

**January 8, 2019**

**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 Charles Hinkle attending. Also attending was Executive Assistant Mike Kahoe. The session convened with the pledge of allegiance.**

**Road and Bridge Superintendent Paul Alt did not attend the meeting as he is traveling to pick up a new 2019 International snow plow truck.**

**Georgetown Lake level was reported at 6,428.59 feet, according to the USGS gage and the dam tender's report. The lake is approximately 10.92 inches below full pool with an estimated 20 cfs through the power plant and an estimated 20 cfs over the weir. Commissioner Adler moved to make no change in the outflow and Commissioner Hinkle seconded the motion. Commissioner Adler noted that there seems to be little moisture in the current snowpack. There was no public comment. The motion carried unanimously.**

**As public comment, Bill Kleinhans met with the Board and commented on Road and Bridge Superintendent Paul Alt's possible wage increase. He stated that proposed salary is a comparable salary to comparable size counties and Paul Alt has received a good performance evaluation. He feels that the Commissioners were elected to do the job and they are doing it.**

**The Board considered the Interlocal Agreement proposed by the Montana Department of Justice between the Montana Department of Justice, Motor Vehicle Division, and Granite County for the purpose of setting forth a framework under which Granite County will provide employees to perform certain tasks relating to the titling and registrations of motor vehicles, and provide physical space in the county seat. Commissioner Adler moved to approve the agreement and Commissioner Hinkle seconded the motion. Commissioner Adler indicated that the agreement has been reviewed and approved by MACo and many other county treasurers and county attorneys. The motion carried unanimously. County Attorney Blaine Bradshaw attended.**

**The Board moved to the District Courtroom of the Granite County Courthouse at 10:00 a.m. to make a decision on the petition to withdraw a portion of Lower Rock Creek from the Granite County Hospital District. In addition to the three Commissioners, County Attorney Blaine Bradshaw and Executive Assistant Mike Kahoe attended. A public hearing on the petition had been scheduled, advertised and held on October 3, 2018 at 6:30 p.m. in the Drummond Community Hall in Drummond. A transcript of that hearing is included in the Board minutes on that date.**

**Commissioner Slaughter started the meeting by requesting that County Attorney Blaine Bradshaw read the statute relating to the petition. County Attorney Bradshaw reviewed that the Commission received the petition on September 4, 2018 and a public hearing was**

held in Drummond on October 3, 2018. County Attorney Bradshaw read Montana Code Annotated Section 7-3-2156, subsection one (1) which and states in the last clause of that subsection, that the petition is accepted only “. . . on the grounds that such area will not be benefited by remaining in said district.” He stated that it is the Commission’s job today to make a decision on the petition and comments that go outside of the meaning of that clause will not be considered. Also, all of the comments received have been typed up and will be reviewed here today.

Commissioner Slaughter introduced Commissioner Chuck Hinkle and noted that Commissioner Hinkle was not in office at the time of the hearing, but he will be a part of this process today. Commissioner Slaughter called for further public comment or additional public comment on the petition related to the statute. He noted that all comments received previously have been typed up and will be reviewed later today. He requested that people stand and speak clearly. He asked for additional (new) public comment at this time.

A.J. Michnevich, a resident property owner living in the Lower Rock Creek area, reiterated that Lower Rock Creek people do not benefit from being in the hospital district as they go to Missoula for all medical services, including hospital and flu shots. He pointed out that only Lower Rock Creek people pay additional taxes to Clinton Rural Fire for fire protection services and certain other emergency services and they are also paying an additional mill levy for a service that they do not use; they would like to be relieved from paying two taxes for the same service. There was no additional comment.

Commissioner Slaughter requested that County Attorney Blaine Bradshaw read the following bullet points (summarized from oral comments received by the Board from the public during the public hearing and written comments received by the Board from the public following the public hearing) in opposition to the petition:

- Some of the residents from Lower Rock Creek that signed the Petition to Withdraw have used the Granite County Hospital District’s (GCHD) services with there being two in the past 18 months
- We all pay taxes we may not directly benefit from but pay them anyway for the indirect benefit of the betterment of the county and its residence. (example School Districts)
- As a matter of fairness, sometimes there is not a direct benefit, but there is an indirect benefit
- GCHD’s Granite County Medical Center (GCMC) is a great facility and proud to have it and if a Lower Rock Creek resident were in an accident or illness while in or near Philipsburg then they could the GCMC.
- Logistics of the small communities have not changed for many years—same as when they petitioned to create the GCHD.
- The rural lifestyle speaks to the reality that services are limited, but still a benefit.
- Many residents around Granite County have primary care doctors in Missoula, Anaconda and Butte, but still benefit from the GCHD

- **GCMC is important for emergencies, short term hospitalization, and the nursing home.**
- **It is clear that the residents would benefit and have benefitted by Hospital and clinic services.**
- **Lower Rock Creek residents have several issues with Granite County, such as road conditions, ambulance and fire coverage, trash etc. and are simply using this issue to make a point to the Commissioners.**
- **Over the years, there have been visits to GCHD's facilities from the 59825 Clinton/Lower Rock Creek zip code and two from within area withdrawing have used GCHD's services in past 18 months**
- **County residents should be willing to share expenses as well as benefits for the good of all county residents.**
- **The GCHD's nursing home is there for all in the GCHD who need to use it and provides excellent care (example given of one's mother in the nursing home, but the mother was not from Lower Rock area).**

**Commissioner Slaughter asked if any Commission member had comments on the above points and there were none.**

**Commissioner Slaughter requested that County Attorney Blaine Bradshaw read the following bullet points (summarized from oral comments made by the public during the public hearing and written comments received by the Board from the public following the public hearing) in support of the petition:**

- **There is no actual benefit to those in Lower Rock Creek.**
- **No un-contradicted testimony before the Board of County Commissioners showing that the petitioning area would benefit by remaining in the hospital district.**
- **Lower Rock Creek Residents pay 8.79% levy to Clinton for additional services because if they ever needed help it wouldn't come from Drummond or Philipsburg.**
- **Paying 4.85% levy of taxes to GCHD for services not receiving.**
- **GCMC is needed for remainder of current GCHD (like Philipsburg and Drummond), but not for those on the petition because of no services or facilities of GCHD in Lower Rock Creek area.**
- **The people of Lower Rock Creek area, as generally represented at the public hearing on the Petition, believe they do not receive any benefit.**
- **In addition to what Lower Rock Creek property owners all pay in taxes to GCHD, they also pay to Clinton Rural Fire District for services such as medical calls.**
- **There is a political fight for limited Granite County resources and services, but Lower Rock Creek area is left out of the equation as they are out in the boondocks.**
- **There is no benefit as Lower Rock Creek is closer to Missoula and those in the Lower Rock Creek area go to Missoula for medical services.**
- **One who has lived in Lower Rock Creek area for 40 years with lots of health problems, 100% of the time has gone to Missoula and never to Drummond or Philipsburg to use GCHD's facilities or services.**

- **No ambulance service from Granite County serves Lower Rock Area, ambulance is private company that comes out of Missoula.**
- **There is no current benefit to those on Lower Rock Creek and doesn't see one in the future as no plan to provide facilities or increase services in Lower Rock Creek area.**
- **Of the patient visits to the GCHD facilities or services in last 18 months as discussed by the GCHD, only two are verified from the area petitioned to be withdrawn from the GCHD**
- **Geographically separated from existing facilities and services provided by the Hospital District**
- **More comprehensive medical services in Missoula area than provided by GCHD**
- **Easier to access medical services in Missoula, especially in winter due to treacherous roads**

**Commissioner Slaughter noted that all the public comments received have been included in the bullet points. Commissioner Adler commented that he has spoken with the ambulance people and the Drummond ambulance service does go in to Lower Rock Creek, with three calls there last year, and he has seen it there.**

**County Attorney Blaine Bradshaw asked each Commissioner as to the specific findings they were in agreement with and the basis for that agreement. Commissioner Adler stated that the findings explain themselves and he believes there are no benefits provided to residents of the Lower Rock Creek area because of the distance, except the ambulance service, as he previously stated. However, it should be noted that the ambulance service is an entity of Granite County, not the GCHD. Commissioner Hinkle stated that he agrees with all the supporting statements and as a new Commission, he listened to the public hearing held on October 3, 2018 and has reviewed all of the public comment regarding the Petition; and he believes there is no public benefit per law based upon the public comment of those residing in the area proposed to be withdrawn from the GCHD. Also, he noted that the amount of the hospital district funded by Lower Rock Creek is minimal, at about \$6,000.00 per year, and the rest of the district easily handle taking over paying for those lost tax revenues. Commissioner Slaughter concurred with Commission Adler that, based upon the law and the public comment, this area of Lower Rock Creek does not benefit from remaining in the district because of the distance to use the services. He further stated that he understands the public comment given in that, "There is a good reason to support all services in the county," but that is not the issue and those comments do not comply with the statutory criteria of being benefited or not benefited by remaining in the district. He noted that none of the comments by the public or by the Commission reflect the great services provided by the Granite County Hospital District and he does not believe that a decision today to grant the petition to withdraw and is not a reflection on the services provided by the GCHD because he truly believes the GCHD provides quality health care services.**

Commissioner Hinkle moved to accept and approve the petition to withdraw certain portions of Lower Rock Creek from the Granite County Hospital District. Commissioner Adler seconded the motion. As discussion, Commissioner Hinkle noted that he supports the hospital. He stated that he totally supports the hospital and noted that the Board recently voted to upgrade the Philipsburg ambulance garage, which is part of the infrastructure of the hospital. Commissioner Adler had no comment. Commissioner Slaughter noted that he had discussed with local landowner and attorney, Chuck Johnson, that some comments have been made that it is good to support all services in the county for the good of all of the people in the county, but that argument does not comply with the statute cited by the county attorney, and Chuck Johnson agreed. Commissioner Slaughter stated that he will vote in favor of the petition as services are not available to those people on Lower Rock Creek and a lot of it is due to geographic location and has nothing to do with the great services provided by the district. Commissioner Slaughter requested that Executive Assistant Mike Kahoe read the motion: “Commissioner Hinkle moved to accept and approve the petition to withdraw certain portions of Lower Rock Creek from the Granite County Hospital District.” There was no further Board discussion and no public comment on the motion. The motion carried unanimously and Commissioner Slaughter stated that the petition is approved.

Kathleen Bartlett commented that the snow plowing is better this year on Rock Creek Road (lower Rock Creek), although they could drop a little more sand to help the road thaw. Commissioner Slaughter noted that the county is in the process of upgrading its equipment.

Blaine Bradshaw stated that he will draw up a Resolution regarding the vote today and the withdrawal will become effective January 1, 2020 per statute, the Montana Code Annotated. Commissioner Slaughter noted that the Resolution would be done during public meetings and the public would have an opportunity to comment. Carl Sundstrom inquired if there was any long term bonded indebtedness and County Attorney Bradshaw indicated that he did not know of any and that the current mill levy is not bonded indebtedness.

Susie Browning asked if Lower Rock Creek people will still be responsible for taxes for the hospital district in November 2019. County Attorney Blaine Bradshaw responded that they would, but not for the entire term of the newly passed mill levy via election commencing July 1, 2019. He noted that the Department of Revenue had indicated that it may be taken off prior to that, but he cannot speak for the Department of Revenue. There was no further public comment. The meeting adjourned at 10:30 a.m. Members of the public signing in were Carolyn Persico, Tim Allen, Carl Sundstrom, Katie Quam, E. Gagliano, A. J. Michnevich, Cynthia Breindel, Jerome Breindel, Kristi Mainwaring, John Barbara, Gail Leeper, Maria Stoppler, David Breitzman, Kathleen Bartlett, Henry Bartlett, R. Motta, and Susie Browning.

The Board returned to the Commission Office in the Granite County Courthouse to continue the regular session.

Julie Jaksha, Regional Small Business Development Director, and Adam Benson, Director of Loan Services, met with the Board to give an update of Headwaters RC&D programs in the seven county region. Also attending was Drummond Mayor, Gail Leeper. Julie Jaksha presented a handout of information regarding Headwaters programs including new business startups, availability of new loans to start small businesses, first time home buyer education courses and counseling on small business development. Discussion was held on local businesses, the lack of rental housing, lack of child care, improvement of the Philipsburg Airport, lack of a grocery store in Drummond, tourism, grass fed beef opportunities, wood product development and economic development in general. Adam Benson reviewed the loan programs available for economic development, typically in association with a local bank but not in competition with the local bank. Tax Increment Financing Districts were discussed, including how a district is financed. The thrust of the programs is to retain and create jobs, according to Julie Jaksha. Mayor Leeper, an RC&D board member, noted that Granite County and Philipsburg have not had a representative on the RC&D board for some time and they are entitled to representation.

The Board held the first reading of Resolution 2019-1 “A Granite County Resolution Establishing Regular Commission Meeting Dates, And Regular Courthouse Office Hours For Calendar Year 2019.” There was no Board discussion or public comment.

The Board held the first reading of Resolution 2019-2 “A Granite County Resolution Establishing Mileage, Lodging And Per Diem Rates For Business Travel And Providing For An Effective Date.” There was no Board discussion or public comment.

The Board held the first reading of Resolution 2019-3 “A Granite County Resolution Establishing The Daily Rate And Daily Rate Of Credit For Incarceration And Providing For An Effective Date.” There was no Board discussion or public comment.

The Board held the first reading of Resolution 2019-4 “A Granite County Resolution Denying The Petitions To Establish Portions Of Lucky And Hilltop Lanes Within Granite County As County Roads.” There was no Board discussion or public comment.

The Board held the first reading of Resolution 2019-6 “A Granite County Resolution Authorizing An Increase To The County’s Philipsburg Ambulance Association 2019 Fiscal Year Budget With A Loan Transfer From PILT Funds And Loan Repayment Schedule.” There was no Board discussion or public comment.

**Public Comment:** None.

**Correspondence:** The Board received correspondence from the Montana Department of Transportation (MDT) regarding house move planned for January 15, 2019, from

**Montana Highway One to Brown's Lake in Powell County. The Board notified MDT that it had no objection and notified Sheriff Scott Dunkerson of the planned move.**

**The Board reviewed the minutes from the January 2, 2019, meeting. The minutes were approved as revised on the motion of Commissioner Adler and second by Commissioner Hinkle. There was no public comment. The motion carried unanimously.**

**Pintler District Ranger Cameron Rasor did not meet with the Board as scheduled.**

**DES Safety Coordinator Rick Day met with the Board to request approval of the proposed Local Emergency Planning Committee (LEPC) by-laws and roster. Rick Day noted that the LEPC was created in 2008, but no by-laws were adopted at that time. He has worked with County Attorney Blaine Bradshaw on the by-laws. Commissioner Hinkle moved to accept the by-laws and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. Commissioner Adler moved to approve the LEPC roster as presented and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board also considered Task Order No. 10 with Great West Engineering of Helena in the amount of \$24,999.99, the amount of the grant from Montana DES and FEMA, to update the Hazardous Mitigation Plan and scope of work for the county and the incorporated town of Philipsburg and Drummond. Rick Day plans to have a small committee meet in four different areas of the county to facilitate the completion of the plan. Commissioner Adler moved to approve Task Order No. 10, including the scope of work, with Great West Engineering of Helena. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Rick Day reported that a future grant application is planned to remodel the Emergency Operations Center at the Granite County Jail, and if so, this grant application matter would be noticed on the Board's agenda.**

**Phil Boettcher/Garnet Range LLC, a local landowner who has property near Garnet, met with the Board to request assistance to access a cabin he states he owns by tax deed, and the cabin is on mining claim property owned by the Bureau of Land Management (BLM). Phil Boettcher presented a folder of material to each Commissioner. He reviewed that he bought a cabin in the Garnet ghost town area through a tax deed and he does not have vehicular access to the cabin because of BLM's year around locked gate on BLM property. Commissioner Adler inquired whether Phil Boettcher had contacted the BLM directly and Phil Boettcher noted that he has visited with the BLM regarding access to the cabin and that he did not get very far. Also, he reported that other parties have access across BLM public ground in the same area. Phil Boettcher noted that the BLM is scheduled to have a new master plan for the area in the near future. He stated that he is caught between paying taxes to Granite County on the cabin and not having access to the cabin. Commissioner Slaughter suggested that Phil Boettcher write an official letter to the BLM and receive a written response; at that time the county would be in a better position to provide assistance if it is still needed. Commissioner Adler agreed that Phil Boettcher**

should make the original official documented written approach to the BLM regarding the status of the cabin and access to the cabin. Discussion was held on the status of the mining claims in the area. The Board invited Phil Boettcher to return with the additional information when he receives it and ask for assistance from the county if needed and the Board would decide if such assistance would be given by the county. Also attending was Rita Boettcher.

The Board considered further information received from the Montana Department of Health and Human Services (DPHHS) on the PHEP (Public Health Emergency Preparedness) coordinator position. The information indicated that compliance with the program can be accomplished using an independent contractor, rather than a county employee, and that several counties in Montana are considering it. DPHHS recommended that the independent contractor be someone that is not an independent contractor for the PHEP program in another Montana county. Commissioner Adler moved that the county PHEP program be publicly advertised for proposals from independent contractors. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board agreed to publicly advertise for proposals from independent contractors to operate the county PHEP program.

The session adjourned at 3:55 p.m.