

**August 6, 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/Solid Waste Superintendent Paul Alt met with the Board and gave his report. The report included that Commissioner Adler had inspected an old damaged culvert on the Bear Gulch Road, which will be replaced by the county, and the BLM agreed to replace another culvert further up on the road. Mower Rental Plan: Paul Alt reported that the rental mower is not available for three more weeks, then he plans to rent it for 2 to 3 weeks; he plans to repair the county's mower for the time being and possibly buy a used mower if there is adequate funding in the 2019-2020 fiscal year budget.**

**Georgetown Lake level was reported at 6,429.28 feet, according to the USGS gage and the dam tender's report. The lake is approximately 2.64 inches below full pool with an estimated 30.5 cfs through the power plant and an estimated 30.5 cfs over the weir below the power plant. County Attorney Blaine Bradshaw and Jason Viotor attended. Jason Viotor, rancher in the upper Flint Creek Valley, requested additional water for irrigation. Commissioner Adler moved to increase the outflow to 45 cfs from August 9, 2019, to October 1, 2019, and monitor the lake level weekly and rebuild the lake level after October 1, 2019. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Jason Viotor suggested that the lake level be lowered more in the winter, as compared to this last year, to avoid large releases during the spring runoff. The Board contacted fisheries biologist Brad Liermann with FWP by speaker telephone regarding the proposed plan and he indicated that FWP was not in favor of that plan; he suggested that if 45 cfs is released for a month that the outflow would need to be reduced to 15 cfs for a month. He noted the fish kill of 2017. The Board responded that creating freeboard in the winter is preferable. Brad Liermann stated that if 40 cfs is released for a month then outflow would need to be reduced to 20 cfs for a month immediately thereafter. He indicated that he will do some calculations and inform the Board. Brad Liermann suggested a release of 45 cfs August 9 to September 11, cut down to 15 cfs until October 15<sup>th</sup>, then review lake levels. Commissioner Adler modified his motion to release 45 cfs beginning August 12, 2019, and monitor the lake level week to week up to October 1, 2019. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board contacted Forest Service District Ranger Cameron Rasor to explain the Board's plan and Ranger Rasor agreed to the temporary modification. The Board contacted Dan Brewer with the U.S. Fish and Wildlife Service and he tacitly agreed to the temporary modification and to review it each week.**

**The Board reviewed changes to the county's insurance schedule for buildings. A draft of the schedule changes was provided by the county's insurance agent Rody Holman with PayneWest Insurance of Butte. The new schedule shows all buildings currently owned by**

**the County, some of which are to be covered by liability only insurance. Commissioner Hinkle moved to approve the changes to the insurance schedule for buildings. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.**

**A telephone conference call with Scale It, the solid waste scales software provider, was not held as scheduled due to difficulty in connecting with Scale It by telephone. The conference call will be rescheduled and will be placed on future Board agenda.**

**Sheriff Scott Dunkerson met with the Board by speaker telephone to discuss a proposed contract with Zeurcher Technologies LLC for CAD (Computer Aided Dispatch) and Granite County for the CAD program with dispatch and case report software, and applicable hardware, in the amount of \$235,201.00. The Board noted that the cost of the software is to be fully covered through a grant received from the Montana Department of Administration's 9-1-1 Program for \$235,201.00. Sheriff Scott Dunkerson noted that the County's IT provider and technology support team, DIS, will be installing the hardware, and the Sheriff will be working closely with them on this project. County Attorney Blaine Bradshaw attended and noted that he had reviewed the Zeurcher contract and found it to be acceptable. The Commission made a finding that Zeurcher Technologies LLC's CAD program and software, being purchased here by the County, is a sole source product in that it is the only available program with software that will actually work for the Granite County Sheriff's Office per the extensive research completed by Sheriff Scott Dunkerson. Thus, the contract is exempt from the statutorily required competitive public bidding process per the County's Procurement Policy and Montana law. Commissioner Adler moved to approve the contract and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.**

**A bid opening on the Courthouse Dome Investigation & Repair Project was scheduled to be held, but no bids were received. The project was advertised in the legal section of the July 25 and August 1, 2019 issues of the Philipsburg Mail newspaper and on the county's website. County Attorney Blaine Bradshaw reported that Jake Magalsky with Ace Roofing had looked at the project, but the company's bonding company was reluctant to bond the project without architect or engineered specifications. Custodian Janeen Bonney also attended. Ace Roofing was willing to do a temporary repair of the multiple places where water may be coming in through the dome area, but they could only warrant that the repair caulking would hold per manufacture's specifications, not that the repair would be permanent. The Board agreed to contact Ace Roofing soon and request they make a proposal to complete the said dome repairs on the motion of Commissioner Hinkle and second by Commissioner Adler. Such a proposal, if made, would be on the Board's agenda soon. There was no public comment. The motion carried unanimously. Scott Sylvester with the *Philipsburg Mail* attended.**

**Clerk and Recorder Sarah Graham informed the Board that she will be at the Clerk and Recorder's convention in Billings next week, and that she will be taking a county vehicle rather than charging mileage at the state rate, thus providing a financial savings to the**

county. The County Attorney said he would do the same for conventions (and other travel) if there was a vehicle available.

Maria Stoppler, CEO/DON with Granite County Hospital District, was unable to meet with the Board and will reschedule.

Commissioner Adler informed the Board that he will be absent from the state from August 8 to August 11, 2019.

Planning Director Linda Bouck met with the Board regarding the final plat request for Alt Flats, a first minor subdivision. She reported that all items have been completed according to her planning report dated August 1, 2019, and she recommended approval of the final plat request. Commissioner Adler moved to approve the final plat of Alt Flats, a first minor subdivision. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Attending were Fred Bjorklund and Jacquie Venard with the *Philipsburg Mail* newspaper.

County Attorney Blaine Bradshaw met with the Board and presented a proposed Mutual Release on the Houtz/Blackfoot Communications matter with the county paying \$4,371.46, which is half of the cost to repair Blackfoot Communications facilities which were cut in an incident on or about May 17, 2018, but the settlement agreement would be conditional upon the County agreeing to honor Blackfoot's encroachment of its utility line within a length of the right-of-way on East Fork Road. Board members discussed the incident and potential future ramifications of the Mutual Release. County Attorney Bradshaw stated that he feels that this is a fair conclusion to the matter, but that the County has no legal obligation to pay on the claim, but only a moral one if the Commission wanted to help protect Chuck Houtz, a local landowner, as the problem originated with the county road crew damaging a fence post belonging to Mr. Houtz. Commissioner Hinkle moved to approve the Mutual Release and Commissioner Slaughter seconded the motion. There was no public comment. Commissioners Slaughter and Hinkle voted in favor of the motion and Commissioner Adler opposed the motion.

County Attorney Blaine Bradshaw met with the Board regarding litigation between Granite County and Mr. Jack McLeod, Rising Sun Estates, LLC. County Attorney Bradshaw gave some history on the case: Mr. Jack McLeod is the owner/developer of the Rising Sun Estates subdivision at Georgetown Lake, the fire suppression system was not properly installed in breach of a written agreement with Granite County, the case was filed in district court, mediation was ordered and a settlement agreement reached that the fire suppression pond was to be filled by June 2019 and inspected by an engineer who was to give recommendations for improvements, and the said inspection was not arranged or completed by Mr. McLeod as expressly agreed in the written settlement agreement entered into at mediation. Further, the Georgetown Lake Volunteer Fire Department was not asked to view the fire suppression system in June of 2019, as also required by the settlement agreement entered into a mediation. Attorney Bradshaw advised the Board to proceed to trial on this matter to obtain a court order requiring Mr. McLeod to complete the fire suppression system per engineered specifications. Commissioner Hinkle moved to direct the county attorney to file a motion in the district court case (Granite County v.

**Rising Sun) requesting a scheduling conference in which a trial date would be set since Rising Sun has violated the settlement agreement; further, to direct the county attorney to also file a motion to compel Mr. Jack McLeod and his company, Rising Sun Estates, LLC, to abide by the settlement agreement, in which it was agreed that Mr. McLeod and Rising Sun Estates would have an engineer inspect the site and make recommendations that would then be followed by Rising Sun. Commissioner Adler seconded the motion. Fred Bjorklund, Fire Chief with the Georgetown Lake Volunteer Fire Department, commented that he agreed with the motion and believes that this is a good move to get the project completed. The motion carried unanimously. Also attending was Kurt Unger with the Georgetown Lake Volunteer Fire Department.**

**Public Comment: None.**

**Correspondence: None.**

**The Board reviewed draft minutes for July 30, 2019. The minutes were approved as presented on the motion of Commissioner Hinkle and second by Commissioner Adler. The motion carried unanimously.**

**The session adjourned at 2:45 p.m.**