

May 19, 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 was not able to meet with the Board. Commissioner Adler noted that it is too muddy to do much blading. The Board requested that County Attorney Blaine Bradshaw send a letter to Lawrence Mansfield to remove his belongings from the county property outside of the house he rents from the county in Hall.

As an administrative matter, the Board discussed that the Plexiglas dividers, between the courthouse employees and the public, have arrived at the courthouse, therefore the courthouse can be opened to the public on 5-20-2020 while still observing the social distancing guidelines and all of the governor's directives. Commissioner Adler moved to take the action and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. PHEP (Public Health Emergency Planning) Coordinator Dustin Muhly met with the Board and indicated that a grant is available through the DPHHS for the county health department for \$38,000.00. The Board agreed to put it on next week's agenda. The Board spoke with courthouse custodian Janeen Bonney to request that a sign be put in the main lobby of the courthouse stating that social distancing continues in place and masks are recommended.

Georgetown Lake level was reported at 6,428.70 feet, according to the USGS gage and the dam tender's report. The lake is approximately 9.60 inches below full pool. The outflow is estimated at approximately 37.6 cfs, according to the USGS outflow gauge. The Board reviewed the message dated today from Dave Amman with DNRC. Commissioner Hinkle moved to make no adjustment in the outflow. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board considered a financial proposal from Flint Creek Hydro LLC dated May12, 2020. The proposal contained two options: First Option would have Flint Creek Hydro pay the county \$100,000 now, with an additional \$50,000 on January 1st, over and beyond the royalties otherwise provided in the current agreement. In return, Flint Creek will limit its royalty payments in 2022, 2023, 2024, 2025 and 2026 to \$45,000. The second option is that

Flint Creek Hydro is willing to increase the present royalty 20%. Under this approach, Flint Creek Hydro would pay the County 12% of the gross income as defined in the agreement for each and all of the remaining years of the agreement. The Board agreed to have the county's on-call engineer Jeremiah Theys with Great West Engineering of Helena review the proposal, do a detailed financial analysis and make a recommendation to the Board. The action was taken on the motion of Commissioner Hinkle with a second by Commissioner Adler. There was no public comment. The motion carried unanimously.

The Board considered the designation of Earmarked Alcohol Tax Money which the county receives from the sale of alcohol within the county. The Board noted that the Southwest Chemical Dependency Program is the only state approved chemical dependency service available in the county. County Attorney Blaine Bradshaw was complimentary about the service provided by the Southwest Chemical Dependency Program. Commissioner Adler moved to designate the Southwest Chemical Dependency Program to receive 100% of the earmarked alcohol tax monies for fiscal year July 1, 2020 through June 30, 2021. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board held the second 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 leases, which will be on the Commission agenda next week, will be for five years. Commissioner Adler moved to adopt Resolution 2020-7 and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board discussed the revision of the EMT (Emergency Medical Technician) on-call policy, previously in the Board's meeting minutes due to COVID-19, which now provides for small hourly payments to ambulance personnel when they are on call and on ambulance runs. Commissioner Adler and Jackie Bolster reported that both ambulance associations, Philipsburg and Drummond, discontinued taking the payments on April 27, 2020 at 6:00 a.m. Patrick Little agreed that the policy was suspended by the Philipsburg Ambulance on April 26, 2020. Discussion was held that the ambulances could put some on-call funds in the new budget. Jackie Bolster noted that a grant application has been submitted for \$1,500 for each ambulance. Commissioner Hinkle moved to rescind the temporary policy regarding on-call pay due to COVID-19 and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. John Spaeth inquired when the signs regarding a required 14-day quarantine when arriving from out of state will be taken down. The Board responded that the signs will be taken down when the governor issues the order to take them down.

Shannon Shanholtzer with MACo Property and Casualty Trust, and Rody Holman and Lynn Thompson with PayneWest Insurance met with the Board regarding the renewal of the county's property and casualty insurance for the 2020-2021 fiscal year. The renewal meeting included excess and reinsurance market analysis, 2020-2021 contribution compared

to 2019-2020, claims review, a liability coverage document, a property coverage document, property appraisals, risk management, property schedule acknowledgement form and a MACo workers' compensation trust update. The Board discussed that some expenses should be the responsibility of the state because some claims arise from state cases in state or federal courts. Shannon Shanholtzer explained that MACo attorneys are investigating that possibility. Commissioner Slaughter insisted that Commissioners be invited to any legislative hearings regarding this issue because the counties have a stake in this. Discussion was held regarding the Philipsburg Area Community Library and the Board requested that the premium for the library be separated from the total premium. The comparison between 2019-2020 and 2020-2021 was reviewed and the preliminary premium increased by 27.49% to \$191,515 was noted by the Board. Shannon Shanholtzer explained that the average increase for all insured counties is 25%. Commissioner Adler commented that it seems like Granite County is paying for other counties losses. Shannon Shanholtzer explained that the county's overall premium is based primarily on Granite County's losses and she also explained that some counties had unusually large losses and that liability coverage is becoming difficult to get. Agent Rody Holman asked if there will be less insurance coverage and Shannon Shanholtzer explained that coverage absolutely will not be reduced or limited. Property appraisals will be completed for Granite County this year, which should begin soon, and public safety risk management programs will continue with Dan O'Malley. Internal control trainings have been well attended and human resource assistance is available from MACo attorney McKenzie McCarthy. The county must follow the governor's guidance on COVID-19. Public Comment: Is Flint Creek Dam included in the property insurance? Answer: There is coverage on the project buildings and liability coverage on the Flint Creek Dam. Update on MACo's workers' compensation trust, which was changed regarding the trust's assets and liabilities when the coverage ends on June 30, 2020 when Granite County will go with the State Fund. Shannon Shanholtzer reported that there is an opportunity to participate under the state workers' comp plan through PayneWest Insurance, which is optional. Agent Rody Holman noted that some counties chose to stay with their current insurer rather than going through MACo's appointed agency and it was Granite County's choice at that time not to participate in the optional MACo plan for work comp. Rody Holman noted that public entities are getting beat up in the insurance market and it is difficult to find coverage because of things going on outside of Montana. A decision must be made within 30-days of this proposal.

The Board reviewed proposals for Environmental Assessment for Asbestos and Lead Based Paint for the Courthouse ADA Restroom and Handrail Projects. Architect Paul Filicetti recommended that the assessments be done prior to the project being started. Commissioner Slaughter noted that the restroom and handrail projects had been previously approved by the Board. Three proposals were received: 1) Abatement Contractors of Montana (ACM) of Missoula for \$1,350.00, 2) Northern Industrial Hygiene of Helena for \$2,100.00 and 3) Affinity Environmental of Missoula for \$1,500.00. Project Architect Paul Filicetti indicated that he has worked with ACM and Affinity Environmental and that either firm is acceptable. Commissioner Adler moved to accept the proposal of Abatement Contractors of Montana

for \$1,350.00. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board reviewed the one application to fill vacancies on county boards and committees. David Lee applied to be on the Granite County Airport Board. Commissioner Adler moved to appoint David B. Lee to the Granite County Airport Board for a term ending October 2, 2021 and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board discussed the unauthorized encroachment on Bear Gulch Road right-of-way. County Attorney Blaine Bradshaw reported that a letter had been received today from Richard Komberec's attorney John Haffey of Missoula. He also referred to information provided by Planning Director Linda Bouck indicating that the Bear Gulch Road is a county road. It is believed that Richard Komberec's mining operation is encroaching onto the county road right-of-way and some damage has been done to a culvert, which is county property. Attorney Haffey indicated that it is his opinion that the petition from 1880 describes a different road. County Attorney Blaine Bradshaw recommended that litigation be started against Richard Komberec and his corporation to determine the status of the road and the amount of encroachment into the road right-of-way. Commissioner Hinkle moved for litigation against Richard Komberec and his corporation to determine the status of the road and the amount of encroachment into the road right-of-way. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

Public Comment: Elena Gagliano commented that the microphones have been muted between agenda items today and she questioned whether this was a public meeting because of that. Rex Radtke, representing Lower Willow Creek Irrigation District, commented that parts of the dam are at the end of their life cycle, particularly a drain at the toe of the dam made of corrugated metal. The district is getting pushback from the DNRC to make repairs and it has hired Pioneer Engineering of Helena. Rex Radtke indicated that they are looking for grants and possibly a loan from the state. He requested a letter of support for the project in the interest of dam safety. He noted that the irrigation district project provides irrigation to 3,000 acres. Rex Radtke agreed to forward more information on the project to the Board to assist in composing the letter of support. Commissioner Adler moved to send a letter of support and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Correspondence: The Board noted receipt of a letter from Norris Amundson of Drummond, with a copy for each Commissioner, requesting a railroad quiet zone through Drummond. Norris Amundson commented that the letter is self-explanatory and he summarized that the letter is a start to get medical issues addressed due to train whistles. He said that he was awakened several times in one night and there are a host of medical issues associated with the decibels from the train whistles. He indicated that he has heard complaints from several individuals in Drummond and the letter is only a beginning. He requested the Board's support of the concept of a quiet zone through Drummond. Commissioner Adler indicated that there is a significant cost for a study. Norris Amundson indicated that some grant funds

are available through the Federal Railroad Administration. County Attorney Blaine Bradshaw indicated that the Town of Drummond plans to take the matter up soon. Commissioner Slaughter indicated that he would prefer to wait until the Board hears from the Town of Drummond. The Board also noted the receipt of a report dated May 13, 2020 from the Philipsburg Area Community Library Board.

Commissioner Hinkle moved to approve the May 12, 2020 minutes as presented and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. Discussion was held on the water running over Rock Creek Road above the Hog Back reported on May 12, 2020 and Commissioner Adler reported that Road Superintendent Paul Alt looked at the situation that night and it turned out not to be a serious matter.

The session adjourned at 2:25 p.m.