

**July 14, 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). Masks were also strongly recommended.**

**Road and Bridge Superintendent/Solid Waste Manager Paul Alt was not available to meet with the Board today. He is working on trading some used county equipment for a water truck. Commissioner Adler moved to approve Mungas Construction's request to use approximately 100 concrete barriers for a state project (Mungas Construction will move the barriers to the site and return them) and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board discussed getting a rented mower this year.**

**Georgetown Lake level was reported at 6,429.83 feet, according to the USGS gage and the dam tender's report. The lake is approximately 3.96 inches above full pool. The outflow is estimated at approximately 123 cfs currently (directed previous Tuesday by Board to be set at 140 cfs but outflow is very difficult to adjust right at a set point) according to the USGS outflow gauge and the dam tender's report. Commissioner Adler moved to make not change in the outflow and check the lake level mid-week. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board discussed that the outflow is often not set by the dam personnel at what the Board requested. The Board noted that once again Brad Liermann with FWP was not present. Chuck Stokke and Gary Carlson attended.**

**Granite County Board of Health met which included Dr. Mark Ransford, Chair of the Board of Health, and Commissioners Slaughter, Adler and Hinkle present, constituting a quorum of the Board of Health. Dr. William Reiter did not attend. Dustin Muhly, county PHEP (Public Health Emergency Planning) Coordinator, was unable to attend today's meeting. Leah Ann Robinson, Public Health Director for Anaconda-Deer Lodge County reported 6 cases of COVID-19 in the county which are all connected, and all post-contacts have been in quarantine; she recommends that businesses wear masks; groups over 50 are required to have a plan which is approved by the Board of Health; weddings are a way for large groups from various locations to transmit the virus; on July 26<sup>th</sup> there will be drive through testing at Georgetown Lake, likely at the fire department, from 10:00 a.m. to 6:00 p.m. Currently there is surveillance (Sentinel testing) testing two days a week in Philipsburg and one day a week in Drummond. Scott Sylvester, with the *Philipsburg Mail* newspaper, inquired why results from tests take so long. Leah Ann Robinson responded that there are priorities of who gets results the fastest, depending on the reason for the test. Dr. Mark Ransford noted that one of the reagents used in testing is in short supply nationwide, so this will likely cause some delays. He noted that Missoula County is mandating masks; he recommends that**

people wear masks in public and hopes they will start doing the right thing.; wearing a mask is better than being quarantined for 14 days. Carl Sundstrom encouraged that masks be required to be worn in public places and he objects to people using a patriotic or constitutional excuse for not using a mask. County Attorney Blaine Bradshaw suggested going back to Zoom Board meetings (along with allowing in-person meetings) to prevent a large number of people being in the Commission Office at once. Discussion was held on the enforcement of requiring or recommending people to wear masks in public places. The hot springs at Nimrod were discussed and limited social distancing is being used; if people are uncomfortable at Nimrod they should leave as Phase 2 social distancing rule is difficult to enforce there. Dr. Ransford is impressed with how well the local health department has held down the number of cases in Granite County. Carl Sundstrom noted that people may wear masks willingly without being required to. Dr. Ransford noted that he visited every business in the county to encourage sanitation. One case in Granite County was asymptomatic and tested to go back to work. Dr. Ransford recommended that Board members wear masks; people would see that example when using Zoom. The approval of the Pandemic Influenza Plan and the Close Contacts Instructions for COVID-19 were postponed until next week

Jennifer Robinson, Tobacco Prevention Specialist, presented information for the first reading of the Granite County Board of Health Ordinance 2020-01 “First Amended MT Clean Indoor Act Implementation Protocol for Granite County.” She explained that the smoking distance rule amendment prohibits smoking within 30-feet of an enclosed public place such that smoke may not enter through its entrances, windows, ventilation systems, or other accesses and circulate to indoor, non-smoking areas. County Attorney Blaine Bradshaw noted that a Clean Air Ordinance has been in effect for several years and this ordinance includes the smoking distance rule and some other minor clarifications. He noted that it would be Jennifer Robinson’s responsibility to enforce the ordinance.

Leigh Ann Robinson, Director of the Anaconda-Deer Lodge County Health Department, introduced Robyn Grinolds as the new Mental Health Coordinator, who was welcomed by the Board. She will be setting up meetings and getting acquainted in the community. Leigh Ann Robinson also gave a public health update. CCCS of Butte has applied for a mental health license and she has inquired if they would work with the tri-county area. The Board requested that a meeting be set up with the Board, CCCS and the sheriff.

The Board reviewed county claims for June 2020. The claims were approved on the motion of Commissioner Adler and second by Commissioner Hinkle. There was no public comment. The motion carried unanimously.

Vince Reece, Chairman of the Granite County Airport Board, met with the Board regarding the selection of an engineer for the federally required Independent Fee Estimate for the Riddick Field Master Plan Project. He presented information on potential candidates and recommended Michael A. Beckoff P.E. with Bollig Engineering at a cost of \$3,500.00 to perform the Independent Fee Estimate. Commissioner Adler moved to accept the recommendation of the Airport Board of Michael Beckoff for \$3,500.00 for the Independent Fee Estimate and Commissioner Hinkle seconded the motion. There was no public comment.

The motion carried unanimously. Vince Reece noted that an instrument approach would be 90% reimbursable by the FAA if someone wanted to make a financial contribution to assist the airport. Commissioner Slaughter recommended that the airport board put together a detailed presentation of the financing and the advantage to aviation. Ernie Fulk attended and is now co-chairman, with Vince Reece, of the Granite County Airport Board.

The Board opened the bids at 11:00 a.m. on the Masonry Project for the jail and courthouse. The project was properly advertised for bids in the June 18 and 25, 2020 issues of the *Philipsburg Mail* newspaper. The bids were opened by Executive Assistant Mike Kahoe in the order received as follow:

<u>BIDDER</u>	<u>TOTAL BID</u>
Hydro Tech Inc.	\$64,320.00
David Kesler III, Kesler Kustom Shops	\$49,500.00

David Kesler III attended and noted that Hydro Tech Inc. is from Utah and would have high mobilization costs. Commissioner Adler moved to accept the bid of David Kesler III, Kesler Kustom Shops and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Commissioner Adler moved to use the customary construction contract and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board reviewed the Area V Agency on Aging budget for the 2020-2021 fiscal year. The Board acknowledged receipt of the budget and Public Health Assistant Jackie Bolster discussed moving funds from utilities and supplies to salaries, which can be done prior to the finalization of the budget.

The Board opened bids at 11:30 a.m. on the Granite County Courthouse Accessibility Improvement Project for third floor restrooms and hand rails that are ADA compliant. The project was advertised in the June 25 and July 2, 2020 issues of the *Philipsburg Mail* newspaper. Executive Assistant Mike Kahoe opened the single bid received from Crew General Contractors Inc. as follows:

Base Bid:	\$298,800
Alternate No. 1:	\$11,900
Alternate No. 2:	\$19,350
Alternate No. 3:	\$18,250
Alternate No. 4:	\$4,300
Alternate No. 5:	\$3,100

The bid was taken under advisement and will be discussed at an upcoming public meeting with the project architect Paul Filicetti with A&E Architects of Missoula. Kurt Hill with Crew General Contractors attended.

The Board conferred with the Montana Department of Transportation (MDOT) by speaker telephone and Skype regarding upcoming projects in the district. MDOT representatives participating were Missoula District Administrator Bob Vosen, Missoula Area Maintenance Chief Steve Felix, Missoula District Projects Engineer Ben Nunnallee and Missoula District Preconstruction Engineer Jacquelyn Smith. County Attorney Blaine Bradshaw attended in person and by Skype. Plans reviewed were: Rock Creek Interchange East, a 2020 construction project in process now; rehabilitation of nine bridge decks in Missoula County and Granite County in design stage, scheduled for 2022, to be tied with a pavement preservation project; a safety project in multiple locations, two stretches in Granite County and one site in Powell County, scheduled for 2020; Bear Gulch Road bridge deck at interchange, in design stage, not yet in programming schedule; feasibility study for a half interchange at Bear Gulch Road, searching for consultant now; Drummond East and West on I-90 chip seal, scheduled for 2023; Jens safety improvement project, wildlife fencing, in engineering stage, no date set; culvert replacement at mile marker 161 is in Powell County but may extend into Granite County; Hall North and South, overlay, scheduled for 2023; Philipsburg overlay, scheduled for 2022; and Georgetown Lake to Philipsburg, overlay and guardrail project, currently under construction. The rock slide on the frontage road near the Bearmouth Chalet was discussed and Steve Felix noted that there is a feasibility study under way and he stated that they would commit to helping with maintenance if traffic is detoured onto the gravel county road, which is not intended to handle heavy traffic. County Attorney Blaine Bradshaw noted the law doesn't allow for passing zones where Highway 1 intersects county roads, but there is such passing zone at the intersection of Mullan Trail and Highway 1. Jacquelyn Smith said she would look into this matter.

County Attorney Blaine Bradshaw discussed with the Board the class action lawsuit against Purdue Pharma, opiate case, and consolidated claim authorization. He noted that Granite County is part of the class action lawsuit and he suggested that the consolidated claim authorization should be completed. There are three options; #1 use the class's expert model, #2 hire own expert, or #3 declare the damages are unknown at this time. He anticipates that there will be a settlement and he encouraged the Board to go with Option #1. Commissioner Adler moved to follow County Attorney Blaine Bradshaw's recommendation of Option #1 and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Commissioner Slaughter signed the appropriate documentation and it will be sent to the Plaintiffs' counsel by the County Attorney.

County Attorney Blaine Bradshaw updated the Board on the case with Mr. Richard Komberec and the Bear Gulch Road. He noted that the civil complaint in the case has been filed in District Court and the sheriff has the complaint and summons to be served on Mr. Komberec. Once the complaint is served, Mr. Komberec will have 21 days to respond. Regarding the Rising Sun Subdivision Case, an engineering report was submitted that did not allow the fire protection pond to operate all year. County Attorney Bradshaw suggested a potential settlement agreement in which the county would make the needed repairs to the fire protection pond through an agreement with developer Jack McLeod, put a lien on each unsold lot and the county would get paid back by Mr. McLeod incrementally as lots sell.

Commissioner Hinkle moved to make the offer to Jack McLeod to be accepted within 30 days and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Flint Creek Fires Service Area board was discussed, particularly the inactivity of two board members. County Attorney Blaine Bradshaw reviewed the group's by-laws which state that members can be removed after missing three or more consecutive meetings. The group's president Jason Vietor informed the Board that these two members had missed 4 to 5 of the latest meetings and the group is in the middle of a building project. Commissioner Adler moved to send the two members a letter that they are removed from the board because they have not been active. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board agreed that the two vacant positions will be advertised.

**Public Comment:** None.

**Correspondence:** The Board received an opinion from County Attorney Blaine Bradshaw which stated that the distribution of PILT (Payments In Lieu of Taxes) Funds is constitutional upon an equal protection analysis and relies on a formula which includes population of counties, in addition to the acres of federal land in a county. The opinion was written in response to the Board's question of why some counties with approximately the same federal acreage receive considerably more PILT funds. The Board received a letter from the Town of Philipsburg requesting a letter of support for a grant application for a TSEP (Treasure State Endowment Program) grant application for long-term treatment options for the wastewater lagoons. The Board agreed to send a letter of support for the grant application. Also, the Board agreed to write a letter to the editor to the *Philipsburg Mail* newspaper encouraging people to be counted in the 2020 census as Granite County's, and the state of Montana's, response rates are very low.

Commissioner Hinkle moved to approve the July 7, 2020 minutes as presented and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:30 p.m.