

August 20, 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.

Residents of Viking Lane met with the Board to request that the county maintain and plow snow on seven tenths of a mile of Forest Service road. County Attorney Blaine Bradshaw, and Pintler District Ranger District Ranger Rasor and Sara Rouse with the Forest Service attended. Jerry Bailey presented handouts from the Viking Lane Briefing Group (not a home owners' association) representing only the south half of the area. He enumerated that 26 parcels use Viking Lane, 30 full-time residents, 5 school age children; this is not a convenience issue, but a safety issue; taxes paid since 1993; have made \$50,000 to \$60,000 in contributions to the project. District Ranger Rasor noted that when a road gets to a point where the residential use exceeds the forest use, the Forest Service would prefer to transfer it to a road agency. Commissioner Slaughter explained that the road is listed in the existing agreement (Schedule A) between the county and the Forest Service. District Ranger Rasor mentioned that the road is not covered in the yearly maintenance plan but it easily could be added. Paul Alt noted that the county is extended to the point that it cannot take on any additional maintenance and routine snow plowing. Commissioner Adler indicated that the county cannot reasonably do it based upon current labor force and limited available equipment, and it is not a county road, but a Forest Service road; also the county is behind in current maintenance on routinely maintained roads. Paul Alt further explained that granting their request would open the floodgates with additional requests by other landowners in similar positions around the county. The Commissioners generally expressed that their intention in such matters will be to always listen to and consider the expert recommendations of the county's road and bridge superintendent. Roger Beyer inquired about a snow removal permit and District Ranger Rasor noted that the permits are free and only the vehicle used to plow snow must have liability insurance. Bobbie Beyer indicated that there could be liability if the snow was not properly plowed and that the Forest Service permit is extensive (four pages). Commissioner Slaughter noted that the county's focus has been upgrading the road department equipment and he noted that the people chose to build there knowing that it is a Forest Service road. Jerry Bailey inquired how much time and fuel it would take to do the seven tenths of a mile. Paul Alt indicated that Stewart Ridge is a county road and it is not maintained. District Ranger Rasor explained where the Forest Service road is located in that area. County Attorney Bradshaw informed the group that the petition process would be needed to make Viking Lane a county road. District Ranger Rasor noted that the Forest Service agreement usually does not include snow plowing, only maintenance. County Attorney Bradshaw noted that if the statutory petition process to create a county road is used that a formal resolution of intent would need passed first by the Board and also an easement would need to be conveyed from the Forest Service to the county prior to the petition being submitted to the county. Commissioner Slaughter suggested that the group be prepared to plow the

snow this winter. He also suggested that the group attend the meeting when the yearly road maintenance agreement with the Forest Service is discussed on the agenda early next year with the Commission. Commissioner Adler moved that snow plowing not be routinely done on Viking Lane, and discuss the maintenance with the Forest Service in the spring. Commissioner Slaughter seconded the motion. There was no further discussion or public comment. Commissioners Slaughter and Adler voted in favor of the motion and Commissioner Hinkle opposed the motion. One public participant commented that there is still a question of liability being taken on as private citizens plowing snow on a public road. District Ranger Rasor noted that the Forest Service mission does not include maintaining roads for residences; and he pointed out that there may be more liability if people do not have a permit; also, he noted that a road association could obtain the permit. Attending were Jerry Bailey, Jan Burke, Jim Burke, R. Kip Turley, Bobbie Beyer, Roger Beyer and Sherman Ball. On another subject, District Ranger Rasor requested four dump trucks to haul Forest Service material on the Upper Willow Creek Road to get it finished, and that this expense would be on the county as the Forest Service, per the existing contract, will have paid out all agreed upon funds and will be depleted almost immediately. Paul Alt stated that it makes sense to do it now when the equipment is at the site. Also, an excavator may be needed for two days to finish the project, which was also agreeable with Paul Alt. The Board agreed to both requests. District Ranger Rasor reviewed a list of the cooperative work that has been accomplished between the county and the Forest Service over the past several years. The Board expressed appreciation to the Forest Service for its cooperation on the many projects.

Road and Bridge/Solid Waste Superintendent Paul Alt met with the Board and gave his report. The report included discussion on continuing to mow grass using the county's existing equipment. Upper Willow Creek Road will be bladed soon.

Georgetown Lake level was reported at 6,429.12 feet, according to the USGS gage and the dam tender's report. The lake is approximately 4.56 inches below 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. County Attorney Blaine Bradshaw attended. Commissioner Hinkle moved to make no change in the outflow today at approximately 45 cfs, as such is authorized per the current temporary modification plan in place. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board held a telephone conference call with Colby Tibbs with Scale-It, the solid waste scales software provider. Discussion included that the system periodically locks up and the site operator must do a hand-written slip; also, can the contract hauler be tracked. Colby Tibbs noted that container tracking has been a recent update to the software, and he was not aware of the system locking up and he agreed to investigate it. County Attorney Blaine Bradshaw, Treasurer Vicki Harding and Road and Bridge/Solid Waste Superintendent Paul Alt attended.

**The Board held the second reading of Resolution 2019-18 “A Granite County Resolution Requesting Distribution Of Bridge And Road Safety And Accountability Program Funds.” The purpose of the Resolution is to state that the \$43,853.53 in fuel tax allocated to the county through the Bridge and Road Safety and Accountability Program (BaRSAA)/HB 473 Fuel Tax Allocation will be utilized for the purchase of road mix gravel for use on county roads. Commissioner Hinkle moved to approve Resolution 2019-18 and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.**

**Dustin Muhly, PHEP (Public Health Emergency Planning) Coordinator met with the Board and gave his report. The report included that each county’s individual capabilities are now being considered, risk assessments being completed, updating the truck and train protocol, and a state-wide exercise is planned for October 8, 2019 for the strategic medical stockpile. He indicated that he has been submitting the required deliverables on time to the state. He attended the summer institute where he attended three specific sections. He reviewed the disaster preparedness calendar which he intends to distribute locally. County Attorney Blaine Bradshaw attended.**

**Maria Stoppler, CEO/DON of Granite County Hospital District, met with the Board and presented the monthly financial update. The report included a financial report dated 8-6-2019 showing projected cash available of negative \$(52,893), projected deposits of \$609,000, accounts payable of \$150,000, and projected cash reserves of \$406,107. It also included a utilization report, a revenue analysis, a balance sheet, and an administrator’s report dated July 30, 2019. She reviewed topics of interest at the recent district board meeting, including discussion on the potential sale of property that the district owns across Sansome Street from the medical center in Philipsburg. County Attorney Blaine Bradshaw attended.**

**The Board reviewed the Forest Service proposal to revise the National Environmental Policy Act (NEPA) regulations. Commissioner Hinkle reviewed the proposed revisions and noted that comments are due by August 26, 2019 regarding making the categorical exclusion process less cumbersome to improve forest management on national forests. The Board agreed to write a letter of support on the motion of Commissioner Hinkle and second by Commissioner Adler. There was no public comment. The motion carried unanimously.**

**The Board reviewed the proposed Amended Task Order No. 9 with Great West Engineering of Helena to include construction management and grant administration for the Flint Creek Dam Improvements Project. The total amount of compensation for services included in this amendment is estimated to be \$61,900.00. The amendment included project design, bidding and contracting, construction administration, FERC Project completion report and post construction, but the only substantive change from Task Order No. 9 was that construction administration was added. The Board contacted engineer Jeremiah Theys by speaker telephone to discuss the amended task order. He explained that the county will owe \$65,400.00, considering that the majority of the project design and the bidding and contracting are nearly complete. Commissioner Adler moved to approve Amended Task Order No. 9. Commissioner Hinkle seconded the motion.**

**There was no public comment. The motion carried. County Attorney Blaine Bradshaw and Scott Sylvester with the *Philipsburg Mail* newspaper attended.**

**Junk Vehicle Director Elwyn “Speed” Kingrey was unable to meet with the Board. The preliminary junk vehicle budget was discussed, including the purchase of a fork lift through the Junk Vehicle Capital Improvement Fund. Commissioner Hinkle moved to purchase a fork lift up to \$9,000.00 from the Junk Vehicle Capital Improvement Fund. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.**

**Public Comment: None.**

**Correspondence: None.**

**The Board reviewed draft minutes for August 13, 2019. The minutes were approved as presented on the motion of Commissioner Hinkle and second by Commissioner Slaughter. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw attended.**

**Public Health Nurse Katie Muhly met with the Board by speaker telephone to request assistance and instruction for medical coding and billing to insurance companies. Katie Muhly reviewed the problems that the office is having getting insurance payments approved for services provided, including immunizations; compensation is not being received for services provided; she has investigated billing services at a cost of about \$500.00/month or hire a local independent contractor to assist and give expert consultation regarding filing insurance claims and provide education to the staff at a lower and reasonable cost. She noted that a base billing system is in place. County Attorney Blaine Bradshaw suggested that it could be done utilizing a consulting agreement with an independent contractor. Katie Muhly agreed to do further investigation and return to the Board with a plan.**

**The session adjourned at 3:10 p.m.**

**August 21, 2019**

**The Board met at 9:00 a.m. in special session at the Flint Creek Dam with the contractor and engineer for a pre-construction conference on the Flint Creek Dam Improvements Project. Attending were Chairperson Bill Slaughter, Commissioners Scott Adler and Charles Hinkle, Great West Engineering engineers Jeremiah Theys and Jonathan Weaver, Jake Pierson and **Gabe Murtorff** with contractor Battle Ridge Builders LLC, Executive Assistant Mike Kahoe and dam tender Bill West.**

**Subjects covered during the on-site conference included responsibilities of the contractor, responsibilities of the engineer, responsibilities of the owner, general discussion of the project, contract provisions, procedures for making partial payment, bonds and insurance, contractor’s schedule, construction staking, testing responsibilities, traffic control, material**

disposal and cleanup, staging areas, permits, coordination with utility companies, change orders, payrolls, required postings, and easements. Jeremiah Theys informed the group that he anticipates the Notice to Proceed on the project to be issued on August 26, 2019, and that a change order in the amount of \$700.00 will be forthcoming to meet FERC (Federal Energy Regulatory Commission) concrete specifications. Also, he noted that FERC representatives may be on site during the construction and that the county's engineers will be on site every day during concrete pours.

Commissioner Slaughter recessed the session at 10:30 a.m. to be reconvened at 2:00 p.m. at the courthouse.

The Board reconvened at 2:00 p.m. in special session in the Commission Office of the Granite County Courthouse with Chairperson Bill Slaughter and Commissioners Scott Adler and Charles Hinkle attending for a meeting with U.S. Congressman Greg Gianforte for general discussion. Also attending were County Attorney Blaine Bradshaw, Sheriff Scott Dunkerson and Executive Assistant Mike Kahoe; and Sonny Capece and Chris Heggem, Chief of Staff, with Congressman Gianforte also attended.

Congressman Gianforte gave a short preamble and noted that county commissioners can, as of January 1, 2019, enter into contract for maintenance of national forests through the Good Neighbor Authority under the new Farm Bill; he is working on increasing PILT (Payments In Lieu of Taxes) payments for smaller Montana counties; and the effect of the drug epidemic in Granite County. The congressman then opened the meeting to questions and answers. Commissioner Hinkle voiced his concern with the Forest Service and the way the agency ineffectively fights forest fires, which destroy valuable timber and force citizens to breathe unhealthy air due to smoke. The FMAC (Granite County Forest Management Advisory Committee) committee has done a resolution for more aggressive initial attack on forest fires. Congressman Gianforte agreed with those comments and noted that the U.S. Department of Interior is coming to Montana in two weeks to discuss fire management and to try to get grizzly bears delisted as an endangered species. Commissioner Adler requested more common-sense control changes to Montana Fish, Wildlife & Parks if he should become governor, as that state agency has vast authority and contributes nothing financially to counties to repair county roads damaged by hunters and people fishing. Sheriff Dunkerson noted the effects of heroin or methamphetamines which his department deals with routinely and agrees with U.S. attorney's stance of prosecuting more aggressively; drug offenders continue to be released and continue to be a problem for local law enforcement. Congressman Gianforte said it will take several agencies to cooperate; there has been good success with treatment courts as an alternative to incarceration with the focus on getting people healthy; it pays for itself by keeping people out of jail; starting to come to smaller communities like Libby; and spend funds on treatment court rather than on jails. Sheriff Dunkerson noted participation in the West Central Drug Task Force and the highway patrol for drug interdiction, and that this has been productive. Commissioner Slaughter indicated that community mental health produces the best results.

Sheriff Dunkerson said that budget reductions have limited local mental health services for people in crisis and he deals with the problem at least once a week. Congressman Gianforte said that he is working on a bill to remove friction from telemedicine for mental health services in small communities. Commissioner Slaughter stated that mental health also affects the high suicide rate in Montana. Also, red flag laws are unconstitutional as they do not allow for due process rights of citizens. Congressman Gianforte stated that he voted against it in the house, but it did pass the U.S. house; he said that there are rules currently on the books which should be enforced. Commissioner Slaughter noted that the county owns a dam which needs maintenance and the Commission has not problem paying for issues and repairs regarding dam safety, but expensive studies required by the Federal Energy Regulatory Commission (FERC) are breaking the Flint Creek Dam fund; FERC regulations dictate onerous demands and studies for a small power production facility; FERC response is very slow following inspections, sometimes more than a year. The Congressman requested that the Commission reach out to his staff after the FERC inspection next week, and that they provide all assistance possible. The CSKT (Confederated Salish and Kootenai Tribes) water compact and its possible unconstitutional taking of off-reservation water rights were discussed. The Congressman said that he is encouraged by the conversations taking place between members of Congress with tribes and water right holders; the challenge with the current compact is the off-reservation water rights; need a compact, but not the present one. Commissioner Slaughter noted that the county Public Health Department is unable to successfully set up an account to bill Medicare and Medicaid for services the department provides, like immunizations. The congressman requested that his aide Sonny Capece contact the county health nurse directly to offer his assistance. Commissioner Slaughter requested public comment. Patti Kanduch noted that she comes from a four-generation logging family; she is the head of the FMAC; she feels that U.S. Forest Service is overloaded with environmentalists; private companies like Weyerhaeuser and Potlatch, have excellent foresters and management practices that can successfully sustain forests and these private sector operations are good models for the Forest Service to emulate, but the Forest Service is not. Congressman Gianforte said that the endangered species act has been weaponized; a tool is now available to county commissioners to do projects on U.S. Forest Service lands under the congressional Good Neighbor Authority; and when decisions are made locally they are better decisions. Patti Kanduch commented that litigation has tied the Forest Service into knots and she is concerned that a 1910 catastrophic forest fire will occur again. Elena Gagliano, an FMAC member, inquired about a recent proposal regarding NEPA (National Environmental Policy Act) regulations. Congressman Gianforte said that he has been encouraged by the reduction in federal regulations and current proposed legislation by President Trump to streamline the permitting system; we can and should protect the environment but speed up the permitting process. Elena Gagliano discussed illegal aliens and noted that the Montana Highway Patrol will no longer stop them. The congressman noted that gangs and cartels are running the drug trade and he is in favor of securing the southern U.S. border. Elena Gagliano noted that there are also concerns at the northern border, and the Congressman expressed his thoughts that these matters were also a priority for him. Sheriff Dunkerson

indicated that gang members have infiltrated neighboring counties and immigration control does not respond. Dick Motta commented that the national debt is not being addressed by Congress. Congressman Gianforte stated that he does town halls every month in Montana; he has voted for three bills recently to curb appropriations; the house has passed a bill to balance the budget, but it was defeated in the senate; the political reality is that it is hard to cut existing programs; and must stop the growth in spending. Dick Motta said that there are grants to non-federal entities and states have given up their sovereignty to the federal government. Congressman Gianforte responded that he has spent a lot of time on K through 12 education because it is so important, but that the states, not the federal government, should control such issues; he recognizes that state sovereignty is an issue; his experience in Washington is that the system is functioning as designed, with the exception of spending; he has worked across the aisle on many issues; you must play the hand you are dealt. Congressman Gianforte said that Congress needs to get trade deals done with Canada as the deal with Mexico is done; the U.S. does more trade with Canada than with China; he spends every weekend in Montana meeting with people. Dick Motta indicated that a trade agreement with Mexico is unrealistic when illegal aliens are pouring into this country; the country is at a serious turning point with the ever-increasing government deficit and out of control spending; paying too much in interest on the national debt; hoping that some business common sense can prevail. Scott Sylvester, with the *Philipsburg Mail* newspaper, asked the Congressman why he has chosen not to stay in Congress, but to run for governor. Congressman Gianforte noted that it was a big decision for him and his family; he wants to have business leadership in Helena which he believes has been lacking for many years; he has been encouraged by many Montanans to run for governor because business leadership is lacking in Helena; he noted that today the primary exports from Montana are grain, beef and kids. Attendees, who signed the sign-in sheet, were Heidi Hinkle, Scott Sylvester with the *Philipsburg Mail* newspaper, Patti Kanduch, E. Gagliano and Bill Antonioli.

**Public Comment:** There was no further public comment.

The session adjourned at 3:00 p.m.