.

Mike Herzog with Western States Cat of Missoula met with the Board to finalize the lease/purchase documents for a 2018 Caterpillar 305.5E2 track excavator S/N: CR505344 at a price of \$66,544.00. The documents include provisions for a three year lease with monthly payments of \$1,144.07 and a final payment of \$33,704.07. Commissioner Adler moved to sign the lease/purchase documents and Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended. Mike Herzog discussed the benefits of membership in the National Joint Powers Alliance, which eliminates the need to advertise for bids.

The Board discussed making the appointment of a Commissioner and the County Surveyor to make a site inspection and a report on three petitions received from Paul Alt et al. They are Petitions to Abandon, Vacate and Discontinue Use of County Roads in Maxville: First Avenue South from Montana Highway 1 to Maple Street, Oak Street from the alley between Block 9 and 10 to the alley between 19 and 20, and Division Avenue from Montana Highway 1 to Maple Street. County Attorney Blaine Bradshaw, Planning Director Linda Bouck and Larry DeMot attended. Linda Bouck reported that so many streets and alleys have been abandoned that some lots in Maxville have no access, but access is required according to county standards. She noted that Maxville, as an existing platted subdivision, contains individual lots unless the lots have been aggregated. She also noted that easements of 50' must be maintained to all lots. Linda Bouck reviewed a map of the streets and alleys in the area petitioned for abandonment and indicated that easements could be granted to maintain access. Larry DeMot explained where the property pins are located on property he recently purchased. Previously abandoned streets and alleys in Maxville were discussed. Attorney Bradshaw advised that the law requires one Commissioner, or someone in their place, and the consulting county surveyor Hans Bohrsen to make a site visit regarding the petitions and make a report to the Board. Due to the complexity of the issue with Paul Alt

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being a county employee, the Board agreed that a member of the planning board and the consulting surveyor, make the site visit and report. Commissioner Bonney moved to have planning board member Tom Sanders, in place of the Commissioner, and the consulting surveyor Hans Bohrsen make the site visit and the report. Commissioner Adler seconded the motion. There was no further discussion or public comment. The motion carried unanimously. Commissioner Adler moved to allow Larry DeMot to temporarily park vehicles on the streets and alleys on his land in Maxville, with no permanent fencing, until a decision is made on the petitioned abandonment. Commissioner Bonney seconded the motion. There was no further discussion or public comment. The motion carried unanimously.

Public Comment: Matt Pearce with MaPS (Mapping and Planning Services) met with the Board and reported that he updated the addressing software at the sheriff's office today and he has trained sheriff's department employees on using the software. He is continuing to update mapping while in the area.

Maria Stoppler, CEO/DON of Granite County Hospital District met with the Board and gave the monthly financial update. County Attorney Blaine Bradshaw, Elena Gagliano and Dick Motta attended. She presented the financial report dated 5-1-2018 projected cash available as negative \$125,000, projected deposits of \$413,242 and projected cash reserves of \$163,242 (14 days of operation). Also presented was an Administrator's Report dated 4-24-2018, a utilization recap, an accounts receivable aging report (by last billed date), and proposed 2018 mill levy fact information and accomplishments. The estimated cost report anticipates a receivable of approximately \$18,000.00. Health fairs scheduled for May 9th in Drummond at the Senior Center and for May 16th at the Philipsburg Elementary School gymnasium. She noted that the construction of the new CT Scan is completely funded by private family foundation grants and not taxpayer dollars. She estimated that it costs \$11,500 a day to operate the facility. Elena Gagliano inquired whether there is a loan with the local bank and Maria Stoppler responded that it was conversation only in case it may be needed, but there is no loan at this time. Elena Gagliano inquired whether the Board had been updated regarding the CT Suite and the Board indicated that they have been updated regularly. Maria Stoppler responded that the engineers (Great West of Helena) and architects are taking care of all necessary permitting with the Town of Philipsburg.

The Board received notice from Rex Radtke, President of Willow Creek Dam Board, that a large amount of water will be immediately released from the Willow Creek Reservoir, but he does not consider it an emergency. The Board notified Sheriff Scott Dunkerson and Disaster and Emergency Services Coordinator Rick Day of potential flooding.

The Board reviewed draft minutes for April 17 and 24, 2018. The minutes were approved with revisions on the motion of Commissioner Bonney and second by Commissioner Adler. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

The Board considered the Memorandum of Understanding (MOU) creating the Pintler Mental Health Local Advisory Council (LAC) Board aka Pintler LAC (PMH-LAC). The document had been previously executed by the Board of Commissioners of Anaconda-

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Deer Lodge County. County Attorney Blaine Bradshaw noted that the Board adopted Resolution 2017-8 last May and that this is a simple document, which requires no funds, finalizing the agreement with Anaconda-Deer Lodge County. Commissioner Bonney moved to adopt the MOU and advertise for its Granite County membership. Commissioner Slaughter seconded the motion. There was no public comment. Commissioners Slaughter and Bonney voted in favor of the motion and Commissioner Adler voted against the motion. The document will be filed with the Granite County Clerk and Recorder and sent to Anaconda-Deer Lodge County.

Public Comment: The Board received a speaker telephone comment from Kenny Rockwell on the poor condition of Brewster Creek Road, including dust, and the main Lower Rock Creek Road. He indicated that he is not aware of any flooding in that area at this time.

Also during public comment, Commissioner Adler notified the Board that he had a complaint from a citizen regarding the continuous odor from the carcass composting facility at Drummond. The Board agreed to investigate a solution.

Correspondence: Commissioner Adler noted that J. C. Holland of Drummond is retiring from his position the Montana Department of Transportation and he moved that the Board write a letter of appreciation for his cooperation and assistance to the county over the years. Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:30 p.m.

May 8, 2018

The Board of Commissioners met at 9:00 a.m. in regular session in the Commission Office of the Granite County Courthouse with Chairperson Bill Slaughter and Commissioner Barton Bonney attending. Commissioner Scott Adler was absent this day. Also attending was Executive Assistant Mike Kahoe. The session convened with the pledge of allegiance.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt's meeting with the Board was postponed to a later date.

Georgetown Lake level was reported at 6,428.50 feet, according to the USGS gage and the dam tender's report. The lake is approximately 12 inches below full pool at an outflow of approximately 46 cfs through the power plant and 54.1 cfs over the weir. The Board made the decision to increase the outflow to a total of 30 cfs down the creek on the motion of Commissioner Bonney and second by Commissioner Slaughter. There was no public comment. The motion carried unanimously.

Tri-County Sanitarian Chad Lanes met with the Board for general discussion. Topics covered included the new assistant sanitarian; the carcass compost site in Drummond, reported odors, and an unusually high number of carcasses this year; possible expansion of

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the carcass compost site was discussed; Chad Lanes agreed to contact Mary Hendrickson with DEQ to determine if the carcass composting is being done correctly; Commissioner Slaughter agreed to contact the agricultural producers to see what their plans are; issues with sewage discharge that drains without septic systems were discussed; Chad Lanes noted that he does spot check septic system installations, even when done through the Certified Installer Program; Chad Lanes noted that a sewage problem at a Drummond motel was inspected last winter, was temporary and has been taken care of; creamery ice cream operation opening in Philipsburg; possible opening of Blue Stone Café; possibly a new bakery and an R.V. Park; food training will continue to be provided by the sanitarian's office; and the Board agreed to have a regular time on each month's agenda to meet with the sanitarian to improve communication. County Attorney Blaine Bradshaw attended.

The Board considered a draft Non-Exclusive Lease Agreement between Granite County and Holy Family Church, an entity of the Roman Catholic Diocese of Helena, of Anaconda. County Attorney Blaine Bradshaw attended and presented the draft agreement. The term of the proposed lease agreement is from July 1, 2018, to June 30, 2028, and it automatically renews unless either of the parties sends written notice to the other party. The Board indicated that it would prefer a three-year lease, which would automatically renew, and Attorney Bradshaw agreed to make that change to the document. Commissioner Bonney moved to approve the lease agreement as revised and Commissioner Slaughter seconded the motion. There was no public comment. The motion carried.

Gregory Cook met with the Board to discuss the Bear Gulch Road right-of-way and flooding concerns. Commissioner Slaughter read a letter from surveyor/engineer Gordon Sorenson dated July 8, 2016, regarding an inspection he had done of the road and a mine in the area. The letter reviewed the hazard of the county road being so close to the Komberec mining pit and potential violations of OSHA regulations. County Attorney Blaine Bradshaw and Planning Director Linda Bouck attended. Attorney Bradshaw noted that he had contacted DEQ in the past and DEQ agreed to look at the site, but at that time DEQ indicated that the county is the enforcing agency and DEQ is not. Linda Bouck reviewed an agreement dated December 1, 1941, between Granite County and Star Pointer Exploration Company of Bearmouth which outlines the county road and the mining operation in that area. Commissioner Bonney moved to have contract surveyor Hans Bohrnsen locate boundaries and roads in the area, specifically the Bear Gulch Road along the east boundary. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried. Gregory Cook read aloud the following statement:

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I want to thank you for allowing me to speak today to voice concerns about ~~road~~ issues that have recently arose.

In recent years there has been a population explosion not only up Felan Gulch but Packer, Ten Mile and other areas towards Garnet.

In Felan alone there are now:

11 year round residents

9 seasonal residents

And many recreational landowners

Many more up Packer, 10 mile and all areas towards Garnet.



The problems are:

Since the closure of the south end of the southbound one way, now all southbound traffic must use the roadway on the east side of Bear gulch, now a two way roadway.

The roadway is not wide enough with the curves and a fence recently installed up to the edge of the road that doesn't allow for widening or snow removal. I am perplexed as to why the county allowed this.

The crossover that the landowner and county installed so that southbound traffic and Felan gulch have access to the now two way road, has a culvert that is inadequate to handle the flow of water from 10 mile and bear creek. This flooding started on April 28th.

The culverts at either end of the one ways are three times larger and handle the water flow easily.

As a result the crossover has flooded and has eroded the roadway of the crossover and the now two way roadway on Packer Gulch side.

All traffic to and from felan and southbound from bear gulch areas must use this crossover due to the counties closure of the one way.

The traffic revision has caused confusion for the tourists and visitors to the area that do not live here.

~~No signage for the Water over roadway has been posted for public concerns. This could result in a liability as there has already been Ghost Town traffic asking directions.~~

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The safety concern that closed the south end of the southbound one way would not had been an issue if not for the open pit that was dug up to the road embankment and the natural creek bed being filled in that forced the runoff to pour into the pit and undermine the roadway.

The road closure can not be a result of a property dispute. The ~~road~~ ~~ownership~~ that was closed is mostly on BLM. Not the mining claim. A small portion of the corner belongs to that owner.

The county has maintained, graded and plowed these roads for longer than my 18 years of living here and there was always a crossover used by Packer and Felan gulch residents. The access of all these roads has been unopposed during that time. Just because a land ownership has changed, that should not affect the counties Right of Way nor the public's access.

I suggest the county enforce the road Right of Ways of not only the existing roadways, but also the southbound road in its entirety and the crossover that the residents and public alike have enjoyed for more than my 18 years.

Champion logging company put that road in many years before me and has been unopposed up until now.

The new landowner's actions have caused these changes to the traffic revision, the inadequate water control and erosion issues. And the land owner should be either compelled to remedy these or assessed or fined to the extent that the county road dept. has sufficient funds to fix these roadways correctly.

The open pit was a safety issue for wild life, pets and people before because of the depth and strait sides. Now with 30' of water and later when the water reseeds, there will be many feet of mud that an animal or person could perish.

Another solution for funds would be to use state of emergency funds that the Governor has authorized to fix these roads once and for ALL.

In closing:

I further request that these concerns and the commissioner's solution be submitted to the Montana State of Environmental Quality, Bureau of mines and county development and permitting and any other State or County authorities that may have an interest.

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At the conclusion of Gregory Cook's statement, Commissioner Slaughter noted that the road closure was not instigated by a property dispute, but it was done by the County Commissioners as a safety matter. He noted that the east side road should be located on public land or by agreement with private land owners. Linda Bouck reviewed the land which is included in the 1941 agreement. Gregory Cook questioned whether moving the road would be a barrier and Commissioner Slaughter indicated that it would not be a barrier. Commissioner Slaughter reviewed that the next step is the survey and design of a new road, then determining Komberec's responsibility. Gregory Cook stated that his purpose of this meeting is to try to get assistance from the state. He inquired whether the solution is to reopen the closed one-way road or improve the two-way road. He explained the erosion which is occurring due to flowing water and he presented some photographs. Wayne Eck stated that he does not see how the east side road can be improved due to its location. Joseph Moran, a resident of Bear Gulch, indicated that he feels that the Hard Rock Mining Bureau, DEQ, is responsible for the mining operation. He suggested that Gordon Sorenson's letter be mailed return receipt requested to DEQ so they cannot deny receiving it. Commissioner Bonney noted that it is an emergency situation, especially due to the tourists in the area visiting Garnet ghost town. Linda Bouck noted that a wet pit has a different set of regulatory concerns than a dry pit. Joseph Moran read a law regarding the penalties for filing an improper placer mining claim. County Attorney Blaine Bradshaw agreed to contact the DEQ with Gordon Sorenson's letter and with the information that the mining operation is now a wet pit. Commissioner Slaughter stated that the Board's immediate concern is the crossover road and that the Board and the road superintendent will be at the site this week; then to contact Komberec once the survey information is received. Gregory Cook indicated that the crossover road is getting worse by the day due to the runoff. Also attending were Lee Cook and Doug Emery.

Larry DeMot and Rae McKay met with the Board regarding current road abandonment issues at Maxville. County Attorney Blaine Bradshaw, Planning Director Linda Bouck and Planning Board member Susan Hale attended. Linda Bouck presented a map outlining which streets and alleys had been previously abandoned in Maxville that she could find. She reviewed the streets and alleys which are petitioned to be abandoned by Paul Alt et al. She noted that she had not been able to contact Planning Board member Tom Sanders and she recommended that Planning Board member Susan Hale go with contracted surveyor Hans Bohrnsen to do the required inspection and submit a report on the petitions to the Board. Commissioner Bonney moved that Susan Hale replace Tom Sanders to do the inspection and report with the contracted surveyor. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried. Linda Bouck reviewed which lots in the petitions need to have access maintained according to county regulations. Larry DeMot stated that he would have access according to the real estate documents, but a portion of that appears to belong to Louis Polansky. Rae McKay reviewed that they have property on both sides of Maxville Road and that they signed easements with the title company, some of which they do not want. Attorney Bradshaw reviewed that the process is in the beginning stages and that the Board will await the inspection and the report before proceeding. Commissioner Slaughter inquired if it would be beneficial for the buyer and the seller get together. Rae McKay indicated that they paid for certain acres and received fewer acres.

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Linda Bouck noted that access must be provided as part of the sale, but it is between the buyer and the seller, not the county. Attorney Bradshaw again noted that this discussion is preliminary until the report is received. Larry DeMot stated that he does not want to cause any problems, but just wants to quietly run his business. Louis Polinsky reviewed some incidents which took place in the past and Attorney Bradshaw noted that those can be specifically addressed in the Board's resolution, when the process gets to that point. Louis Polinsky also commented on a district court case which gave all of Second Avenue South to him. Linda Bouck reviewed that road law is written that if the Commission is silent on the issue, that half of each abandoned street or alley goes to each adjoining land owner. Larry DeMot inquired how long this process is going to take and Susan Hale noted that she is available until June 7th to do the inspection and report with the contracted surveyor, but she will be out of state after that date. Linda Bouck reviewed that the Planning Board will likely give options to the Board and that many decisions will be between the purchaser and the seller.

The Board held an executive session regarding a county employee and Chairperson Slaughter closed the meeting to the public. Chairperson Slaughter found that the county employee's privacy rights outweighed the public's right to know.

The purchase of jump kits for EMT (Emergency Medical Technician) graduates was discussed. Commissioner Bonney moved to purchase the jump kits for graduates from the current class at Drummond and Commissioner Slaughter seconded the motion. There was no public comment. The motion carried.

Jeremiah Theys, with Great West Engineering of Helena, met with the Board to review a proposed DNRC/RRGL (Renewable Resource Grant) grant application in the amount of \$125,000.00 for improvements to the spillway and dam face of the Flint Creek Dam. The estimated cost for all the improvements totals \$435,000.00. Jeremiah Theys discussed alternatives for the improvements including no action, a short term alternative of surface patching and a long term alternative of structural rehabilitation; dewatering of the work area; monitoring of the west dam face and repair of the east side of the dam face. He also reviewed the cost benefit analysis of each specific alternative. He reviewed that the total cost to do all of the alternatives is \$435,000.00. The Board considered the option of obtaining an Intercap loan or other financing to do the entire project at once, rather than splitting it into two projects, to save on dewatering, mobilization and engineering costs which would be incurred by splitting the project into two projects. Jeremiah Theys recommended doing the entire project at one time if the county has the financial ability to do it as it would address all of the regulatory deficiencies which are known at this time. Engineering would be planned for the winter of 2018 and construction would be planned for the summer/fall of 2019. The Board agreed to submit the grant application to DNRC for \$125,000.00, with the intention to complete the entire project if the budget allows, on the motion of Commissioner Slaughter and second by Commissioner Bonney. There was no public comment. The motion carried.

DES/Safety Coordinator Rick Day met with the Board to review a draft grant application to Philips 66 for a wireless smoke alarm system for the courthouse. The

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estimated cost is \$12,000 to purchase and install the system, including one year of monitoring at \$30.00/month. Commissioner Bonney moved to submit the grant application to Philips 66 and to have Rick Day act as the coordinator for the grant, if received. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried.

Commissioners Slaughter and Bonney reported on the MACo (Montana Association of Counties) District Meeting which they attended yesterday at the Gallatin County Detention Center in Bozeman. Items discussed included the MACo organizations budget, elected officials training, and upcoming legislative issues.

Public Comment: Stephen Neal met with the Board regarding his solid waste fees on his home, his business in his garage (which has no running water), and his cabin at Kaiser Lake. The Board agreed that the garage should be removed from solid waste fees in the future on the motion of Commissioner Slaughter and second by Commissioner Bonney. The motion carried.

Also during public comment, Ron Locke and Cheryl Locke met with the Board and he requested at least irregular maintenance on the Stewart Lake Road as he has a residence there and a school-age daughter. He noted that there are eight residences in that area now, it is a through road to Maxville and is a highly used recreational area with a shooting range. He stated that he is not requesting regular maintenance, but he would like periodic basic improvements and maintenance, on approximately 1½ miles of road from Philipsburg, to reach all current residences. He noted that there are times when it is likely that the sheriff or an ambulance could not get to those residences. Commissioner Slaughter noted that there is no road material readily available in that area and that material for any improvements would need to be hauled in, increasing the expense. Also, Commissioner Slaughter asked the question at what point are there enough residents to warrant regular road improvements and maintenance? He suggested that a public meeting may be in order to hear from people who use the road and that the Forest Service and the road superintendent would be invited. Ron Locke agreed to poll area residents to determine the best time for a public meeting and to report that information to the Board.

Also during public comment, Bret Bledsoe with the Natural Resources Conservation Service Office met with the Board and presented the most recent Montana Water Supply Outlook Report dated May 1, 2018. He highlighted that the Upper Clark Fork River basin has nearly set a new record for basin-wide peak snow water equivalent and that snowpack in the Peterson Meadows area is significantly above average. He noted that Ravalli County has declared a disaster and the forecast is that flooding will be worse than it was in 2011. He recommended that the water releases from Georgetown Lake be increased due to the most recent outlook report to maintain the reservoir below full pool in order to maintain control of the water level. The Board noted that an increase in outflow from Georgetown Lake had been made today.

Correspondence: The Board agreed to write a letter of support for a grant application to the Montana Department of Transportation for the Drummond Volunteer Ambulance for a 4-wheel drive ambulance.

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The session adjourned at 3:00 p.m.