

July 9, 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. The Board noted that County Attorney Blaine Bradshaw is out of the office today.

Road and Bridge/Solid Waste Superintendent Paul Alt met with the Board and gave his report. The report included that blading continues at Georgetown Lake and East Fork was finished yesterday. He is waiting for dryer weather to continue on Mullan Road, where he plans to improve a sharp corner. Commissioner Hinkle requested a list of the phone numbers of all members of the Road Department and Paul Alt agreed to get the list to each Commissioner. Paul Alt reported that there are two contractors currently working on the Service Road Project. Roger Beyer inquired about the progress on the Forest Service Roads Project and Paul Alt reported that the project is progressing satisfactorily. James Burke inquired about a culvert installed above grade recently on Viking Lane and Paul Alt reported that it will be completely covered with road surface material when the installation is complete. Attending were Janice M. Burke, Bobbie Beyer, Roger Beyer and James Burke.

Chairperson Bill Slaughter noted that the Forest Service Roads Project and Subcontracts on Forest Service Roads Project were put on the agenda without the permission of any Commissioner and will not be discussed today. The items were apparently put on the agenda by the County Attorney.

The Board held the bid opening for dump trucks, belly dump trucks and side dump trucks. The Notice To Bid was published in the June 27 and July 4, 2019 issues of the *Philipsburg Mail* newspaper and on the count's website. The sealed bids were opened and read aloud by Executive Assistant Mike Kahoe. Bids received were as follow:

L&L Trucking, Lawrence Nelson:

12 yard dump truck with operator	\$90.00 per hour
20 yard truck and belly dump with operator	\$115.00 per hour
20 yard truck and side dump with operator	\$125.00 per hour

F&R Sand and Gravel, Tom Mazza:

1994 Dump truck	\$90.00 per hour
2004 Dump truck	\$90.00 per hour
1994 Truck and pup	\$120.00 per hour

Patriot Excavation, Doug Benson:

Ten-wheel dump truck	\$90.00/hour
----------------------	--------------

Barkell Trucking:

4 Axle Dump Truck: 12 yds.	\$90.00/hour
4 Axle Dump Truck with 2 axle pup – 24 yds.	\$125.00/hr.
4 Axle Tractor with 4 Axle Side Dump – 23 yds.	\$125.00/hr.
Dump Truck/Equip Trl.	\$125.00/hr.
Lowboy Tractor & Trailer	\$125.00/hr.

The Board noted the bids as received. Road and Bridge Superintendent Paul Alt agreed to notify the Board before any of the bidders are contracted for service.

The Board held a telephone conference call with Henry Ring and Eric Nylund, both with U.S. Senator Jon Tester’s Office in Washington, D.C. on energy issues. Commissioner Hinkle stated that the county is having difficulty with FERC (Federal Energy Regulatory Commission) regulations and the county has some hard choices to make since the Flint Creek Dam fund is running out of money. Commissioner Slaughter related that the county took possession of the dam with approximately \$1 million which has been used only to do safety and maintenance on the dam. Now that power is being produced, FERC dictates the studies that to be done and which engineering firms are qualified to do them. The County does not mind doing safety items, but new studies are requested as much as a year following an inspection, which is very costly. Commissioner Slaughter continued that FERC accepts only certain engineers for certain work. Henry Ring requested that the Board provide those regulations which are the most detrimental to the county. Bill Slaughter noted that the spillway is now being looked at closely due to a dam incident in California. Henry Ring suggested an approach of common sense and consistency by FERC. Commissioner Slaughter again stated that the safety items are fine, but the additional studies are more than the county can stand. The Board agreed to send an accounting of expenses for recent years of operation. Commissioner Slaughter stated that FERC is out of hand as a government agency. Elena Gagliano requested a copy of the final operating agreement with Flint Creek Hydro and she inquired why some of the information is not on line. Dick Motta said “that the original agreement indicated that Hydrodynamics was supposed to pay for the studies and the insurance related to producing power. Also, some required studies have not been done. It would have been fine if electricity was not being produced. Under the law on lease agreements, it is not supposed to cost the county for the expenses. The county assumed that the estimated \$55,000 in annual revenue would be enough to cover the costs. It should have been Hydrodynamics paying for the expenses; the lease should be changed. Hydrodynamics indicated that it was the owner before the Public Service Commission. There is no way in hell that the county is going to make any money unless Hydrodynamics takes care of the expenses.” Commissioner Slaughter indicated that FERC has increased the regulations in the short time he has been a commissioner. Commissioner Hinkle inquired how the agreement could be changed. Dick Motta said that when the money runs out, the funds are not to come from the county taxpayers; the dam may have to be given to the DNRC. The county should go back to the original contract, according to Dick Motta; or the county should go back to

running the dam for irrigation. Commissioner Slaughter indicated that a public meeting in the future may be needed to present the available options. Elena Gagliano asked why the original license was granted and then relinquished. Commissioner Slaughter noted that the county currently has a license to operate the facility. Dick Motta indicated that the license was issued to a municipality and there may be other requirements due to that.

Georgetown Lake level was reported at 6,429.59 feet, according to the USGS gage and the dam tender's report. The lake is approximately 1.08 inches above full pool with an estimated 44.7 cfs through the power plant and an estimated 44.7 cfs over the weir below the power plant. Commissioner Adler moved to make no adjustment in the outflow. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried.

Paul Filicetti, with A&E Architects of Missoula, met with the Board to review the Courthouse ADA (Americans with Disabilities Act) Assessment and Conceptual Remediation Design dated June 12, 2019, as prepared by his office. He also presented proposed site plans for each floor of the courthouse. Also attending was courthouse custodian Janeen Bonney. Paul Filicetti reviewed the assessment and noted that one option was with a sprinkler system and another option was with an elevator as a means of egress with areas of refuge. He noted that the assessment was done utilizing the new regulations, which he anticipates will be adopted by the state within the next several months. He reviewed the two options and estimated probable costs:

Option 1) Base Work + the code compliant Area of Refuge on each floor that includes but is not limited to a smoke enclosure, two-way communications, generator, fuel storage, electrical switch great, breakers and feeders, transfer switch and maintenance plan. Note that the installation of a generator requires monthly maintenance and yearly service to ensure operation in an emergency, that added cost is not included in the estimated probable cost.

A total estimated probably cost for Option 1 is: \$1,040,000.

Option 2) Base Work but in lieu of the Area of Refuge on each floor, this estimated probably cost includes provisions for elevator vestibules on each floor and an automatic sprinkler system installed throughout the Courthouse. We recommend this Option and the automatic sprinkler system as it increases life and fire safety, can be used to alleviate strict code requirements regarding exit distances and number of exits per floor in the building, and relieve the need for the Area of Refuge generator and association long term maintenance requirement.

A total estimated probable cost for Option 2 is: \$1,284.00.

Paul Filicetti reviewed the site plans, including ADA handrails, two means of egress from the proposed relocated justice courtroom, elevator access and other modifications. He recommended the fire sprinkler system option, as it would allow other building changes in the future. Commissioner Adler inquired about the cost of just doing the restrooms and

Paul Filicetti noted that the cost is not broken out at this time. Commissioner Adler requested that the cost of the bathrooms be broken out and that each proposed alteration be costed separately. Dick Motta inquired if this would bring the building up to ADA requirements and Paul Filicetti replied that it would. Elena Gagliano inquired if the building is on the historic register and the Board replied that it is.

The Board also reviewed with architect Paul Filicetti the Courthouse Dome Assessment dated June 14, 2019, as prepared by A&E Architects. Paul Filicetti noted that some brick in the dome area needs to be repointed. He reported that it appears that water is coming in through the decorative tin areas and on the flat areas on the dome, and leaking into the plaster on the third floor of the building. He reported that he made an initial investigation into the interior of the dome and he could trace where moisture was coming from in the dome, which he believes is coming in through the decorative tin work, rather than through the windows. Commissioner Adler moved to advertise for the repair of the dome and Commissioner Hinkle seconded the motion. The Board discussed that architect Paul Filicetti would assist any potential bidders interested in the project and he agreed that he would. There was no public comment. The motion carried unanimously. Dick Motta inquired what the cost of the repair would be and the Board responded that there is not a cost at this time until the project is bid. Also attending was Elena Gagliano.

Independent auditor Donald N. Davies, P.C., CPA of Clinton met with the Board and presented the Annual Audit Report for the 2017-2018 Fiscal Year. He highlighted the Management Discussion and Analysis, the Audit Opinion, the Compliance and Internal Control, Governmental Funds, and Statement of Fiduciary Net Position sections. He reviewed the revenue and operating grants, the Statement of Net Position as of June 30, 2018, and he noted that large projects can be allocated over several years. Commissioner Slaughter inquired if it would be wise to have Mr. Davies come back to advise the Board if a major project was being considered and Mr. Davies replied that he would be available to consult with the Board by telephone. He suggested that any future projects by volunteer boards be bid through the Commission. He emphasized that the Board take a hard look at billing for the ambulance service for Philipsburg to generate revenue and possibly temporarily hire someone to organize that volunteer group to facilitate the billing process. He indicated that the Board carefully reviews expenditures by reviewing claims every month and he suggested that the Board also take a close look at the revenue side of things. He noted that it is a clean opinion in the audit report. Commissioner Adler moved to accept the Financial and Compliance Report for the year ended June 30, 2018 as prepared by Donald Nolan Davies, P.C., CPA. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. As public comment, Dick Motta inquired about internal controls and Donald Davies replied that he looks at those during the audit process. Dick Motta stated that there was no appropriation for the Philipsburg ambulance building expenses. Donald Davies replied that the Commission has the authority to determine which fund that was paid from, including county building, PILT and county general fund. Commissioner Slaughter noted that the project to finish the

Philipsburg ambulance garage was put out to bid. Dick Motta stated that the PILT Fund is to be used for county operation and Donald Davies noted that the Commission is operating within the laws under which he conducts the audit. Dick Motta further discussed revenues and appropriations. Commissioner Slaughter noted that some PILT funds were used for safety measures for the Towns of Drummond (Resolution 2018-22) and Philipsburg (Resolution 2018-17) in the succeeding (2018-2019) fiscal year following several public meetings. Donald Davies stated that the Commission is operating within the state law and that if Dick Motta has a problem with that it should be taken up with the state legislature. Dick Motta inquired about budget amendments and Donald Davies noted that they are done during a public hearing process through a resolution of the Board and there was no over-appropriation in the year audited. Elena Gagliano inquired about a budget amendment to another county and Donald Davies replied that he has not looked at the 2018-2019 fiscal year, as this audit was only for the 2017-2018 fiscal year. Elena Gagliano stated that \$25,000 was transferred to another county during the 2019 fiscal year. Commissioner Slaughter responded that the funds were sent at the request of Broadwater County for the prosecution of a person who traveled through several counties, who shot at the Granite County Sheriff in Granite County, and is now being prosecuted in Broadwater County, which saved a potentially very expensive prosecution in Granite County. Commissioner Slaughter stated that if there are other general questions not related to this specific audit that they can be asked during the public comment period at 2:00 p.m. today. Scott Sylvester with the *Philipsburg Mail* newspaper attended.

Chad Bauer, Municipal Manager of the Montana Business Unit for Republic Services of Missoula, met with the Board to discuss the Solid Waste Contract for hauling garbage from the two Granite County solid waste sites to Missoula and disposing of it there. Discussion was held on how garbage collection services are handled in other counties and Chad Bauer indicated that Lake County operates nearly identically to the way Granite County operates. Chad Bauer noted that the current 5-year contract expires in September and he reported that this year the increase is estimated at just over 2.6%. He is willing to draw up a draft 5-year contract for the Board's consideration and the Board requested that he do so. Chad Bauer indicated that things are going well in Granite County from his perspective. Recycling was discussed, and Chad Bauer noted that recycling is difficult at this time because the price for recycled material is so low that it is not cost effective and he noted that Pacific in Missoula now charges to pick up cardboard; there is a possibility that bins could be placed at the two Granite County sites for brass and aluminum, which get a reasonable price. Jacquie Venard with the *Philipsburg Mail* newspaper attended.

The Board held the second reading of Resolution 2019-16 "A Granite County Resolution Creating Granite County's Interdisciplinary Child Information And School Safety Team." The Board noted that there has been a regular team meeting at the Philipsburg schools and at the Drummond schools for many years and the purpose of the confidential meetings is for law enforcement, schools and the county attorney to share information. The Board noted that this Resolution is required by a new statute in the Montana Code Annotated.

Resolution 2019-16 was adopted on the motion of Commissioner Adler, on County Attorney Blaine Bradshaw's recommendation, and second by Commissioner Hinkle. There was no public comment. The motion carried unanimously.

The Board held the first reading of Resolution 2019-17 "A Granite County Resolution Authorizing Certain County Personnel To Purchase State Surplus Property." The Resolution adds Commissioner Charles L. Hinkle, Public Health Nurse Katie Muhly, and Public Health Clerk/Assistant Jackie Bolster to the list of county personnel authorized to make county purchases through the state surplus property program. There was no public comment.

The Board reviewed the Agent Appointment and Agreement for MACo (Montana Association of Counties) Workers' Compensation. The Board agreed to appoint the county's insurance agent Rody Holman with PayneWest Insurance of Butte. The Board agreed to enter into the Agent Appointment and Agreement on the motion of Commissioner Adler and second by Commissioner Hinkle. There was no public comment. The motion carried unanimously. Chairperson Slaughter signed the agreement.

The Board reviewed applications for two vacant seats on the Granite County Planning Board. The vacancies, representing the Upper Flint Creek Area and the Georgetown Lake Area, were advertised in the June 27 and July 4, 2019 issues of the *Philipsburg Mail* newspaper and on the county's website. The Board noted that only one application was received and agreed to continue to advertise for more candidates. The Board made no appointments to the Planning Board pending the receipt of additional applications.

Commissioner Adler excused himself from the session at 2:00 p.m.

Public Comment: Bill Antonioli met with the Board regarding the ominous FERC (Federal Energy Regulatory Commission) regulations on the Flint Creek Project and he offered his assistance. He recommended that the county negotiate with Flint Creek Hydroelectric LLC to pick up more of the maintenance costs for the dam.

Correspondence: As an administrative action, the Board wrote a letter to Regional Engineer Douglas L. Johnson at the Portland Regional Office of the FERC (Federal Energy Regulatory Commission) regarding upcoming tasks and schedules for the Flint Creek Project.

The Board considered draft minutes for the meeting of July 2, 2019. Commissioner Hinkle moved to approve the minutes of July 2, 2019 as presented. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:40 p.m.