

June 2, 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 County Attorney Blaine Bradshaw and Executive Assistant Mike Kahoe. The session convened with the pledge of allegiance. 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). Tim Ravndal with Redoubt Minutes audio-visually recorded the morning session and said that he is recording several Montana county commission meetings to see how they are dealing with COVID-19.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt was not able to meet with the Board today as he is accompanying the individual assigned by MACo to appraise all the county-owned buildings for insurance purposes. Concrete barriers along the Rumsey Road were discussed and it was decided to place the matter on the next Commission's agenda.

Georgetown Lake level was reported at 6,429.27 feet, according to the USGS gage and the dam tender's report. The lake is approximately 2.76 inches below full pool. The outflow is estimated at approximately 35.4 cfs according to the USGS outflow gauge. Commissioner Adler moved to make no adjustment in the outflow. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Granite County Board of Health met with Commissioners Slaughter, Adler and Hinkle present, representing a quorum of the Board of Health. Dr. Mark Ransford and Dr. William Reiter did not attend. Dustin Muhly, county PHEP Coordinator, reported that there were four new cases in Montana yesterday, mostly from Yellowstone County. No confirmed cases of COVID-19 in Granite County. Cloth masks are available from Judy Friede, a local resident. PHEP is not having the usual spring institute, but it will be done virtually. He is getting together with the Public Health Nurse later this week to discuss the food and water safety protocols. There is a lot of hand sanitizer which has been distributed, also a pallet of five-gallon buckets of hand sanitizer arrived yesterday. Capability Assessments are the PHEP focus at this time. He will present the Pandemic Flu Plan for next week's agenda. Commissioner Hinkle commented that the COVID-19 could be a serious issue this summer for the Forest Service if they will bring in a lot of people to fight local wildfires. Commissioner Hinkle requested the Forest Service provide a written plan for dealing with fires this summer and how personnel will be handled while on the job and when out in the community. The Board agreed to request a plan from the Forest Service as soon as possible, but no later than the end of the month. Commissioner Adler commented that the local bars do not have room for social distancing if some people are not allowed to sit at the bar and he requested that it be brought up at the Incident Management Team meeting tomorrow. Commissioner Adler moved to recommend to law enforcement (Granite County Sheriff's Office) not to enforce the prohibition in the Governor's Phase 2 Directive against sitting up at the bar in bars in alcohol serving establishments, but that this recommendation being conditional upon establishment partitioning off the drink mixing area with Plexiglass or the

like) and also conditional upon social distancing rules being followed. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Commissioner Hinkle moved that tours and tourists be not allowed into the courthouse unless on official business. Commissioner Adler seconded the motion. Dustin Muhly recommended that it be adopted to reduce potential exposure to COVID-19 from out of state people. There was no public comment. The motion carried. Discussion was held on mandatory vaccinations and County Attorney Blaine Bradshaw agreed to research the constitutionality of the issue.

Quarantine Policy: Commissioner Hinkle moved that the policy be tabled and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

Non-Pharmaceutical Interventions (NPI) Standard Operation Procedures: Dustin Muhly indicated that it is basically a quarantine policy which he has updated. Commissioner Hinkle moved to table the matter and Commissioner Adler seconded the motion. There was no public comment. The motion carried.

Granite County litigation regarding the Bear Gulch Road was discussed with County Attorney Blaine Bradshaw. He presented a draft Civil Complaint, Granite County v. Hellgate Equipment, LLC, Charles Richard Komberec, and John Does 1-5 for the Board's review. Discussion was held by the Board that the document should not be filed at this time, but wait for two weeks to allow some latitude for County Attorney Bradshaw to negotiate with the Commission being able to review any settlement offers on June 30, 2020. Commissioner Hinkle moved to give the County Attorney authorization to send the draft civil complaint to Mr. Komberec's attorney stating that the civil complaint will be filed with the District Court in Granite County in two weeks unless a settlement can be reached and any settlement must contain provisions that the Bear Gulch Road is a county road and that Mr. Komberec will pay to repair the Bear Gulch Road from the damage he or his agents caused. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board reviewed a report from Tri-County Sanitarian Chad Lanes regarding septic disposal options for Granite County residents. The report indicated that septic pumpers in Missoula County, Lewis and Clark County and Silver Bow County would be able to come into Granite County, pump septic tanks and haul the waste back to their home counties for disposal. The report contained a list of all licensed septic pumpers in Montana. The Board agreed that they would be in favor if an appropriate land application site could be found, but the Board did not decide yet whether they would provide any funding for such a proposal. Commissioner Hinkle moved that the sanitarian find an appropriate place for land application in Granite County and bring it to the Board with cost estimates. Commissioner Adler seconded the motion. There was no public comment. The motion carried. The Board agreed to have the sanitarian advertise two weeks in the local newspaper in June noticing the out-of-county septic pumping and hauling businesses who will take septic waste with the advertisement to provide names and phone numbers. This action was taken on the motion

of Commissioner Hinkle and second by Commissioner Adler. There was no public comment. The motion carried unanimously. Commissioner Adler moved to have the sanitarian provide an update regarding to the Board regarding the septic system installed at Lots 16 and 17, Moose Lake Acres No. 1, which is the septic system in which the Board granted a variance from the county's sanitation regulations in 2019. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board held the first reading of Resolution 2020-14 "A Granite County Resolution Abandoning The Portion Of Princeton Road From Montana Highway 1 To Maxville Road." This portion of Princeton Road requested to be abandoned has been temporarily closed for more than 10 years due to the state closing the approach from Montana Highway 1 for safety reasons. There was no public comment. County Attorney Blaine Bradshaw noted that the public hearing on the abandonment was held last week. Louis Polinsky stated that he is the only one affected by this abandonment as Larry DeMott's (his spouse, Rae McKay is legal owner) property is adjacent to Maxville Road, a county road. County Attorney Blaine Bradshaw noted that Princeton Road begins at Montana Highway 1 and connects with Maxville Road; Maxville Road and Princeton Road are the same road for several miles. Commissioner Slaughter noted that Louis Polinsky has other developed legal access to his property from the Maxville Road (a county road) and the decision for the county is whether this portion of the Princeton Road is needed by the county (for county purposes) now or in the future. He continued that the county is not taking any side in this matter with Larry DeMott or Louis Polinsky. County Attorney Blaine Bradshaw reviewed the law on point which he believes has been followed by the county. Louis Polinsky stated that there has always been a county road there and the abandonment affects nobody in Maxville except him; he built fence and road himself at his own expense. Mr. Polinsky said he has gotten along with Paul Alt for twenty years. He requests that he be allowed a place to park and to turn around a horse trailer on the county road as his driveway off the Maxville Road does not allow for him to turn around his truck when is pulling a horse trailer on his own property to get back onto the Maxville Road. County Attorney Bradshaw noted that the only way to accomplish this would be for the Commission to deny the petition or grant the abandonment request conditional upon the applicable private landowners being willing to grant Mr. Polinsky an easement for parking and egress easement, as he suggests is needed. Discussion was held on property owners in that immediate area. Louis Polinsky noted that Larry DeMott had put up a fence across the Princeton Road already, expecting the abandonment petition to be granted. The Board questioned Mr. Polinsky's need for such easements when his driveway is accessed from Maxville Road, an open county road. Louis Polinsky requested that his turn-around for parking and horse trailers be preserved and showed maps of his property to show why such easements needed if this portion of road is abandoned. Commissioner Slaughter noted that this is the first reading of this Resolution. Louis Polinsky noted that Zane Sullivan, attorney for the title company, said that the Princeton Road is the legal access to his property. The County Attorney noted that legal access to his driveway is from a county road, the Maxville Road. Commissioner Slaughter noted that no decision will be made today.

A draft Letter of Understanding with Linda Smith of Drummond for the storage of asphalt millings in NW1/4NE1/4 of Section 26, T11N, R13W near Drummond, Montana was considered by the Board. Commissioner Adler recommended that the rate be set at \$600.00 per year and that the end date be set at June 30, 2025. County Attorney Blaine Bradshaw revised the draft Letter of Understanding to include those recommendations. Commissioner Adler moved to approve the revised Letter of Understanding with Linda Smith and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Commissioner Adler informed the Board that he made comments at a virtual meeting yesterday with the Tri-County RAC (Resource Advisory Committee) in support of the county's application to the RAC for \$75,000.00 for repair of the Stony Creek Bridge and approaches to the bridge. He noted the poor condition of the bridge deck and the extreme increase in traffic on the Rock Creek Road in recent years.

Drummond Mayor Gail Leeper was not available to meet with the Board regarding the Law Enforcement Agreement for Drummond. The matter was tabled until Mayor Leeper is available.

Courthouse Custodian Janeen Bonney was not able to meet with the Board regarding some masonry work which needs to be done on the jail and courthouse. The meeting will be rescheduled.

Maria Stoppler, CEO/DON Granite County Hospital District, met with the Board and presented a written financial update. She presented a financial report dated 6-2-2020 showing projected cash available \$97,500, projected deposits \$183,400, accounts payable \$(170,000), projected cash reserves of \$110,900 (9 days of operation). She also presented a utilization report, a revenue analysis, an accounts receivable report, and an Administrator's Report dated May 26, 2020. She noted that May was a very tough month for revenue, but the district has received nearly \$2 million to be used for COVID-19 related financial losses after March 1, 2020. People were advised to stay home due to the Coronavirus and they did. She noted that the governor's office has requested that GCMC be a sentinel site to test for COVID-19 for anyone who requests a test; she is awaiting final authorization which is anticipated in a week. A pulmonary function machine has been obtained as a new service. A new CT tech has arrived and CT testing will begin about June 15, 2020, following testing. She is working with the Healthy Granite County Network which will provide an on-site counselor whose services would be billed like any other provider at the Granite County Medical Center. The Board complimented Maria Stoppler on taking such good care of people in the nursing home.

Public Comment: None.

Correspondence: The Board received and accepted a written resignation of John Hunter from the Granite County Airport Board.

Commissioner Hinkle moved to approve the May 26, 2020 minutes as revised and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

Sheriff Scott Dunkerson met by telephone with the Board regarding the sheriff's budget and gravel behind the jail. The Sheriff requested some gravel behind the jail, which is getting muddy this time of year. The Board suggested that he consult with Road and Bridge Superintendent Paul Alt on the project, which may use asphalt millings. Sheriff Dunkerson reviewed that \$25,000.00 had been approved to be transferred from the 9-1-1 Fund to the Sheriff's salaries line item. He recently requested the Clerk and Recorder make the transfer. Sheriff Dunkerson noted that he has ordered two new vehicles, which will probably not be received this fiscal year due to a factory shutdown due to COVID-19. This will result in the expense of three vehicles in the 2020-2021 fiscal year. He discussed the 9-1-1 grant for \$235,000 to upgrade the 9-1-1 system with the implementation of new computer aided dispatch (CAD) system through Zuercher Technologies which went live this week and they are now working the bugs out of the system. Also, there will be an increase in the Coroner's budget next fiscal year due to known upcoming expenses. Sheriff Dunkerson noted that most line items in his budget are below the budgeted expenditures. The Drummond Law Enforcement Agreement was discussed and the Sheriff recommended that the same increase as the contract with Philipsburg.

Engineer Jeremiah Theys with Great West Engineering of Helena met with the Board and presented an analysis of the Flint Creek Hydro Financial Proposal dated May 12, 2020. Scott Sylvester with the *Philipsburg Mail* newspaper attended. Jeremiah Theys reviewed the first option where Flint Creek Hydro gives Granite County \$150,000 over and beyond royalties otherwise provided in the agreement and in return, Flint Creek Hydro will limit its royalty payments in 2022, 2023, 2024 and 2026 to \$45,000. In lieu of that arrangement, Flint Creek Hydro is willing to levelize the royalties by increasing the present royalty 20%. Discussion was held on the merits of each option and Jeremiah Theys suggested that the county take the \$150,000 and cap the royalty payments to Flint Creek Hydro at \$150,000. He noted that coming up in 2021 is the five-year FERC required inspection. Jeremiah Theys noted that overall the project is not generating enough revenue to cover expenses. Discussion was held to make a counter offer to Flint Creek Hydro stating that neither of the two options are acceptable. Commissioner Adler moved to present the option of Granite County receiving 23% of revenues to Flint Creek Hydro LLC and Commissioner Hinkle seconded the motion. There was discussion on the expense of potential studies and work on the dam which will likely be required in the future. The motion carried unanimously. County Attorney Blaine Bradshaw will draft the counter proposal letter to Flint Creek Hydro to be approved on the agenda at the June 9, 2020 Commission meeting. On another subject, Engineer Jeremiah Theys presented a proposal for piezometer repair at Flint Creek Dam by Battle Ridge Builders. Commissioner Hinkle moved to approve a proposed change order for Battle Ridge Builders, the contractor on the Flint Creek Dam Improvements Project for dam face improvements, for \$1,080 and five additional days on the contract. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. Jeremiah Theys agreed to prepare the formal change order.

The Board noted that the proposals for the county's on-call engineer had been received on May 26, 2020, following appropriate advertising, from Triple Tree Engineering of Helena and Great West Engineering of Helena. The Board had studied both proposals and Commissioner Adler moved to select Great West Engineering, as the better of the two proposals, as Granite County's on-call engineer for the next five years. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw, Engineer Jeremiah Theys with Great West Engineering and Scott Sylvester with the *Philipsburg Mail* attended.

The Board considered an Encroachment Permit Application from David and Serena Klumpar, who attended, for 21 Serenity Court at Georgetown Lake. The application is for a seasonal boat dock and permeable rock access ramp at 21 Serenity Court at Georgetown Lake. Access ramp (walking pathway) is to be 10-feet wide by 60-feet in length, constructed of stones overlaying permeable geotextile fabric. Aluminum sectional boat dock of length not exceeding 66 feet. The purpose of the application is to cross county property between the Klumpar's property and the lake shore. County Attorney Blaine Bradshaw, Planning Director Linda Bouck and Scott Sylvester with the *Philipsburg Mail* attended. Linda Bouck commented that it has been up in the air in the past on how to handle this type of application at Georgetown Lake. She suggested that this type of application should be handled on a one-time basis, like the applications for encroachment permits on roads are handled. County Attorney Blaine Bradshaw said that he agrees with Linda Bouck and noted that previous similar permits had lasted for five years with annual fees. He said that people with those permits should be notified that the policy has changed. Linda Bouck stated her recommendation that the permit application be granted, conditional upon the pathway being for foot traffic only and not for motor vehicles, that the pathway not be paved (no concrete either), that the fabric meshing be required, and the pathway only be comprised of permeable gravel. Commissioner Adler moved to approve the permit application on Planning Director Linda Bouck's recommendation and subject to the conditions she proposed. Commissioner Hinkle seconded the motion. As discussion, David Klumpar presented photographs of his plans and of dock installations near his property at Georgetown Lake. The motion carried unanimously. David Klumpar noted that the current county application for an encroachment permit form is designed for roads, rather than the situations at Georgetown Lake. County Attorney Bradshaw indicated that the form could be revised to include the types of permits needed for Georgetown Lake.

The session adjourned at 2:55 p.m.