

January 28, 2020

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/Solid Waste Manager Paul Alt met with the Board and gave his report. New Road and Bridge Department employee Nathan Brashear was introduced to the Board of Commissioners. Paul Alt discussed with the Board that cardboard would continue to be taken at the solid waste transfer sites, but it will not be compacted and recycled until the rates for recycled material increases. The Board agreed with this decision. New snow fence for the beginning of the East Fork Road at the cattle guard was discussed. An agreement regarding the snow fence will be on an upcoming Board agenda.

In an administrative action, Jeana Dunlap RN, Granite County Public Health Nurse, met with the Board to discuss her beginning the job and office hours at Philipsburg and Drummond. The Board reminded her that dogs, except service dogs, are not allowed in either the Drummond or the Philipsburg health clinic.

Engineer Jeremiah Theys with Great West Engineering met with the Board in preparation for the upcoming visit by officials from the Federal Energy Regulatory Commission's Portland Regional Office at next week's regular session. Jeremiah Theys presented a description of the annual recurring costs, the five-year recurring costs, and the cost of construction related activities. He noted that the county has had considerable expenditures in order to get the project back into compliance. Discussion was held regarding the county's dam safety approach; the limited amount of revenue the county receives from the project; the lack of timely response from FERC; the Part 12-D inspection and continuing work required following the inspection; and the new Part 12-D inspection scheduled for 2021 plus costs for any fall-out projects from the inspection. Jeremiah Theys made the point that other high hazard dams in the county, like East Fork and Willow Creek, are not as restrictive as Flint Creek Dam and those high hazard dams predict a much greater loss of life should they experience a catastrophic failure. Jeremiah Theys will bring copies of FERC letters and responses to the meeting. The Board expressed that it would like to have a plan from FERC about what expenses can be anticipated over the next five years. Also attending were County Attorney Blaine Bradshaw, DES/Safety Coordinator Jackie Bolster and reporter Scott Sylvester with the *Philipsburg Mail* newspaper.

Georgetown Lake level was reported at 6428.93 feet, according to the USGS gage and the dam tender's report. The lake is approximately 6.84 inches below full pool. The outflow is approximately 15 cfs. Commissioner Adler moved to keep outflow at the current level for this week. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Jackie Bolster, Granite County DES/Safety Coordinator, and County Attorney Blaine Bradshaw met with the Board regarding the purchase of a compressor and a generator for the Philipsburg Volunteer Fire Department through a Homeland Security grant. Commissioner Adler moved to accept the proposals for the compressor and generator (Heiman Fire Equipment for a Bauer Compressor System for \$38,143.25 plus freight of \$1,295.00 and TW Enterprises, Inc. for a generator system in the amount of \$36,226.43) and Commissioner Hinkle seconded the motion. The County Attorney confirmed that these vendors are Sourcewell (government purchasing cooperative) vendors and the pricing has already been put out to bid so there is no additional bidding requirements under the County's Procurement Policy. There was no public comment. The motion carried unanimously. Jackie Bolster also advised that Homeland Security grant funds for a planned Active Shooter Exercise be declined because the person who would have contracted to conduct the exercise is no longer available. Commissioner Adler moved to decline the funds from Montana DES/Homeland Security for the Active Shooter Exercise. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

In an administrative action, Commissioner Adler moved to get a credit card with a \$500 limit for the Drummond Ambulance. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. A policy will be written regarding the use of the credit card. County Attorney Blaine Bradshaw and reporter Scott Sylvester with the *Philipsburg Mail* attended.

Developer Jeremy Mickey and Planning Director Linda Bouck met with the Board regarding a proposed addendum to the original Subdivision Improvements Agreement with developer Henderson Mountain Holdings, LLC for the Henderson Mountain Holdings Minor Subdivision. The proposed addendum would expire on May 15, 2020, and the amount of security is \$3,000.00 to guarantee completion of subdivision requirements. Linda Bouck explained that subdivision requirements that still need to be completed are a portion of a road, signs installed and flush mounting of a well. Jeremy Mickey explained that the well is not within the road's driving surface. Given the location of the well, in the ditching along the road driving surface, if the well was flush mounted the design would cause water to pool on the well, which could introduce contaminants into the well water. He suggested that customary delineators be placed near the well to prevent damage to the well. He also noted that road gravel and road signs are ordered to be completed by August 15, 2020. He asked that the agreement extend to this date to give him time to get the work completed. Linda Bouck noted the flush mounting of the well was proposed at \$250, this amount can be deducted from the original security amount if the flush mounting is not required. All provisions in the original agreement will remain in effect with the exception of the requirement to flush mount the existing well casing on Lot 3 (for Lot 5). Commissioner Slaughter moved to get a check in the amount of \$1,693.75 as security and remove the flush mounted well requirement with well to be protected by treated posts for visibility and protection and that all other requirements in the original agreement will remain in effect. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw and reporter Scott Sylvester with

the *Philipsburg Mail* newspaper attended. County Attorney Blaine Bradshaw revised the addendum and it was signed by Chairperson Slaughter and developer Jeremy Mickey.

The Bridge and Road Safety and Accountability Program (BaRSAA)/HB 473 Tax Allocation for 2020 in the amount of \$62,761.32 was discussed by the Board. Commissioner Slaughter moved to accept the BaRSSA funds knowing that there will be a county funded match of \$3,138.06 required. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board agreed to consider road-related projects for the funds on a future agenda or agendas.

The Board reviewed the proposed Standard Audit Contract Amendment with Donald Davies CPA for the period of July 1, 2018 to June 30, 2019 in the amount of \$19,300.00. The Board noted that Donald Davies had reduced the originally proposed cost of the audit by \$1,000.00 because a federal audit is not necessary since the county received less than \$750,000.00 in federal funds. Commissioner Adler moved to approve the contract and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Commissioner Adler excused himself from the session at 1:40 p.m.

Public Comment: None.

Correspondence: The Board noted receipt of a letter dated 1-21-2020 from the Montana Department of Transportation, Aeronautics Division, regarding an awarded grant of \$17,500 to conduct/update an airport master plan study for Riddick Field Airport at Philipsburg. The funds will be used as the required match for FAA federal grant funds for the master plan study.

Commissioner Hinkle moved to approve the January 21, 2020 minutes as amended and Commissioner Slaughter seconded the motion. There was no public comment. The motion carried unanimously.

The Board held discussion on the Second Amendment of the U.S. Constitution which reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." County Attorney Blaine Bradshaw, Philipsburg Mayor Daniel Reddish and reporter Scott Sylvester with the *Philipsburg Mail* newspaper attended. Commissioner Hinkle stated that he had heard of counties in Virginia, including Culpepper County with which Commissioner Hinkle has ancestral connections, passing resolutions upholding the second amendment. County Attorney Bradshaw indicated that legally speaking, Granite County cannot be a sanctuary county as this would have no legal effect as every county should uphold Constitutional rights, but he is in favor of upholding the second amendment and he encouraged a county resolution in support of the second amendment rights. Commissioner Slaughter stated that citizen rights should not be restricted by legislation or regulations which do restrict citizen's rights and a resolution would be proactive by supporting the second amendment and the county sheriff. Scott Sylvester questioned whether there are current laws in place to protect the county's citizens.

Commissioner Slaughter indicated that there are current laws which are constitutional and protect the citizens of the county. Mayor Reddish inquired if there is any other county in Montana which has passed such a Resolution. The Board responded that it is not aware of any, but many counties are considering it. Mayor Reddish noted that he is in favor of such a Resolution and that the Town of Philipsburg has passed a Resolution in support of the second amendment. Discussion was held on the general powers of local government and the subject of personal accountability. Mayor Reddish noted that some jurisdictions are passing crazy laws which restrict people's rights in response to certain, usually tragic, circumstances. The Board agreed to obtain sample resolutions from some counties, including those in Virginia and the Town of Philipsburg, which have adopted resolutions supporting the second amendment and potentially put a similar Granite County Resolution, with input from Sheriff Scott Dunkerson, on the agenda for consideration at an upcoming public Commission meeting.

The Board participated in the regular quarterly meeting of the Granite County Board of Health. Minutes of that meeting are kept separately.

The session adjourned at 4:45 p.m.