

July 3, 2018

The Board of County 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 met with the Board and gave his weekly report:

**Walberg Bridge:** Paul Alt reported that he is investigating the cost to purchase materials to repair the bridge deck. Discussion was held having the county purchase the material and have Jon Bergerson do the labor.

**Black Pine Road, Georgetown Lake Road and Maxville Road maintenance issues** were discussed.

**Chip Sealing, Cost and Location:** The Board reviewed a proposal from Pavement Maintenance Solutions Inc. of Columbia Falls for chip sealing of seven miles of roads for \$116,066.50. Discussion was held on doing three miles at Black Pine, three miles at Maxville and one mile at Georgetown Lake. The Board agreed that the project would be carried out using public bidding process on the motion of Commissioner Adler and second by Commissioner Bonney. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw prepared a Notice To Bid to be published on the July 5 and 12, 2018, issues of the *Philipsburg Mail* newspaper.

A letter of appreciation from the Board and from Road and Bridge Superintendent Paul Alt was written to Tony Marletto for supplying many truckloads of riprap for an emergency road stabilization project on the Rock Creek Road.

The Board contacted the Montana Department of Transportation regarding a road closure in the Bearmouth area. The Department anticipates that the road will be open today following the clearance of a rock slide.

Commissioner Adler moved to trade in a John Deere excavator and a used roller (both to be properly appraised first) on a new walking roller from Doug Miller Equipment. Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously.

Georgetown Lake level was reported at 6,430.37 feet, according to the USGS gage and the dam tender's report. The lake is approximately 10.44 inches above full pool at an outflow of approximately 40 cfs through the power plant and 134 cfs over the weir. Water is going over the spillway. No change was made in the outflow on the motion of Commissioner Bonney and second by Commissioner Adler. There was no public comment. The motion carried unanimously.

Granite County Airport Board Chairman Vince Reece met with the Board with several airport board recommendations for Board action. The recommendations and Board actions follow:

- Appoint DuWayne Ulrich, Darcy Schindler and John Hunter to the Granite County Airport Board. The Board agreed to appoint Darcy Schindler and John Hunter to terms ending October 2, 2020, and to appoint DuWayne Ulrich to a term ending October 2, 2019. The action was taken on the motion of Commissioner Bonney and second by Commissioner Adler. There was no public comment. The motion carried unanimously.
- Airport Board be accepted as the "Architectural Committee" for existing hangars and building sites as specified in the hangar space rental agreement. Vince Reece stated that the Architectural Committee is important to establish a procedure for construction and safety of the airport. He noted that one current hangar is in poor condition and a certified letter has been sent to the owner. County Attorney Blaine Bradshaw advised that the airport board should have a policy governing all construction at the airport. Vince Reece indicated that some architectural guidelines are necessary at the airport. The Board agreed that the airport board write specific policy standards which would state that the airport board is the "Architectural Committee" on the motion of Commissioner Slaughter and second by

Commissioner Bonney. There was no public comment. The motion carried unanimously.

- Airport Board was given authority to look into and research (no expenditure of funds yet) regarding underground power with individual hangar meters. Vince Reece reported that NorthWestern Energy engineers have been to Riddick Field and they have indicated that it would be preferable to have a meter to each hangar and get rid of all the overhead lines to facilitate future development. Vince Reece indicated that Northwestern Energy will engineer the plans and provide a cost. Commissioner Slaughter suggested that the airport board include Great West Engineering of Helena, as the county's on-call engineer, in the process.
- Appoint Darcy Schindler as the volunteer Assistant Airport Manager to oversee the Drummond Airport. The Board agreed to the request on the motion of Commissioner Adler and second by Commissioner Bonney. There was no public comment. The motion carried unanimously.
- The Board reviewed the hardship procedure concerning Sentinel Aviation Services hangar at Riddick Field as the owner had received permission to remove store property within a year, versus doing it immediately, and Vince Reece's request to rescind this said decision of the County Commission (Board) and follow the provisions of Resolution 2017-9. Vince Reece read a section of the resolution, which includes that hardships are to be submitted to the airport board, which had provided a one-year hardship in this case. County Attorney Blaine Bradshaw indicated that it would be difficult for the Board to rescind a previous decision as the representation was already made and the owner of the hangar is relying upon that in good faith. The Board agreed that the hangar owner should be contacted by Vince Reece to see if the hangar owner would honor his original verbal commitment to Vince Reece to remove non-aviation items by July 1, 2018.

Elena Ingraham questioned Vince Reece regarding how much use there is of the airport. Vince Reece responded that he does not have an exact number of takeoffs and landings, but a recent story in a Montana Department of Transportation publication, Montana and the Sky, reviews recent improvements at Riddick Field Airport in Philipsburg. Dick Motta also attended.

The Board discussed scheduling a meeting with the Helena FAA and the county's on-call engineer, Great West Engineering of Helena, to discuss grant funding for improvements to Riddick Field Airport in Philipsburg. Commissioner Slaughter reported that attorney Peter Kirsh had been employed by The Ranch at Rock Creek to investigate funding for the improvement of Riddick Field. The Board has contacted engineer Bill Lloyd, county's on-call engineer, to represent the county at the meeting with William Garrison at his Helena FAA office. The cost for Peter Kirsh to attend the meeting would be \$2,000.00. Vince Reece stated that he feels this is exactly what is needed. He noted that many other airports in Montana currently receive FAA funding, which can accumulate for large projects and they have the ability to loan funds at low interest for projects at other airports. Vince Reece indicated that the attorney's cost is included in the airport's budget request for the 2018-2019 fiscal year. Commissioner Bonney moved to go ahead with the meeting with Peter Kirsch, Vince Reece, Bill Lloyd and Commissioner Slaughter. Commissioner Adler seconded the motion, with the amendment that an additional airport board member also attends the meeting. Commissioner Bonney agreed to the amendment of the motion. As public comment, Dick Motta requested that there should be information regarding expenses and revenues. Mark Hudgens questioned whether the funds would be utilized to improve the existing runway. County Attorney Blaine Bradshaw attended. Elena Gagliano stated that improvements so far have been piece meal and that engineer Bill Lloyd may be able to assist with a plan.

The Board held the first reading of Resolution 2018-12 "A Granite County Resolution – A Declaration Of Opposition To I-186." County Attorney Blaine Bradshaw attended and reported that the Resolution is modeled after the adopted Lincoln County resolution. Commissioner Slaughter stated that I-186 is so stringent that it would preclude

future mining in Montana. Commissioner Bonney reviewed that mining contributes \$42 million annually in state and local tax revenues that support schools and repair roads. There was no public comment.

Elena Gagliano met with the board regarding the release of draft Board minutes. She noted that she had given the Board a letter at last week's meeting and is awaiting a response. Commissioner Slaughter stated that draft minutes have not been accepted by the body. There was discussion between an audio recording and minutes taken on a computer. Elena Gagliano read a section of law stating "regardless of form" and she inquired why the Board is making it so difficult. County Attorney Blaine Bradshaw stated that the Board relies on his opinion and his opinion is that minutes are not released until they are approved. Elena Gagliano indicated that she had gotten draft minutes in the past, but now she is not able to get them. Attorney Bradshaw noted that it may have occurred prior to him being county attorney. Elena Gagliano indicated that the constitution requires public participation. Attorney Bradshaw indicated that approved Commission minutes and the Commission's agenda are posted on the county's website. Elena Gagliano indicated that everyone should be aware of what is going on. Commissioner Slaughter indicated that in the future a different way of doing minutes, possibly electronically recording meetings, may be considered. Elena Gagliano stated that she is aware of what the meaning of "draft" is. Dick Motta stated that the draft minutes can be available immediately electronically following the meeting.

Philipsburg Mayor Daniel Reddish met with the Board to discuss the county's PILT (Payments in Lieu of Taxes) fund. He inquired what the amount of PILT funds is today and the Board indicated that there is a cash balance in the PILT Fund today of \$1,727,836. He presented an official written request of \$100,000.00 for the repair of a section, 2,000 feet, of the Fred Burr water line.

P.O. Box 339  
104 S. Sansome Street  
Philipsburg, MT 59838  
PHONE: 406-859-3821  
FAX: 406-859-3821

Town of Philipsburg

June 3, 2018  
Granite County Commissioners

Gentlemen:

Acting in my capacity as the Mayor of Philipsburg, I come before the Granite County Commissioners to respectfully make an official request for the sum of One Hundred Thousand Dollars (\$100,000) from the County's Payment in Lieu of Taxes (PILT) fund. This money shall be used for the emergency repair of 2,000 feet of the Fred Burr waterline.

This line is a seven mile long main artery that delivers approximately eighty-five percent (85%) of the Town's municipal water supply. This waterline is arguably one of the single most important pieces of infrastructure in all of Granite County. Upwards of twenty million gallons of water per month flows through this pipeline to service the Town's needs, and eventually enters Flint Creek to work its way down the valley.

There is approximately 2,000 feet of this line that is seriously compromised and needs replacement as soon as is practicable. The pressure of the water running through this line under certain conditions can approach close to 300 pounds per square inch. The integrity of this section of the pipe is seriously in question. It is of great concern as to how much longer it will safely function. A rupture in this line would be a potential catastrophe to our community.

One of the numerous unique qualities of our gravity-fed water system is that the town has two hydro-electric power plants built in to our main line. Each plant produces electricity; some used to power various public buildings, as well as a portion of this electricity that is sold to the school at a discount rate which translates to a savings in taxes to citizens of the County. There was a recent event that happened on this section of pipe wherein it was a necessity to turn off the upper power plant. When this issue was addressed it was determined that the condition of the section of pipe we are referring to was so defective that we dared not turn the plant back on. It has been sitting idle now for several months.

July 3, 2018  
Page 2

The loss of revenue that is the result of this plant being put on standby is an important matter, but this pales in comparison to the potentially monumental loss of this entire section of pipe. It would change the very nature of our community by severely impacting our quality of life and presenting a very serious challenge to public health.

The first rung on the ladder of governmental responsibility for me has always been health and public safety. No matter how much the role of government grows and entangles itself around common social discourse, thus setting up unreal expectations among its citizens, the fact remains that providing public health and safety is the single most essential service that we undertake as elected representatives.

This a textbook case. We often hear about money being spent by government requested by, and for the benefit of, special interest groups. Clean, available water, and the proper disposal of waste water, are the most common of common interests. Everyone needs it, everyone participates in it, and everyone benefits from it. Business, commerce, art, leisure, all the cultural amenities that we define as civilization are made possible only if we attend vigorously to the maintenance of our most basic needs, of which water is at the top of the list.

I hope that the Honorable members of the Granite County Commission will give sincere consideration to this request. It would affect the people of both the Town of Philipsburg and the citizens of Granite County in a very positive manner. By doing this we will be fulfilling our primary obligation of health and safety to our constituents. I look forward to your timely response to this urgent matter.

Respectfully,  
  
Daniel Reddish, Mayor  
Town of Philipsburg

RECEIVED  
JUL -3 2018

.....

PROGRESS IS ALL CITIZENS  
WORKING TOGETHER

Commissioner Adler questioned whether there is a plan to repair the remainder of the line. County Attorney Blaine Bradshaw noted that he had done some previous research and he and the MACo attorney had not yet found any statutory authority for the use of the funds and there is also an agreement between the county and the federal government for the use of PILT funds which must be followed. He will promptly continue to research the legal aspects of the request and will work with the town's attorney in this regard as well. Commissioner Adler noted that there may be a different approach in the event of an emergency. Commissioner Slaughter indicated that there is an obligation to the residents of the county to have arrangements made for repayment of the funds. He noted that previous Commissioners had been financially astute to save PILT funds as a "rainy day

fund” and he further noted that the county also has a list of important needs for the PILT funds. Mayor Reddish indicated that there will be further discussion to determine if it would be a loan or a grant. Commissioner Slaughter indicated that it could be used to leverage other funds to complete the entire project. Councilman Carl Sundstrom stated that this is an immediate emergency which could result in the town and the hospital being without water and a large amount of water flooding into the town. Mayor Reddish indicated that he is available for continued discussion. Commissioner Slaughter noted that a loan from PILT funds may be necessary for repair of the Flint Creek Dam. Elena Gagliano noted that the Flint Creek Dam is in Deer Lodge County. Dick Motta referred to the recent audit report and inquired whether the PILT funds have been committed. The Board responded that the PILT funds have not been committed at this time. Also attending were John Johnson, Nicole Nelch and Tom Mullen with the *Philipsburg Mail* newspaper.

Maria Stoppler, CEO/DON of Granite County Hospital District, met with the Board and presented the monthly financial update. She presented new plans for the CT scan building, which has been down scaled for only the CT scan with x-ray staying where it is currently located in the medical center. She reviewed that the funds for the building and the CT scan have been obtained through foundation grants and publicly raised donated funds. Commissioner Adler had several questions regarding the staffing and utilization of the CT scan, which he had received from the public. Maria Stoppler responded that it is a new top of the line scanner and that if the patient is transferred to a different facility, another scan will not be necessary unless a different view is necessary. She noted that it saves time in that the scan is transmitted immediately which saves time. She also noted that it is expected to easily pay for itself and that some patients may not need to be transferred. The Board noted that there is a lot of misinformation being circulated among the public which must be corrected. She presented a financial report dated 7-3-2018 with projected cash available of minus \$43,000.00, projected deposits of \$317,500, projected cash requirement of \$125,000.00, with projected cash reserves of \$149,500.00 (13 days of operation). She also provided an income statement – prior year comparison as of May 31, 2018, an administrator’s report dated June 26, 2018. Maria Stoppler noted that the hospital district has worked with Sue Huffman and the Philipsburg Area Educational Foundation to receive a \$20,000.00 grant for education. She also noted that a focus group is being formed for a \$100,000 grant to determine the health needs in the county that would result in an actionable plan which may qualify for further grant funds. Discussion was held regarding the hospital district levy which recently failed and what could be done differently, if and when it is run again. Maria Stoppler noted that a hospital district board meeting is scheduled for later this week. Dick Motta requested a copy of the report detailing the expenses and revenue for the CT scan. Maria Stoppler indicated that 10 scans per month will break even. Elena Gagliano inquired what a CT scan technician would be paid. Maria Stoppler estimated that a technician’s salary would be about \$25.00/hour and that it could be a valuable revenue stream for the facility. Elena Gagliano commented that people in the Drummond and Georgetown Lake area are not in favor of the hospital district and do not use the facility. Commissioner Adler inquired whether the nursing home and clinic could be free standing and Maria Stoppler responded that the nursing home could not support itself due to low reimbursement. She reported that John Barbara is the new chairperson of the hospital district board.

Chairperson Slaughter excused himself from the session at 12:30 p.m. Commissioner Bonney was selected as temporary chairperson for the remainder of the session.

The Board held the bid opening for the Flint Creek Dam - Gate Replacement Project (DNRC Project No. RRG-18-1671). Bids had been solicited from firms specializing in this type of work by the project’s engineering firm Great West Engineering of Helena. Executive Assistant Mike Kahoe opened and read aloud the following bids:

<u>Bidder</u>	<u>Total Bid</u>
Battle Ridge Builders LLC, Belgrade, Montana	\$78,900.00
MC2 Engineering and Construction PC, Sheridan, Wyoming	\$296,862.98

The Board took both bids under advisement. The bids will be sent to the engineering firm's Helena office for review, tabulation and a recommendation. The bid award is scheduled on the Board's upcoming agenda on July 10, 2018.

Commissioner Adler and County Attorney Blaine Bradshaw presented the most recent counteroffer on negotiations from IUOE (International Union of Operating Engineers) Local 400, Granite County Road Unit. The Board reviewed the counteroffer. As Chairperson Bill Slaughter was absent, Commissioner Adler and Commissioner Bonney agreed to table the issue until the following week when a full Commission is present. County Attorney Bradshaw will notify Craig Davis, the union's representative, that this matter is tabled for a week.

**Public Comment:** There was no public comment during the specified time on the agenda.

**Correspondence:** None.

The session adjourned at 2:30 p.m.

July 10, 2018

The Board of County 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 was unavailable to meet with the Board today.

Georgetown Lake level was reported at 6,430.21 feet, according to the USGS gage and the dam tender's report. The lake is approximately 8.52 inches above full pool at an outflow of approximately 42 cfs through the power plant and 119 cfs over the weir. Water is going over the spillway. Commissioner Bonney moved that no change be made in the outflow and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

Treasurer Vicki Harding met with the Board and presented a Limited Substitute Superintendent Services Agreement with Connie Schiedermayer for the Board's consideration. County Attorney Blaine Bradshaw attended. Commissioner Bonney moved for approval of the agreement and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

Treasurer Vicki Harding Met with the Board and presented county financial reports for the months of December 2017 through May 2018. County Attorney Blaine Bradshaw attended. Treasurer Harding noted that the Granite County Hospital District's PERS issues have been taken care of. The December 2017 report contained a cash analysis, a checking account register, STIP investments of \$9,120,885.02, CD investments of \$529,775.45, pledged securities held at Granite Mountain Bank of \$440,000.00 and pledged securities held at Glacier Bank of \$500,000.00; January 2018 cash analysis report, checking account register, CD investments of \$529,775.45, pledged securities held at Granite Mountain Bank of \$440,000.00, and pledged securities held at Glacier Bank of \$500,000.00; February 2018 cash analysis report, checking account register, STIP investments of \$7,789,990.61, CD investments of \$529,775.45, pledged securities held at Glacier Bank of \$500,000.00, and pledged securities held at Granite Mountain Bank of \$440,000.00; March 2018 cash analysis report, checking account register, STIP investments of \$7,325,339.99, CD investments of \$529,775.45, pledged securities held at Glacier Bank of \$500,000.00, and pledged securities held at Granite Mountain Bank of \$440,000.00; April 2018 cash analysis report, checking account register, CD investments of \$529,775.45, STIP investments of \$7,511,456.17 and pledged securities held at Granite Mountain Bank of \$440,000.00; may 2018 cash analysis report, checking account register, STIP investments of \$8,384,319.57,

CD investments of \$529,775.45, and pledged securities held at Granite Mountain Bank of \$440,000.00. Dick Motta attended.

The Board reviewed the bid tabulation and written letter of recommendation dated July 9, 2018 from engineer Jeremiah Theys with Great West Engineering of Helena for the Flint Creek Dam – Gate Valve Replacements Project (DNRC Project No. RRG-18-1671). The engineer recommended that the bid of Battle Ridge Builders LLC of Belgrade, Montana be accepted as the lowest responsive and responsible bid at a total bid of \$78,900.00. The recommendation letter noted that the bid amount is less than \$80,000.00, therefore it is outside the scope of the statutorily required public bidding rules even though the project was in fact publicly bid. The engineers estimate for the project was \$80,000.00. The Board accepted the bid of Battle Ridge Builders LLC on the motion of Commissioner Adler and second by Commissioner Bonney. There was no public comment. The motion carried unanimously. Commissioner Slaughter signed the Notice of Award. County Attorney Blaine Bradshaw attended. Dick Motta attended and requested and received a copy of the Notice of Award. Elena Gagliano attended.

Commissioner Adler moved to accept the agreement with Battle Ridge Builders LLC of Belgrade in the amount of \$78,900.00 for the Flint Creek Dam – Gate Valve Replacements Project (DNRC Project No. RRG-18-1671). Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously.

The Board held the second reading of Resolution 2018-12 “A Granite County Resolution – A Declaration Of Opposition To I-186.” The Board noted receipt of a written objection to the Resolution from David Brooks, Executive Director of Trout Unlimited. Commissioner Bonney moved to adopt Resolution 2018-12 and Commissioner Adler seconded the motion. During discussion, Ted Antonioli and Bruce Cox, geologists, presented a letter in favor of the Resolution. Ted Antonioli stated that I-186 essentially prevents new mining by setting extremely high standards, including permanent water treatment, which must be proven in advance; all of the mining operators in the state are contributing to oppose the initiative because it takes away any initiative to expand or start a new mine. Bruce Cox, a geologist for over 40 years, stated that companies from out of state are not looking at Montana for exploration until this is settled. Bill Antonioli commented in favor of the Resolution and noted that current mining exploration is looking at ore deposits that would be deep and not conducive to open pit mining. He noted that Nevada has common sense mining laws that allow for mining exploration and development. Bill Antonioli stated that the initiative is really not about pollution, it is about stopping mining. Elena Gagliano stated that she agrees with the three experts’ comments (referring to Mr. Ted Antonioli, Mr. Bill Antonioli, and Mr. Bruce Cox) and she stated that she is in favor of the Resolution. Speaking as a member of the general public and not as County Attorney, Blaine Bradshaw concurred with the Antonioli/Cox letter; and as County Attorney, he noted that the “clear and convincing” statement in the initiative is a very high bar, just lesser than the beyond a reasonable doubt standard. Bill Antonioli indicated that mining laws have been tweaked over the decades, but this initiative is a clear shot against the mining industry. He also commented that Georgetown Lake is the result of early mining in Granite County. Ted Antonioli noted that mercury does not naturally occur in this area, but was brought in to treat ore over 100 years ago. Commissioner Slaughter commented that this initiative may stop the proposed operation of the Golden Jubilee Mine. Ted Antonioli noted that a diverse economy, which includes mining, is better for the people of the county. There was no further public comment. The motion carried unanimously.

**Public Comment:** Elena Gagliano met with the Board to discuss the FLAP (Federal Lands Access Program) project planned for Lakeshore Drive at Georgetown Lake and public notice to the affected property owners. The Board indicated that the project has not been designed at this time and that property owners will be notified when the project is design is completed. Elena Gagliano commented about the PILT (Payments In Lieu of Taxes) payments and noted that when federal land is traded for private land that it reduces the county’s PILT payment.

Also during public comment, engineer Bill Lloyd with Great West Engineering of Helena, met with the Board to discuss potential future plans for Riddick Field Airport at

Philipsburg and to advise the Board that he has a meeting scheduled with the Helena FAA later this week to gather some information on potential funding.

Correspondence: None.

Commissioner Adler and County Attorney Blaine Bradshaw reported on Granite County Road Unit union negotiations and the counteroffer from IUOE (International Union of Operating Engineers) Local 400. The Board agreed to reject the union's counteroffer and the county will maintain its counteroffer of June 21, 2018, to the union.

Pintler District Ranger Cameron Rasor and Sara Rouse, both with the U.S. Forest Service, met with the Board regarding a proposed agreement for road work. County Attorney Blaine Bradshaw and Road and Bridge Superintendent Paul Alt attended. Cameron Rasor explained that due to the forest fires last season, the district is planning on salvage timber sales this winter and the district needs to have road work done to avoid holding up the salvage sales within the fire area. The district has received approximately \$300,000 in fire disaster funds to facilitate the road work and to compensate the county for the work and overhead of up to 10%, the Forest Service has own road crew for six weeks to assist and it will stake the sites; it will provide oversight of the work and track daily use of equipment. Cameron Rasor would like the work done this summer through the existing Cooperative Forest Agreement. Cameron Rasor presented documents with preliminary specifications for the road work on Upper Willow Creek and the Middle Fork of Rock Creek. There is a master plan for the projects and the Forest Service will provide two civil engineers for oversight. The Board directed Paul Alt to look into the project on the motion of Commissioner Adler and second by Commissioner Bonney. There was no public comment. The motion carried unanimously. The Board agreed to schedule an agenda item the following week for an amended "Schedule A" with the current Cooperative Forest Road Agreement and for a new Project Road Agreement with the Forest Service, with District Ranger Rasor to attend on behalf of the Forest Service.

The session adjourned at 4:00 p.m.

July 17, 2018

The Board of County 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.

Commissioner Bonney informed the Board that he would be absent from the state from July 18 to July 29, 2018.

The Board held the bid opening meeting for chip sealing project to chip seal on seven miles of county roads as advertised in the July 5 and 12, 2018, issues of the *Philipsburg Mail* newspaper. No bids were received by the advertised deadline of July 16, 2018, at 5:00 p.m. Commissioner Adler moved to postpone the matter until next week and Commissioner Bonney seconded the motion. There was no public comment. The motion carried. County Attorney Blaine Bradshaw met with the Board and advised that since no bids were received that the county could negotiate an agreement with a contractor. Commissioner Adler then rescinded his motion and Commissioner Bonney rescinded his second.

The Board then discussed entering into an agreement with Pavement Maintenance Solutions Inc. of Columbia Falls in the amount of \$116,066.50 for chip sealing on seven miles of county roads. At this point, Commissioner Bonney moved with a second by Commissioner Adler to approve this agreement and send it on to Pavement Maintenance Solutions for their approval and signature. There was no public comment. The motion carried. County Attorney Blaine Bradshaw attended and agreed to finalize an agreement between the county and Pavement Maintenance Solutions Inc. Commissioner Slaughter signed the agreement for the county.

Pintler District Ranger Cameron Rasor, Sara Rouse, and Natural Resources Specialist Wade Gerome, all with the U.S. Forest Service, met with the Board and provided an amended "Schedule A" to the currently operative Cooperative Forest Road Agreement. County Attorney Blaine Bradshaw and Road and Bridge Superintendent Paul Alt attended. The Board reviewed the amended "Schedule A" and it was approved on the motion of Commissioner Bonney with Part A removed. Commissioner Adler seconded the motion. Dick Motta inquired whether the agreement will cost the county any money. Cameron Rasor explained that there is no cost and that the road is an easement through private ground. The motion carried.

Pintler District Ranger Cameron Rasor, Sara Rouse and Natural Resources Specialist Wade Gerome, all with the U.S. Forest Service, met with the Board and presented a draft Project Road Agreement for the county to provide certain road work related to last season's forest fires for the Forest Service. County Attorney Blaine Bradshaw and Road and Bridge Superintendent Paul Alt attended. The Board reviewed details of the document with the Forest Service representatives and make proposed changes to the draft agreement. Wade Gerome explained that the Forest Service does not want to close an entire road, but to have work performed in sections; and that the Forest Service will provide appropriate signing. Cameron Rasor indicated that the Forest Service is purchasing all the necessary culverts. The provision of coordination and assistance, and the purchase of gravel were discussed. Cameron Rasor noted that the agreement could be amended as necessary during the project and that the Forest Service would like the project completed by the end of September. County Attorney Blaine Bradshaw advised the Board that the agreement could be approved today and that public bidding laws do not apply in this case because the project is made necessary by forest fire per MCA Section 7-5-2304(2) applies. The Board requested that Paul Alt submit a list of contractors which were contacted to perform portions of the work. Attorney Bradshaw indicated that the county has a basic, model contract which could be modified in parts and be used for subcontractors; and the agreements with the subcontractors could be put on the following week's Board agenda. Commissioner Adler moved that the agreement be approved when finalized and Commissioner Bonney seconded the motion. Commissioner Adler discussed that contract provisions must be strictly followed to have the project completed on time. Dick Motta commented that he would like to know if the Forest Service would provide copies of the documents which could be posted on the internet. Commissioner Slaughter indicated that the agreement will be posted on the county's website when it is finalized and he noted that this matter was also discussed on the Board's agenda last week. The motion carried unanimously.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt met with the Board and gave his weekly report. He reported that the crew is finished on Upper Rock Creek Road for this year and will be moving to the Georgetown Lake and Willow Creek areas. He indicated that road work due to damage from irrigation will be scheduled for this fall. Discussion was held on hiring a part-time county Road Department operator/mechanic and the Board agreed to advertise for the position.

The Board reviewed written comments from the county's on-call engineer Jeremiah Theys with Great West Engineering of Helena on the previously submitted estimate from Jon Bergerson for the repair of the Walberg Bridge. Road and Bridge Superintendent Paul Alt indicated that he will order the required materials, which will take 5 to 6 weeks for delivery, and he agreed to contact local contractors to have the material installed. He said that he plans to repurpose the existing decking materials, which will be removed. The Board discussed that they may very well put the labor only for the bridge repairs out to bid and advertise such in the *Philipsburg Mail*, even though the total project would be well under \$80,000, but this will be a future agenda item. Note: While Walberg Bridge is not a County bridge, the County Commission, well over 50 years ago, agreed in writing to reasonably maintain and repair the bridge.

Georgetown Lake level was reported at 6,430.01 feet, according to the USGS gage and the dam tender's report. The lake is approximately 6.12 inches above full pool at an outflow of approximately 42 cfs through the power plant and 105 cfs over the weir. Water is going over the spillway. Commissioner Bonney noted that the lake level decreased 3

inches in the past week. Commissioner Bonney moved that no change be made in the outflow and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw noted that before letting more than 30 CFS out of the lake during the irrigation season, with lake levels dropping or being below full pool, would require the County to have prior consents of the MT FWP, Forest Service, and U.S. Fish & Wildlife Service.

The Board reviewed county claims for June 2018. Commissioner Adler recused himself from voting on any claims for Adler Towing. The claims were approved and ordered paid on the motion of Commissioner Bonney with a second by Commissioner Adler. There was no public comment. The motion carried unanimously.

The Board held a telephone conference call with Tana Doyle CPA with Doyle and Associates of Lolo regarding her letter dated July 16, 2018 on the financial audit on the new Philipsburg Ambulance building. Tana Doyle verbally reviewed the letter and noted that several invoices were dated after December 11, 2017, which was the date of The Electrical Connection's (TEC) invoice to the county; she reviewed the limited labor information provided for billing rates and rates of pay for employees of TEC The Electrical Connection, which may not meet the Montana Prevailing Wage Laws; and she reviewed that much of the requested payroll reports were not received and consequently there was very little information to verify the labor information. Also, she noted that information for subcontractors requested was not supplied; also, no documentation for equipment use was provided. Tana Doyle reviewed specific copies of invoices which could not be verified that they were for this specific project. Also, she stated that she could not verify that the materials charged to the county were actually used in the building. Commissioner Slaughter noted there are trusses stored in the building and there is no evidence of insulation in the walls or stored in the building. Tana Doyle noted that attorney Robert Medof had indicated that some invoices will not match what was billed to the county. Discussion was held on how to move forward and Tana Doyle suggested that any further work on the building be very closely documented. The Board agreed that getting the building finished is not a priority at this time and that the audit findings will be referred to the county attorney. The Board requested that Tana Doyle protect the paper copies of invoices in her possession until further notice. Dick Motta reviewed the warrant numbers in the letter and inquired if the project was advertised for bid. Commissioner Slaughter stated that the project was not advertised for bid because the Board had been informed by ambulance personnel that the project would be under \$80,000.00.

The Board conducted an employee evaluation with courthouse custodian Janeen Bonney, who invoked her right to privacy. Chairperson Slaughter closed the meeting to the public. Following the evaluation, Chairperson Slaughter opened the meeting to the public. The Board unanimously agreed that Janeen Bonney should receive her step increase on the county's pay matrix. The action was taken on the motion of Commissioner Bonney with a second by Commissioner Adler. There was no public comment. The motion carried unanimously.

Planning Director Linda Bouck met with the Board to discuss a proposed amendment to the Granite County Subdivision Regulations, Section VI-R and the addition of Administrative Material S. Fred Bjorklund and Kurt Unger attended and reviewed the proposed amendments which had been approved by the Granite County Planning Board. Linda Bouck noted that some fire service areas do have their own separate regulations. Kurt Unger noted that two members of the Georgetown Lake Fire Service Area Board attended the meeting with the county planning board. Fred Bjorklund noted that there was rapid growth in the 2000's and that the members of the fire service area are volunteers. Commissioner Slaughter inquired who will determine whether the developers are meeting the regulations. Kurt Unger responded that the approval is provided for in the proposed regulations. Fred Bjorklund stated that these regulations provide for the availability of water and that these determinations need to be made prior to the subdivision being approved. Kurt Unger noted that these proposed regulations comply with the state guidelines and put the responsibility on the developer. Linda Bouck reviewed that there will be a public hearing prior to any adoption of the proposed regulations by the Board. Fred Bjorklund indicated that they tried to provide for less stringent regulations for small family divisions of land. Linda Bouck noted that these regulations apply only to the Georgetown Lake Fire Service Area, that other fire service areas in the county have their own regulations and that these regulations apply only to new subdivisions, not to existing

developments. Kurt Unger indicated that it is better for developers to be aware of the regulations prior to starting a development. Fred Bjorklund stated that it is the hope of the fire service area that these regulations will also be adopted for the Deer Lodge County portion of the Georgetown Lake Fire Service Area.

The Board discussed the poor condition of the main courthouse roof with custodian Janeen Bonney. The Board agreed that a new courthouse roof project be advertised for public bid on the motion of Commissioner Adler and second by Commissioner Bonney. There was no public comment. The motion carried unanimously.

The Board discussed the status of a board member on the Granite County Forest Management Advisory Committee. Commissioner Adler reported that a County Commission appointee to a local county advisory board is being rude and disruptive during the advisory board's public meetings and members of the advisory board are recommending that she be removed from the committee. Commissioner Adler requested that she be given one more meeting of the advisory board to see if the disruption continues and the Board agreed.

The Board reviewed draft minutes for June 19, 20, 21, 26 and 27, 2018. The minutes were approved on the motion of Commissioner Bonney with a second by Commissioner Adler. There was no public comment. The motion carried unanimously. Dick Motta requested that a copy of the approved minutes be emailed to him and the Board agreed to have that done.

Commissioner Adler and County Attorney Blaine Bradshaw reviewed information provided by the IUOE (International Union of Operating Engineers) Local 400 related to ongoing negotiations with the Granite County Road Unit. Commissioner Adler reported that a Union counteroffer to the Board's counteroffer has not been received by the County from the IUOE. Dick Motta requested a copy of the Board's counteroffer and Commissioner Slaughter informed him that union negotiations are likely confidential until a settlement is reached and the information is under the control of the county attorney.

The Board considered the nomination of the county bridge at Bearmouth (Structure # 03110 1M NE Bearmouth – Clark Fork River 002) as an Off-System Bridge Project for deck rehabilitation through the Montana Department of Transportation (MDT). The Board noted that MDT would cover all the costs, but that it may take several years to go to construction due to funding limitations. Commissioner Bonney moved to nominate the bridge as an Off-System Bridge Project for Bridge Deck Rehabilitation. Commissioner Adler seconded the motion. During Board discussion, Commissioner Bonney noted that the bridge deck is rated at a 4, with serious deck deterioration on bulb tee fascia flanges and at joint lines, according to the most recent bridge inspection report. The motion carried unanimously.

**Public Comment:** Matt Young contacted the Board by speaker telephone regarding work he would hire out to be done on a county road, which certain hunters have torn up, as he would like to make it drivable. The Board indicated that work cannot be done on a county road without the Board's approval. The Board informed him that Road and Bridge Superintendent Paul Alt meets with the Board at 9:00 a.m. during each regular Tuesday session and he is welcome to come and discuss a county road at that time. Matt Young indicated that he would like to make the road passable if his family should need to use the road. Commissioner Adler informed Matt Young that the work he had hired to be done was done without authorization, that the road superintendent halted the work this morning and that the work done was well below standards with the road left in a dangerous condition with large berms and a cattle guard filled with dirt. Commissioner Adler also questioned whether the contractor had the necessary licenses and insurance required to do work on a public road. Matt Young indicated that he has touched base with Road and Bridge Superintendent Paul Alt on several occasions and he agreed to meet with the Board in the near future. Matt Young stated that he thought he was doing a good thing by hiring a private contractor to improve the road and that he had been informed in error by his real estate agent that it was a maintained county road when he bought the property.

Dick Motta stated that on April 10, 2018, he was removed from the Commission meeting by the sheriff and the sheriff was going to do an investigation, the results of which he has not been provided. Commissioner Slaughter stated that he had signed a complaint

at that time and the county attorney recused himself and referred the matter to attorney Susan Callaghan. Commissioner Slaughter indicated that he believed that Susan Callaghan was to send Dick Motta a letter stating that if such an incident occurred again that he would be prosecuted on both counts. Dick Motta stated that he had not received a letter. Commissioner Slaughter stated that the matter is not going to be tried here, as he is the complainant and he requested that Dick Motta not continue to speak about that matter to the Board. Dick Motta asked which law the Board was going to abide by regarding the open meeting laws and Commissioner Slaughter stated that the Board's legal adviser is the county attorney and the Board abides by his advice. Dick Motta stated that he feels that the Board is violating the open meeting laws and that he intends to file a complaint regarding the Board's violation of the open meeting laws.

**Correspondence:** The Board reviewed information sent to the Board from Chuck Houtz, 79 East Fork Road, Philipsburg, from the Montana Department of Labor (Incident Report Number 2018-UFPP-000186) regarding damage done to Blackfoot underground utilities. It is the Board's understanding from reviewing the information that the damage was not caused by a county employee and County Attorney Blaine Bradshaw reported that he has requested, from the County Road & Bridge Superintendent, statements from the county road crew employees with knowledge of the incident. The Board requested that Attorney Bradshaw write a letter to Chuck Houtz stating the Board's position when all the facts are obtained from county employees.

The session adjourned at 2:30 p.m.