

May 12, 2020

The Board of County Commissioners met at 9:00 a.m. in regular session in the District Courtroom of the Granite County Courthouse with Chairperson Bill Slaughter and Commissioners Scott Adler and Charles Hinkle attending. Also attending was County Attorney Blaine Bradshaw and Executive Assistant Mike Kahoe. The session convened with the pledge of allegiance. The Board noted that this regular meeting is being held in the District Courtroom to allow for social distancing. The session is being live streamed in order to provide for remote public participation (via telephone or Zoom, and questions and comments can be emailed to the Board), as the Governor's directives regarding COVID-19 do not allow for the gathering of groups of more than 10 people. Also, the Board is practicing the recommended social distancing (keeping people at least 6-feet apart) in order to slow or stop the spread of the novel Coronavirus (COVID-19). People meeting with the Board did so by telephone, email or the Zoom computer program.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt met with the Board and gave his weekly report. The report included that the crew is blading roads and plans are to install some culverts. One grader is working on Upper Rock Creek today. Commissioner Hinkle requested two 35 mph speed limit sign on the Rock Creek Road. Paul Alt agreed to put up the signs and noted that the Miller Flats area is a Forest Service road. The Board agreed that the work on the piezometers in the Flint Creek Dam are not an area of road department expertise. It was agreed that engineer Jeremiah Theys should be contacted to have the contractor working on the dam this summer, do the required work on the piezometers in the Flint Creek Dam. A change order with the contractor, if the contractor agrees to do the work, would need to be worked out and placed on the Board's agenda for approval. Paul Alt said that he has been contacted by the Forest Service to do some dust control, which the Forest Service will pay for.

Georgetown Lake level was reported at 6,428.42 feet, according to the USGS gage and the dam tender's report. The lake is approximately 12.96 inches below full pool. The outflow is estimated at approximately 39.4 cfs, according to the USGS outflow gauge. County Attorney Blaine Bradshaw advised that the releases, per the existing FERC order, should be at 30 CFS during the irrigation season (starting May 15) unless the lake is at full pool. Commissioner Adler moved to reduce the outflow to 30 cfs and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board notified Paul Talon with Flint Creek Hydro to reduce the outflow to 30 cfs and a possible gage issue was discussed with him due to a difference between the USGS gage reading on outflow, which is different than the outflow estimate from the power plant.

The Board held the weekly COVID-19 update. Dustin Muhly gave the IMT (Incident Management Team) report that there are no COVID-19 cases in Granite County and no one is under quarantine. The state is sending a team to test all long term care residents and the plan is to eventually start testing asymptomatic people to determine the extent of the virus. Businesses are opening slowly and that is going smoothly. Dr. Mark Ransford said he expects that the out of state quarantine of 14 days to be in place as long as there are cases in other

parts of the county. Public Health Nurse (PHN) Deborah Robinson said that State of Montana asked ADLC Health Department to do the testing at the long term care facilities in Philipsburg and Anaconda, and ADLC Public Health had agreed. Dr. Mark Ransford said that both Philipsburg and Drummond graduations will go on outside as planned, but will follow social distancing guidelines and Dr. Ransford finds that to be acceptable. An order from District Judge Ray Dayton, relayed from the Montana Supreme Court, regarding the protocol to be used when a jury trial is held. It was discussed that a health check will need to be done and that county DES should buy the required masks, which the court will pay for. PHN Deborah Robinson said she is working on the protocol with Judge Dayton's staff, as surgical masks are difficult to obtain. Dustin Muhly indicated that 500 masks can be ordered for about \$300 and could be shipped within three weeks; the Board agreed that they should be ordered. County Attorney Blaine Bradshaw noted that no jury trials are planned in Granite County in the near future. Question: Appearing in court but not be able to wear a mask due to medical reasons. Answer: There will be a jury questionnaire which will ask if a potential juror for District Court is able to wear a mask. It was noted that physical barriers (Plexiglas) for the courthouse have not yet arrived and the Board agreed that the courthouse will remain locked down until they arrive. County Attorney Blaine Bradshaw noted that Judge Fratzke in Justice Court is requiring masks for those appearing in court. Campgrounds in the Beaverhead-Deerlodge Forest are opening in stages. Dr. Ransford indicated that the county is doing well, even with businesses opening and the plan is that businesses will continue to gradually open. Schools will be left up to school boards and superintendents. Dr. Ransford noted that Montana should continue this path and wait to drop the 14-day quarantine until the rest of the country is like it is here. Commissioner Adler noted that having things closed (or so tightly regulated) is very hard financially on many people. Dr. Ransford noted that the IMT (Incident Management Team) will not meet tomorrow. Jackie Bolster agreed to keep track of any changes in the governor's directives. Commissioner Slaughter noted that he has heard from restaurants that they cannot operate at half capacity. PHN Deborah Robinson noted that it may be possible to go to Stage 2 if there are no more cases in another week. Question: Why should we let the governor and the Democrats dictate what we do. Question: Clerk of District Court Carol Bohrnsen inquired if an asymptomatic test is available in Granite County. Answer: Dr. Ransford responded that there is not an asymptomatic test at this time.

County claims for April 2020 were reviewed by the Board. Commissioner Adler recused himself from voting on the claim for Adler Towing, a tow that was requested pursuant to an established rotation. The claims were ordered paid on the motion of Commissioner Adler and second by Commissioner Hinkle. There was no public comment. The motion carried unanimously. The Board withheld the claim of Dustin Muhly until later in the session when additional detail can be attached to the claim.

At Chairperson Bill Slaughter's request, Executive Assistant Mike Kahoe opened the qualification packets for Riddick Field Airport Master Plan Projects for aviation planning services and for architectural/engineering services. Separate "Requests For Qualifications" (RFQ's) for aviation planning services and separate RFQs for architectural/engineering

services for Riddick Field Airport were published in the March 26 and April 2, 2020 issues of the *Philipsburg Mail* newspaper. Packets received before the scheduled deadline were from KLJ Engineering of Great Falls, TD&H Engineering of Helena, and Robert Peccia and Associates of Helena. All packets met with requirements of the advertised requests with at least six copies of each proposal. All three engineering firms submitted qualifications for both the aviation planning services and for architectural/engineering services. Commissioner Adler moved to refer the RFQ packets to the Granite County Airport Board for a recommendation to the Commission on which firms services should be used. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Clerk and Recorder/Election Administrator Sarah Graham met with the Board and the Board canvassed the votes from the May 5, 2020 Granite County Hospital District Trustee Election by precinct. The results were declared official as follow: **(Insert scan of official results here.)**

The Board held the first reading of Resolution 2020-7 “A Granite County Resolution To Lease The Granite County Medical Center Building in Philipsburg, Montana And The Drummond Outpatient Primary Care Clinic Building in Drummond, Montana.” County Attorney Blaine Bradshaw noted that the county had requested proposals and the only one received was from the Granite County Hospital District. He noted that if Resolution 2020-7 is adopted, the leases will be put on the Commissioners’ agenda. There was no public comment.

Vera Johnson, president the Philipsburg Senior Citizens, met with the Board and gave a report. She reported that some property on Broadway in Philipsburg had been donated by Pinky and Sue Eik for a new Senior Citizens/Community Center. Owners of several mobile homes have been notified that they must remove their mobile homes from the property. Vera Johnson said that she may need some help removing the mobile homes from the property if they are not moved by their owners. Commissioner Slaughter noted that the county Junk Vehicle Program does not take mobile homes because they are not motorized vehicles and that it is a real problem disposing of full-sized mobile homes. Vera Johnson indicated that the property will be in the name of the non-profit Philipsburg Senior Citizens. She agreed to keep the Board updated on the senior citizens’ progress.

Public Health Nurse Debra Robinson, County PHEP (Public Health Emergency Planning) Coordinator Dustin Muhly, and DES/Safety Coordinator-Public Health Assistant/Clerk Jackie Bolster met with the Board to discuss coordination of the departments. Leigh Ann Holmes, Director of Public Health for Anaconda-Deer Lodge County (ADLC), also attended, as she is Debra Robinson’s supervisor. Commissioner Slaughter reviewed that, due to the Coronavirus, communication has been lost among the departments. He suggested that the departments should be meeting or talking at least once a week to improve communication. Commissioner Adler suggested that Dustin Muhly use PHEP funds to get a cell phone dedicated to the PHEP Program rather than using his personal phone. Commissioner Slaughter reviewed that expenditures are authorized only within the budget, although the

Board has a way to amend the budget, but only if necessary. He noted that Dustin Muhly is an independent contractor, so he does not have a county budget. Commissioner Slaughter noted that the Board had agreed to pay the on-call time for first responders and the Disaster Fund went from \$60,600 a month ago to \$43,000 today (not including any claims paid today). Commissioner Adler indicated that the additional PHEP funds for COVID-19 will need to be carefully tracked and a paper trail will need to be kept when the funds are spent. Dustin Muhly agreed that he will submit a report with his claim each month. Commissioner Adler emphasized that FEMA rules must be followed to justify expenses. Discussion was held on who should take minutes at the IMT and LEPC meetings. Debra Robinson indicated that improved communication will help. She does not have any plans in her office, so it is hard to know what plan is being followed or what is going on. Dustin Muhly agreed that regular meetings will be helpful. Leigh Ann Holmes, Director of Public Health for ADLC, said that she is agreeable to having regular meetings as she is ultimately responsible for public health in both counties. Commissioner Slaughter requested that everyone pull together and inform the Board of any needs that they have. Question: Why are LEPC minutes not on the county's website? Answer: County Attorney Blaine Bradshaw said that it is not required, but it can be done. Public Comment: One member of the public noted that Jackie Bolster is a rock star, meaning she was doing a great job for the County. Leigh Ann Holmes inquired if that small office in the Granite County Medical Center is the only one available. She would like a more suitable office and the Board agreed to do some research.

The COVID-19 Behavioral Health Crisis Response Grant was discussed. Public Health Director Leigh Ann Holmes explained that the grant application was for \$40,000 for each county and the application has been approved for \$80,000.00. Grant provisions are that a coordinator will be hired to see that people get the help they need; crisis response for mental and behavioral health; and telehealth equipment. Commissioner Hinkle asked who will pay for the coordinator after the grant is done. Leigh Ann Holmes indicated that the state Department of Health and Human Services (DPHHS) recognizes that the continued funding is important and will likely continue to fund the program. Leigh Ann Holmes said that this health crisis has helped people recognize the lack of mental health programs in rural counties. She said that COVID-19 has affected people by keeping them confined to home when children not in school; domestic violence and mental health calls are up in every county in Montana. County Attorney Blaine Bradshaw noted that Granite County is a third party beneficiary in this grant. Commissioner Adler moved to accept Granite County's third party beneficiary position for this grant (Task Order No. 20-331-74167-0 between DPHHS and Deer Lodge County in Collaboration with Granite County from 5-1-2020 through 6-30-2021.) Commissioner Slaughter seconded the motion. Public Question: What does the grant have to do with not being able to visit loved ones in the nursing home. Answer: Leigh Ann Holmes noted that there is a heightened stress level across the state because of the restrictions. Comment: Kayla Sanders stated that people's mental health was stressed before COVID-19 and the virus has increased that stress for everyone. Public Question: Is the Board familiar with a federal House Resolution, TRACE Act, HR 6666. Answer: County Attorney Blaine Bradshaw said that he is not familiar with it, but would research it. Commissioners Slaughter and Adler voted in favor of the motion. Commissioner Hinkle abstained from voting, noting his concern about the federal deficit. The motion carried.

Public Comment: None.

Correspondence: Email from Anna Provost regarding dogs running at large and requesting a county-wide leash law. She stated that there are dogs running at large in Whiskey Flats Subdivision where she lives. She noted that although there is a home owners association, the roads are county roads. A county-wide ordinance would give the sheriff a way to take action. Commissioner Slaughter noted that a county-wide dog ordinance would require the sheriff to enforce it, a place to keep the dogs, and the dog owner going to court. Commissioner Slaughter said he is not in favor of a county-wide ordinance and he noted that the roads in the subdivision are public roads and not county roads. County Attorney Blaine Bradshaw noted that there is a dog ordinance in the Town of Philipsburg; also, there are state laws about vicious or nuisance dogs. There is also a nuisance dog ordinance. Commissioner Slaughter indicated that a home owners association could have a rule about dogs. County Attorney Blaine Bradshaw said that his preliminary opinion is that the HOA controls everything within the subdivision, including the public roads for animal control, but that the HOA couldn't stop people from using public roads within the subdivision. County Attorney Bradshaw agreed to research more and follow up with Anna Provost on these issues. Anna Provost agreed to discuss it with the home owners association. Commissioner Slaughter indicated that there is no appetite for a county-wide dog ordinance in Granite County.

Email correspondence from Elena Gagliano. The Board reviewed her email and noted that they read every email that they receive. The Board reviewed the attached letter from the Cattlemen's Association pertaining to the CSKT Water Compact. County Attorney Blaine Bradshaw noted that if the Board would decide to change its position on Senator Daines' bill, it would need to be on the agenda. Discussion was held on the letter and it was noted by Commissioner Slaughter that it does not affect water rights in Granite County.

Letter from Town of Philipsburg requesting a letter of support for a DNRC grant application for sewer lagoon improvements. Commissioner Hinkle noted that there is still no place where local septic tank waste can be dumped. Mayor Daniel Reddish stated that this grant will not improve the sewage system enough to take the septic waste, but it is the town's long-term intention to improve the system to where it will be able to accept septic waste. Commissioner Hinkle moved to write a letter of support and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board discussed unauthorized encroachments on Bear Gulch Road right-of-way, believed to be by Richard Komberec. Planning Director Linda Bouck reviewed that a 1941 agreement specifically outlines Bear Gulch Road and a map clearly shows a road in the same exact location. She has requested further information from Anaconda-Deer Lodge County. Attorney John Haffey of Missoula, representing Richard Komberec regarding the Bear Gulch Road, stated that there is no documentation that follows the Montana code for establishing a county road. County Attorney Bradshaw and Linda Bouck disagreed with Mr. Haffey, and they said they would find more evidence on the matter. Commissioner Adler said that a culvert has been damaged and the mining operation encroaches on the county right-of-way and creates several safety issues; there has been no communication from Mr.

Komberec; an approach has been moved; people using the road daily have complained about heavy equipment on the road with no warning signs; water is running on the road due to the mining operation. Chairperson Slaughter put Mr. Haffey on express notice that his client was creating safety issues on the county road, and that Mr. Komberec will have liability exposure if he continues to create hazardous conditions, and that Mr. Komberec must stop such immediately. Attorney Haffey said that they are willing to work together and that Richard Komberec does not agree with the county's position. The Board agreed to put the matter on the agenda next week due to strong concerns about the safety issues of Mr. Komberec's heavy equipment on the road with no warning signs.

As an administrative matter, Planning Director Linda Bouck met with the Board to say that she had just received a telephone call that water is running over the Rock Creek Road just above the Hog Back due to a new house foundation. The Board advised her to call Road and Bridge Superintendent Paul Alt and have him go to the site to investigate and take photographs.

The Board discussed Larry Mansfield's Rental Agreement for a house, which is county property, in Hall, Montana. County Attorney Blaine Bradshaw explained that Mr. Mansfield is behind in his rent, even after the Board lowered the rent. He said that Mr. Mansfield indicated that the county uses his water, so that should make up the difference. The Board will investigate transferring the electrical bill to the water pump into the county's name and then amend the rental agreement to have Mr. Mansfield pay that water pump power costs. Commissioner Adler moved to have County Attorney Blaine Bradshaw issue a three-day notice to vacate the rental premises or pay rent, if rent becomes late ever again. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Commissioner Hinkle moved to approve the May 5, 2020 minutes as presented and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 3:15 p.m.