

April 2, 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 meet with the Board as he is attending the Montana Association of County Road Supervisors conference in Great Falls with two Road and Bridge Department employees. Discussion was held about possibly replacing the Drummond solid waste site backhoe and about the carcass composting at the site. The county's Procurement Policy recently adopted would be followed. Complaints are still being received regarding the smell sometimes coming from the carcass composting site into Drummond.

Georgetown Lake level was reported at 6,428.47 feet, according to the USGS gage and the dam tender's report. The lake is approximately 12.36 inches below full pool with an estimated 25 cfs through the power plant and an estimated 25 cfs over the weir. Commissioner Hinkle moved to make no adjustment to the outflow and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

Pintler District Ranger Cameron Rasor, Sara Rouse and Rick Collins, all with the Beaverhead-Deerlodge National Forest, met with the Board to discuss the proposed Cooperative Forest Road Project Agreement, annual maintenance plan, project agreement and FLAP (Federal Lands Access Program) update. District Ranger Rasor showed the Commissioners a letter Commissioner Hinkle had written to Senator Daines' representative asking why the Forest Service could not do their own reconstruction and Ranger Rasor incorrectly stated that Commissioner Hinkle had used county letterhead. Sara Rouse explained the master Cooperative Forest Road Project Agreement, between the county and Forest Service, dated March 21, 2016 was set to expire in 2021 and reviewed the two changes. Cameron Rasor reviewed a map of the changes which will need to be updated due to the two changes. The annual road maintenance plan was discussed and there are not many changes from the previous year. Commissioner Hinkle indicated that he would like time to review the agreements and the Board agreed to put the two agreements on the agenda for next week for a decision. Sara Rouse distributed the proposed project agreement, which has been revised from last year. Commissioner Hinkle inquired if plans, profiles and specifications have been developed for these roads and Cameron Rasor indicated that the plans would be developed prior to the work being done. Discussion was held that the Road Project Agreement only agrees to the amount of funds available, but not specific plans as those would be specifically set later on by mutual agreement of the parties. Commissioner Hinkle inquired if there would be liability exposure if the plans are not available. Cameron Rasor noted that the agreement identifies responsibilities between the Forest Service and the county; road specifications come later in the process and some of it

is regular road maintenance which does not require specifications. Discussion was held on Chuck Hinkle's inquiry to a U.S. Senator's Office regarding whether or not the Forest Service can contract with local contractors for road work. Cameron Rasor noted that a new term "Shared Stewardship" is now being used. He noted that the Forest Service and the county have been working together for many years to get more done; also, certain projects are contracted directly by the Forest Service; this is one tool that the Forest Service can use and this is more efficient. Commissioner Hinkle indicated that these funds would not be available if it was not for forest fires and he will not support the use of those funds (to be passed through the local county government) which come from forest fires. He said that he would prefer that the Forest Service do its own contracting. Commissioner Adler indicated that in his experience it takes the Forest Service a very long time to get anything done. Commissioner Slaughter stated that these agreements worked well last year and were good for the people of Granite County. Commissioner Hinkle indicated that he would vote for the health of the people of Granite County by not letting forest fires burn. Commissioner Slaughter summarized that the county has an existing road agreement for road work which was done last year and the Forest Service would like to do similar work this year; the county contracts with local contractors to keep money in the community; the projects went well last year. Commissioner Slaughter called for public comment. Commissioner Hinkle said that he would like to see the work done, but would like to see the Forest Service do the work; he indicated that if the work is done without certification that the county could be liable. County Attorney Blaine Bradshaw noted that contractors must have insurance when the work is done, but potentially the county could be liable for any negligent actions in regards to the road work done by the county or its contractors, for which the county has adequate amounts of general liability insurance and such will be required of the private contractors. Roger Beyer said that he accesses his place off of Viking Lane and inquired if the county would take over the road when it is improved. Cameron Rasor stated that discussion on that was held in the past, but right now the discussion is getting the road improved. Commissioner Hinkle inquired how that road can be brought up to county specifications within the existing right-of-way. Roger Beyer inquired if the county has an obligation to upgrade and maintain a road for the protection of citizens. Attorney Blaine Bradshaw indicated that according a Montana statute on point, it is a Commission decision on the degree of road maintenance they do on a county road and have no legal duty to maintain non-county roads. Jerry Bailey stated that he has lived there since 1993; was chairperson of Viking Lane Homeowners' during discussion two years ago; he supports the proposed agreements; he noted that Viking Lane goes through three parcels of private land; easement given for a 60-foot wide easement; it was agreed to, at least in theory, that if Forest Service would bring Viking Lane up to standards that county would consider taking over; 7/10ths of a mile of road is under control of the Forest Service and homeowners cannot do road work without a Forest Service permit; homeowners do not have the means to do snow plowing and other maintenance; they are in a situation of helplessness between the county and the Forest Service; Forest Service now has additional funds to do the work; they are the constituency of both the county and the Forest Service; county has a responsibility for emergency services; grateful that Forest Service has funds for road work county wide; encourages

both government agencies to cooperate; now 24 residents which have Viking Lane as the sole ingress and egress. Jerry Baily also said that he believed the Commission agreed to take over ownership of Viking Lane as a county road if it was brought up to the county's specifications. Commissioner Adler inquired if it would open up many other people coming in for the same treatment. Jerry Bailey noted that they were told that it was a county road when the property was purchased. Commissioner Hinkle indicated that there is a limit on how many roads it is possible for the county to maintain. He again stated that he does not believe that Viking Lane can be brought up to county standards within the existing right-of-way. Jerry Bailey indicated that there may have to be some exceptions to the county road standards; the road has been there for many years. Commissioner Slaughter noted that in 2016 there had been an informal agreement discussed among the county, the Forest Service and the homeowners, but the homeowners were not able to fulfill that agreement so the plans to improve Viking Lane did not come to fruition since the homeowners did not put up any valuable consideration for the project. Commission Slaughter disagreed with Jerry Bailey in regards to the county stating Viking Lane would be taken over as a county road, and Commissioner Slaughter said that it was agreed that the county would consider such a request once the road was brought up to county specifications. Bobbie Beyer indicated that now the Forest Service has the funds; she noted that only 7/10ths of a mile of road would be involved to extend the maintenance, including snow plowing, and she encouraged the County Commission to take over such maintenance if and when Viking Lane is improved. Commissioner Slaughter noted that there is currently no place for a large snow plow to turn around. Jerry Bailey noted that there is an open area 50 meters beyond the cattle guard where a large truck could turn around. Bobbie Beyer indicated that she is confused about where we go next. Commissioner Slaughter indicated that there is an opportunity now to upgrade the road, and if and when that is done then these local residents would need to return to discuss maintenance. Rick McGill noted that a gravel pit and gravel from there had been offered by homeowners in the past. Commissioner Hinkle stated that he is totally in favor of upgrading the road, but he believes it should be done by the Forest Service. Cameron Razor indicated that the work could be done this summer. Rick Collins reviewed the status of the FLAP project (rebuilding Lake Shore Drive at Georgetown Lake) which is scheduled for 2021; it had been suggested reconstructing the entire loop that comes up to Lake Shore Drive, including the two boat launch areas, under the new BUILD (Better Utilizing Investments to Leverage Development) discretionary grants program which has no required county match; he encouraged the Board to put in a new application to pave the road all the way around the lake; he would like to be ready if both counties (Granite and Deer Lodge) are agreeable to hiring a consultant to submit an effective application to the Federal Highway Commission. Commissioner Slaughter inquired about the cost of a consultant and Rick Collins responded that he would investigate. Commissioner Hinkle inquired of Cameron Razor how 20 million board feet could have been sold by the B-DL Forest as stated in a Philipsburg Mail newspaper story. Cameron Razor responded that Flint Foothills and East Deer Lodge were both large timber sales and that figure is accurate; also, salvage sales are in progress. Members of the public attending were Rick McGill, John Spaeth, Jerry Bailey, Cindy McGill, Bobbie Beyer, Roger Beyer, James Burke and Jan Burke.

Dustin Muhly, an independent contractor who has a formal written agreement with the County, as the Granite County PHEP (Public Health Emergency Planning) Coordinator, met with the Board and gave a general report. He reported that he will submit the required deliverables by the end of the week and he has the required insurance in place for the year. He reviewed the deliverables to date, including Health Area Network contacts; he attended a measles workshop; he will participate in an upcoming active shooter workshop; a satellite phone has been suggested for emergency communication when land lines and cell service are out; he will note the availability of reverse 9-1-1 through the county sheriff's office; and the Continuity of Operations Plan was discussed.

A telephone conference call was held with the Board by speaker telephone with DOWL Engineering and Great West Engineering regarding DOWL's proposal for answering questions from the FERC (Federal Energy Regulatory Commission) in its letter dated 9/7/2018 regarding the Part 12D Inspection of the Flint Creek Project. Participating with the Board on the call were Jason Thom and Russell Reed with DOWL Engineering of Billings; Jeremiah Theys with Great West Engineering of Helena; and County Attorney Blaine Bradshaw. Discussion was held on DOWL's proposal dated 2/27/2019 which was divided into three tasks for the Scope of work: Task 1, Update Probable Maximum Flood Analysis for \$35,000; Task 2, Update the PGA (Peak Ground Acceleration) from the MCE (Maximum Credible Earthquake) for \$26,000; and Task 3, General Comment Resolution & FERC Coordination for \$14,000, for a proposal total of \$75,000. Jeremiah Theys stated that the PGA from the MCE can be delayed to 2020, or possibly 2021, according to his conversation with the FERC, but a request would need to be formally made by the county to the FERC. Jason Thom reviewed the requirement for Task 1 for a rainfall event and modeling for a general storm and the snowmelt component, which models rain on snow, with an energy balance method. The many aspects of the requirement variables were discussed, as was the rigidity of the FERC requirements and the detail required in the report. Jeremiah Theys indicated that in his conversation with the FERC that Task 2 is being required by January 1, 2020, so Task 2 can be postponed at this time. Task 3 was discussed by Jason Thom and Russell Reed and they indicated that it could be trimmed from \$14,000 to \$11,000 since there would be no coordination for Task 2. The new total for the revised proposal would be \$46,000, with Task 2 removed. Jeremiah Theys noted that a response to the FERC will be drafted with dates of items to be completed and he requested that DOWL submit a revised scope of work for two tasks and fees, and DOWL was in agreement to do that. Jason Thom noted that one field trip to the site would be required this summer and he assured the Board that the final work would be acceptable to the FERC. The Board agreed to consider DOWL's modified scope of work, with Task 2 removed, with proposed agreement for services and cost on next week's agenda.

Commissioner Slaughter excused himself from the session at noon to attend the Montana Association of County Road Supervisors conference. Commissioner Adler was selected as temporary chairperson for the remainder of the session.

Maria Stoppler, CEO/DON of Granite County Hospital District, met with the Board to present the monthly financial update. The update included a financial report dated 4/2/2019 with projected cash available minus \$33,450, projected deposits of \$444,540, accounts payable of \$200,000 for a projected cash reserves of \$211,090 (18 days of operation), a profit and loss vs. budget month to date and year to date, an accounts receivable aging report, and an administrator's report dated March 26, 2019. She highlighted elements of the administrator's report, including activities, risk management insurance company, dental clinic will sell contents of clinic to Dr. Mark Messer, scale down cost of CT scanner building and rebid, open position in nursing and CNA's, laboratory software upgraded, open house planned for April 24th, annual health fair in Philipsburg scheduled for May 8th in Philipsburg and May 15th in Drummond. Commissioner Hinkle inquired about the prospect of increasing the long-term care beds and Maria Stoppler replied that some beds are reserved for swing bed patients which are more revenue producing. Maria Stoppler noted that a huge barrier to getting nurses is the lack of affordable long-term housing in the area and a focus group is being formed to attempt to address the problem. Scott Sylvester with the Philipsburg Mail newspaper attended.

The Board held the second reading of Resolution 2019-12 "A Granite County Resolution Revising Its Established Good Neighbor Policy, First Revision." County Attorney Blaine Bradshaw attended. Commissioner Hinkle suggested some minor revisions and the revised Resolution will be placed on the agenda next week for second reading and decision. County Attorney Bradshaw agreed to draft these minor revisions that were requested by Commissioner Hinkle and that were found to be acceptable to Commissioner Adler. There was no public comment.

The Board held the first reading of Resolution 2019-13 "A Granite County Resolution Opposing Any Legislation Adopting The Confederated Salish And Kootenai Tribes (CSKT) Montana Water Compact And Supporting The People's Water Compact." There was no public comment.

The Board reviewed the proposed renewal of the Joint Funding Agreement with the U.S. Geological Survey for the Georgetown Lake Gage which monitors the lake level and electronically provides that information to the public. The agreement covers the time period from October 1, 2018 to September 30, 2019 and calls for the U.S. Geological Survey to pay \$1,900 and for Granite County to pay \$2,860. Commissioner Hinkle moved for approval of the agreement and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

Public Comment: Vince Reece met with the Board to request to be on the Board's April 16th agenda for an airport manager's and airport board report.

Correspondence: None.

Commissioner Hinkle advised the Board that he will not be available to attend the Commission sessions scheduled for May 14 and 21, 2019.

The Board reviewed draft minutes for the March 26, 2019 regular session. The minutes were approved on the motion of Commissioner Hinkle and second by Commissioner Adler. There was no public comment. The motion carried unanimously.

The Board considered the July 2019 final Granite County employee health insurance renewal rates from the MACo (Montana Association of Counties) Health Care Trust. The Board noted that there is an overall +3% premium rate adjustment to Granite County's medical plans for the 2019-2020 fiscal year. The Board agreed to the final rates on the motion of Commissioner Hinkle and second by Commissioner Adler. There was no public comment. The motion carried. The Board will consider later whether the increased costs will be paid by the county or passed onto to the county's employees. County Attorney Blaine Bradshaw attended.

The Board reviewed a draft amended job position description for the position of Part-Time Relief Receptionist/Clerk, a position currently filled by Nancy Owens and there will also be a second or alternate person hired for this same position to fill-in when the currently employed Part-Time Relief Legal Secretary/Clerk is not available. The alternate person hired would work primarily in the County Attorney and Clerk of District Court Offices and was requested by County Attorney Blaine Bradshaw and Clerk of District Court Carol Bohrsen, but could also be an alternate fill-in employee for the Clerk of Justice Court. The amended job position description was approved on the motion of Commissioner Hinkle and second by Commissioner Adler. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.

The session adjourned at 3:10 p.m.