

December 4, 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 Paul Alt was unable to meet with the Board as scheduled. Commissioner Bonney moved to purchase a new stainless steel sanding unit for the new snow plow truck. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. Discussion was held on improving the restrooms at the county road department shops at Hall and Philipsburg.

Georgetown Lake level was reported at 6,428.73 feet, according to the USGS gage and the dam tender's report. The lake is approximately 9.24 inches below full pool with 38 cfs through the power plant and an estimated 38 cfs over the weir. Commissioner Bonney moved to make no change in the outflow until the lake gets to one foot below full pool, then reduce the total outflow down to 20 cfs at that point. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended. Commissioner Slaughter moved that Commissioner Bonney and engineer Jeremiah Theys with Great West Engineering prepare a draft news article on the recent work done on the Flint Creek Dam for the Board's review. Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously.

The Board reviewed draft minutes for November 20 and 27, 2018. Commissioner Bonney moved to approve the minutes as presented and Commissioner Adler seconded the motion. There was no public comment. The motion carried. County Attorney Blaine Bradshaw attended.

Public Health Emergency Preparedness (PHEP) Coordinator Becky Smith met with the Board to review the position. She informed the Board that she may be taking a different position, but she will not know for certain until later in the year. She noted that she contacted the state Department of Public Health and Human Services which stated that the PHEP Coordinator position could potentially be accomplished by working from home and that the office could logically be maintained in conjunction with the county public health office. She also noted that the position is completely grant funded. The Board reviewed, revised and finalized the position description for the PHEP Coordinator position. Commissioner Adler moved to continue the position as it is currently and to adopt the revised position description. Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

The Board held the first reading of Resolution 2018-25 "A Granite County Resolution Increasing The County's Public Health Emergency Preparedness (PHEP Fund No. 2967)

Budget For 2019 Fiscal Year To Account For Additional Grant Funding.” There was no public comment.

The Board reviewed a draft sample procurement policy with County Attorney Blaine Bradshaw. The Board reviewed provisions which it felt were too restrictive and a provision which would involve suspension of a contractor from receiving contract awards from the county due to a contractor’s non-compliance with the policy standards for construction. The Board agreed that further review and discussion would be necessary prior to adoption.

In an administrative action, the Board contacted Wade Cebulski with the Montana Aeronautics Division of the Montana Department of Transportation, at his request, by speaker telephone to discuss the Board’s letter to him regarding the availability of the 10% match for federal Airport Improvement Program (AIP) funds. Wade Cebulski noted that Riddick Field Airport would qualify for a grant or loan for the 10% match for an FAA project, but a grant for the full amount of the match is definitely not guaranteed. He indicated that grant applications are evaluated and ranked by the Montana Aeronautics Board and typically asphalt projects receive high priority, but there is never enough funding to cover all of the application requests. Application submission opens on July 15 and applications are due in November each year. County Attorney Blaine Bradshaw attended.

Maria Stoppler, CEO/DON Granite County Hospital District, met with the Board and presented the monthly financial update. She included a financial report dated 12-4-2018 with projected cash available a negative \$(64,737), projected deposits through 12-15-2018 \$455,784, projected cash requirements through 12-15-2018 accounts payable of \$150,000, projected cash reserves \$241,047 (20 days of operation); a utilization recap; balance sheet; income statement detail; accounts receivable aging report; and an administrator’s report dated November 27, 2018.

DES/Safety Coordinator Rick Day met with the Board for the consultant selection for the update of the county Hazard Mitigation Plan, which includes Drummond and Philipsburg. He reviewed that the county was awarded a grant for \$24,999.99 from FEMA (Federal Emergency Management Agency) for the five-year update and the RFP (Request For Proposals) was published in the local newspaper for two consecutive weeks as required and sent to 11 prospective respondents. He noted that only one proposal, from Great West Engineering of Helena, was received and he has evaluated that proposal, which meets or exceeds the required standards. The Board reviewed the Great West Engineering proposal. Rick Day reported that a scope of work will be negotiated prior to a contract being recommended. Commissioner Bonney moved to select Great West Engineering to provide the five-year update of the county Hazard Mitigation Plan. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended. Rick Day said he would work with the County Attorney and Great West Engineering on a draft agreement for services which would be placed on an upcoming Board agenda for a decision.

Courthouse vaults as safe areas in an active shooter situation were discussed with DES/Safety Coordinator Rick Day. Commissioner Slaughter reported that Scott White with Cooney Locksmiths of Butte has been preliminarily consulted on the matter and noted that some locks on some vaults may be reversible from the inside. The Board made a visit to the vault in the Clerk and Recorder's Office to see the workings of the lock mechanism. Commissioner Adler commented that a handle could possibly be constructed to lock and unlock the vault from the inside without adjusting the regular locking mechanism. The Board will further consider the vaults as safe areas in an active shooter situation with DES/Safety Coordinator Rick Day over the next few weeks. County Attorney Blaine Bradshaw attended.

The Board reviewed the Partially Completed Mediation in the Granite County v. Rising Sun Estates and Jack McLeod Case. County Attorney Blaine Bradshaw reported that the mediation was held in Anaconda, Montana on November 26, 2018, conducted by attorney William T. Wagner of Missoula with County Attorney Bradshaw and Commissioner Bill Slaughter attending. Commissioner Adler moved to accept the Partially Completed Mediation and Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously.

Public comment: None.

Correspondence: The Board received written notice from the Pintler Ranger District of the Beaverhead-Deerlodge National Forest that members are needed for the Tri-County Resource Advisory Committee (RAC).

The session adjourned at 3:15 p.m.

December 11, 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-Elect Chuck Hinkle attended the morning session.

Road and Bridge Superintendent Paul Alt met with the Board and gave his weekly report. He reported that the state has offered 50,000 yards of asphalt millings from I-90 near Rock Creek to the county, likely in the spring. He will determine how far the contractor will haul the millings to be stored by the county. The Board agreed that Paul Alt will further investigate. Paul Alt noted that an accident last week destroyed a chute on the sanding unit of a county truck which was hit by an automobile operated by an inattentive driver. A new chute has been ordered for approximately \$2,000.00, plus cost of installation, which will be

submitted to the county's insurance company and the inattentive driver's insurance company.

The Board went into executive session for a personnel matter, which was closed to the public.

Georgetown Lake level was reported at 6,428.64 feet, according to the USGS gage and the dam tender's report. The lake is approximately 10.32 inches below full pool with 35.9 cfs through the power plant and an estimated 35.9 cfs over the weir. Commissioner Bonney moved to make no change in the outflow until the lake gets to one foot below full pool, then reduce the total outflow down to 20 cfs, which he estimates will occur in January. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

The Board considered the FY2019 Extension Services Agreement between Montana State University and Granite County with Extension Agent Ben Hauptman. The agreement states that total county support for extension services, including agent salary support, support staff salaries and benefits, travel, other and capital will be \$78,607.30. Commissioner Bonney moved to approve the agreement and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. The Board requested Ben Hauptman to make regular reports to the Board on his activities and he agreed.

Ron Beck with the Philipsburg Ice Association, met with the Board to request to rent or lease county property for outside storage. He reported that the association is negotiating on purchasing property adjoining the ice rink to use for their storage needs, but that has not been completed. If this plan fails, then the association would then be looking for a place to store two locked storage trailers during the off season, possibly near the old county shop building. The Board stated their general agreement with this plan if the storage area was needed in event the purchase of the adjacent property fell through. County Attorney Blaine Bradshaw suggested that their association continue to work on purchasing the property, and he agreed to draft a lease agreement if one is needed. Commissioner Adler moved that it is the Board's intention to allow the storage if the property is not purchased and Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously.

The Board reviewed the written report of the interview committee for the Public Health Nurse position interview with Katie Muhly RN, the only applicant for the position. The interview committee consisted of Commissioner Bonney, CEO/DON of Granite County Hospital District Maria Stoppler, and Executive Assistant Mike Kahoe. It was the committee's unanimous recommendation that she be offered the position. County Attorney Blaine Bradshaw attended. The Board noted that an assistant/clerk for the position is in the current budget.

The Board considered an offer of employment for Katie Muhly RN for the position of Granite County Public Health Nurse, on the recommendation of the interview committee. Commissioner Bonney moved to offer the position to Katie Muhly RN at a Grade 16, Step 8, \$32.36 per hour, due to her experience, with the provision that she have her bachelor's degree in nursing substantially completed within 36 months (by the end of year 2021). Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

Mr. Bruce Wiederspiel, a local property owner, met with the Board by speaker telephone regarding a family transfer hardship. County Attorney Blaine Bradshaw attended and gave background on the situation where a division of property was made using the family transfer exception to subdivision laws (still subject to survey requirement and zoning regulations) under Montana law (MCA Section 76-3-207(1)(b) (family transfer exception). Attorney Bradshaw reviewed the circumstances under which a family transfer can be made and he noted that the Montana statute on family transfers has been in place for years, although there was a county policy on family transfers adopted in May 2018 (requiring two year period before property deed may be recorded with Clerk & Recorder if property was conveyed using family transfer exception). Attorney Bradshaw acknowledged that this policy adopted in 2018 was adopted after Mr. Wiederspiel's division of land was made; however, Granite County's Subdivision Regulations have specific language pertaining to the evasion of subdivision laws and these regulations were in place well prior to this division of land by Mr. Wiederspiel. Also, Mr. Wiederspiel must follow the statute that he used in dividing the land under family transfer exception and this statute does not allow for using the law to simply evade the Subdivision and Platting Act. Mr. Wiederspiel acknowledged he divided a piece of property in 2017 using the family transfer exception, transferred the property to his wife, but that she now desires to sell the property. Kent Ellis, a neighboring landowner to Mr. Wiederspiel's property, attended in person and reported to the Board that Mr. Wiederspiel has been a property developer for many years; the property in question is difficult to get to, is overpriced and will require access through Forest Service land. Mr. Wiederspiel stated he has been a property developer in the past and explained that he had purchased the property and built a home on it. He then put the home and 235 acres on the market, and it did not sell. He then considered selling one of the government lots, which would reduce the price on the house with a smaller parcel of land. He divided the property using the family transfer exemption to the subdivision laws. He noted that his wife now has a purchaser intending to use a reverse 1031 land exchange, which must be made in January 2019. Commissioner Slaughter indicated that it seems that this is a business transaction, rather than a hardship. Mr. Wiederspiel noted that he has had the property on the market for three years. Commissioner Slaughter noted that Bruce Wiederspiel had taken advantage of the family transfer when the property was divided with his wife, but he apparently was not aware of the statutory restrictions on the family transfer. He noted that he is 78 years old and has had cancer twice. The property has been on the market for a while now, and he has a firm offer on a parcel of the land. Commissioner Slaughter indicated that the Board intends to follow the law and will need to explain why an exception was made, if one is made here by the Commission. When asked

what his hardship was here, Mr. Bruce Wiederspiel acknowledged he did not have a true hardship, but indicated that he is requesting the exception due to the financial loss of losing this current sale and due to his health condition. County Attorney Bradshaw noted that ignorance of the law and financial losses/gains are never proper grounds for any such a hardship variance. Attorney Bradshaw also gave his preliminary legal opinion that the Clerk & Recorder has the final say on recording deeds, in any event. Commissioner Slaughter noted that Bruce Wiederspiel had come to the Commissioners prior to trying to record the deed, so this is some indication of good faith rather than him just attempting to record the deed without explanation. Kent Ellis stated that Bruce Wiederspiel had sold a 40-acre parcel recently. The Board discussed having the Granite County Planning Board review the situation in a public meeting and make a recommendation regarding this matter to the Commission. Commissioner Bonney moved to have the Planning Board review the matter and make a recommendation to the Board. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Bradshaw agreed to notify Mr. Wiederspiel and Linda Bouck, Granite County Planning Director, of this decision.

The Board held the second reading of Resolution 2018-25 “A Granite County Resolution Increasing The County’s Public Health Emergency Preparedness (PHEP Fund No. 2967) Budget For 2019 Fiscal Year To Account For Additional Grant Funding.” Commissioner Bonney moved to adopt Resolution 2018-25 and Commissioner Adler seconded the motion. During discussion, Commissioner Adler noted that the PHEP coordinator position is only grant funded and that the position would disappear if the grant funding should end. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

In an administrative action, the Board discussed getting current minutes posted on the county’s website in a timely manner. The Board agreed to make every effort to review and approve the minutes on a weekly basis, and that they would be posted in a timely matter as required by law. It was also determined that the County’s weekly reference to the Board’s agenda and website would also give notice that the full Board minutes are posted on the website.

The Board reviewed the proposal of Francis Construction of Belgrade, in the total amount of \$8,844.00, which includes new gutters and downspouts for the Granite County Jail and the removal and disposal of the old gutters and downspouts. The Board noted that it was the only proposal received after proper competitive, public advertising resulted in no formal bid proposals. Commissioner Bonney moved to accept the proposal and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended and had prepared a Professional Services Agreement, consistent with the proposal amount and custom, between Francis Construction and Granite County, which was signed by Commissioner Slaughter.

The Board reviewed draft documents for the Flint Creek Dam Rehabilitation Projects as recommended by Great West Engineering of Helena for contractor Battle Ridge Builders LLC of Belgrade as follow:

- Certificate of Substantial Completion for Stilling Basin Repairs with a date of substantial completion of November 2, 2018.
- Certificate of Substantial Completion for Gate Valve Replacements with a date of substantial completion of November 16, 2018.
- Change Order No. 1 for Gate Valve Replacements in the amount of \$1,500.00 for the county to purchase the blind flanges used to stop the outflow through the valves during the replacement of the valves.
- Contractor's Application for Payment No. 1 for Gate Valve Replacements in the amount of \$88,011.00.
- Contractor's Application for Payment No. 2 for Stilling Basin Repairs in the amount of \$60,549.01.

The Board contacted Project Manager Engineer Jonathan Weaver by speaker telephone regarding the documents. He recommended that the Board schedule an inspection of the projects in 11 months which is within the one-year warranty period. Also, he noted that the Department of Natural Resources and Conservation agreement for the grant funding expires at the end of the year, so it is important that the documents be executed prior to the end of the year so the county can receive the previously approved grant funding of \$125,000.00. Commissioner Bonney moved to approve all of the above listed documents and Commissioner Adler seconded the motion. There was no further discussion or public comment. The motion carried unanimously. Chairperson Slaughter then signed all documents requiring a signature.

As an administrative matter, Sheriff Scott Dunkerson met with the Board regarding the difficulty in getting graveyard shift dispatchers. Discussion was held regarding higher pay for night shift dispatchers or paying them a stipend. It was agreed that further discussion will be held prior to the beginning of the next fiscal year.

Glen Cameron, engineer with the Montana Department of Transportation (MDT), met with the Board to present the report on the interim speed limit near Maxville. He reported that the speed limit is scheduled to remain at 60 mph, which was the interim speed limit established two years ago. The Board reviewed the report and concurred with the report's findings. Commissioner Adler moved to write a letter to MDT agreeing with the results of the report. Commissioner Bonney seconded the motion. There was no public comment. The motion carried unanimously.

Public Comment: There was no public comment.

Correspondence: The Board received two pieces of correspondence from Granite West Engineering of Helena as follow:

- A letter dated 12/10/2018 from Project Manager Jeremiah Theys regarding the Flint Creek Dam and a response to the Federal Energy Regulatory Commission's letter of

9/7/2018 about the second Part 12D Report and Potential Failure Mode Analysis supplemental report.

- **An email dated 12/9/2018 from Project Manager Jeremiah Theys requesting an amendment to the engineering contract to respond to requirements of the Federal Energy Regulatory Commission's requirements for a completion report for the stilling basin and valves replacement projects, including as-built drawings, for a fee of \$3,500.00. Also, the project has a one-year warranty and Jeremiah Theys recommends completing an 11-month walkthrough with the contractor to identify any correction items before the expiration of the warranty period. The fee would be \$2,800.00 for this work.**

The Board agreed to put the two items on the Board's next meeting agenda.

The session adjourned at 2:30 p.m.