

**July 21, 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 worn by everyone except three persons. The session was livestreamed through the Zoom available to the public, and the public was also allowed to attend in person.**

**Road and Bridge Superintendent/Solid Waste Manager Paul Alt was not able to meet with the Board. He had submitted a written proposal to trade in the Autocar truck, blue mag truck, rubber-tired backhoe and Ford water truck, plus \$12,500.00, for a newer water truck through Doug Miller. Commissioner Adler moved to accept the proposal and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. A telephone conference call was held with Noel Durham regarding a family reunion planned for the first week of August where the asphalt millings are stored on Linda Smith's property. He inquired when they will be removed and about the environmental impact. There was also discussion about the amount paid for the rent of the land. The Board agreed that Paul Alt would follow up with Noel Durham.**

**Georgetown Lake level was reported at 6,429.77 feet, according to the USGS gage and the dam tender's report. The lake is approximately 3.24 inches above full pool. The outflow is estimated at approximately 56.7 cfs according to the USGS outflow gauge and the dam tender's report. The Board had reduced the outflow on the previous Friday, July 17, 2020, as there was concern that the lake level would be go below full pool quickly if the high outflow volume (approximately 123 CFS) was left over the weekend. The Board reviewed email letters objecting to the lake level being above full pool causing shoreline erosion and property damage. The letters were from Dean and Pat Ross, Mike Stevenson, Lon J. Dale, John and Gypsy Ray, Tony and Cindy Thompson, Lou and Renee Dumas, Ed Simonich, Dennis Schweitzer, Brian Solan, and Gregory and Robin Jackson. These letters were read and considered by all of the Commissioners. Commissioner Hinkle moved to increase the outflow to 90 cfs until 4:00 p.m. on Friday, July 24, 2020 at which time it would be reduced to the amount of the inflow into the lake. Commissioner Adler seconded the motion. As public comment, John Groomes inquired how Commissioner Hinkle arrived at that flow and time; why not let the lake reach the level of the spillway crest as another option. Chuck Stokke said that he will be there every day to check on the level; people are mad; let's get it to the spillway crest quick. Gary Carlson inquired why the outflow was reduced during the past week when a motion was made for a release of 140 cfs. Commissioner Hinkle revised his motion to increase the outflow to 120 cfs until it reaches the spillway crest then release 50 cfs and Commissioner Adler seconded the motion. The outflow during irrigation season was discussed by John Groomes. Chuck Stokke inquired what the outflow should be once the**

spillway crest is reached and the Board responded that it would be 50 cfs. County Attorney Blaine Bradshaw said that the outflow should match the inflow, which can be done within a week. The motion carried unanimously. Chuck Stokke inquired what happened yesterday that the outflow was shut down briefly. Commissioner Slaughter responded that work was being done at the power plant. Chuck Stokke suggested that the Board respond to the letters received because people are mad because of the damage done at the lake and they feel that no one is listening to them. John Groomes said that there is no historic reason for the spillway to be used and he suggested that a policy be made to not use the spillway in the future (release water through valves). Commissioner Slaughter noted that this year the Board wanted water to purposely go over the spillway, which revealed that the caulking failed, which will now be taken care of under warranty. John Groomes inquired of the Board what it thinks of having a policy of trying to operate the dam historically and have the spillway available. Commissioner Slaughter reviewed that when the valves were replaced it gave the Board more control over the outflow. John Groomes indicated that there is considerable damage to the shoreline and the wildlife; moving forward, a policy of not going over the spillway would be of great public relations value. Commissioner Slaughter contacted Paul Tallon to request that the outflow be increased to 120 cfs until it reaches the spillway elevation.

Dustin Muhly, county PHEP (Public Health Emergency Planning) Coordinator, met with the Board and reported that there is one active COVID-19 case in the county and no new cases. He noted that test results are delayed by up to three weeks; testing for symptoms will continue, but there will be no drive through tests after this week. Deliverables have been submitted and he is planning to attend a seminar in Billings next week. There is a 14-day quarantine after symptoms appear. Contact tracing has been done on all active cases in Granite County

Granite County Board of Health met with 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 attended by Zoom for a portion of the meeting, but had to leave the meeting before any voting took place. The Board reviewed an email legal opinion letter dated July 17, 2020 from County Attorney Blaine Bradshaw regarding regulations stricter than the Governor's Directive dated July 15, 2020 (Face Covering Directive); the opinion was that the Board of Health could enact stricter regulations than the Governor, but it should be done by the full Board of Health as there was an interim order in place requiring face coverings inside public places regardless of the number of active cases of COVID-19 in Granite County. It should be noted that Governor Bullock's Directive on face coverings inside public places dated July 15, 2020 only applies in counties where there are 4 or more active cases in a county. The Board of Health reviewed email letters encouraging the mandating of wearing of masks from David and Jenne Pugh, Sue Mays of the Broadway Hotel, Susan Sundstrom as president of H&R Thrift Store, Kimberly Beall, Carol Corbridge, Maribeth Ellis with Pintler Medical, Sue Peterson, Ann Mullen, Stephanie Bird, Shelley Johnson, Sarah Suthers, Pat Dent, Sandra Kroll, Pete and Karen DesRosier. Those writing letters requesting that masks not be required were Craig Larsen, Jamie Parke, Bob Suthers, Sarah Suthers, Rosa Ostler, Jon Perry, Sharla Spencer, and Thomas Spencer. Dr. Ransford

strongly recommended that the Governor's Directive regarding COVID-19 be followed and wearing masks be required inside public places regardless of active cases in Granite County because the area is a tourist magnet in the summer and it is easier to wear a mask than to get sick or to shut down businesses. Schools are exempted from the directive right now. Governor and OPI (Office of Public Instruction) have a plan going forward for schools. Dr. Ransford and the county's Public Health Nurse, Debbie Robinson, are meeting with the Philipsburg School Board tomorrow. It was noted by the County Attorney that many of the written public comments submitted before the meeting were concerning local schools and asking that masks not be required for school students to wear while in school. It was noted that Dr. Ransford and the county's Public Health Nurse Debbie Robinson would meet with and give advice to local schools. There were also recommended plans from OPI and the Governor's Office sent to schools regarding this fall's schooling. The Board of Health agreed that decisions regarding local schools (masks, school re-openings, etc.) will be left to the local school boards. Commissioner Slaughter stated that it is confusing to the public to keep changing policies and a policy should be consistently set. Commissioner Adler said that he was not in favor of requiring masks and that it should be up to the people.

Dr. Mark Ransford then made the motion before the Board of Health that masks (nose and face coverings) be required inside public places regardless of the number of active cases in the county (allowing for exceptions in Governor's Directive), as they have been shown to be effective to prevent the spread of COVID-19. Commissioner Slaughter seconded the motion. The motion was then discussed by the Board of Health and public comments were taken. Commissioner Slaughter noted that the Commission has the power to require employees to wear masks in the courthouse. Dr. Ransford noted that the policy can be reviewed when tourism season ends. Commissioner Hinkle noted that he wore a mask today out of respect to the Board and it is in a closed room. Elena Gagliano had a written comment on Zoom against the motion. Scott Lyons said that there is more to consider than just wearing a mask; he was verbally accosted for not wearing a mask; establishing an unenforceable rule is folly; if masks are required in businesses then he will wear a mask. Commissioner Slaughter noted that there could be several cases later today, so consistency is important, and rules are decided at public meetings. Dr. Ransford noted that there have been huge numbers of deaths in other places. Chris Cooney, Gem Mountain business owner who has been affected by the virus, commented that the government should not overreach and adopt unenforceable rules; he quoted some statistics and inquired where the next case is going to come from; he has to borrow money to get through this; he allows staff to collectively decide what to do. He objects to the governor's order. Employees are not wearing masks, masks are available to the public if they want to wear one. Commissioner Slaughter inquired at what number of cases should masks be required. Chris Cooney noted that many people don't get sick; deciding factor should be based upon the availability of ICU's. Anna Provost, a local business owner, then gave public comment in support of Dr. Ransford's motion. Zoom comment: Craig Larson, a local business owner, agreed that it should not be enforced. ADA issues: there are many exceptions to the face covering rule, including those with disabilities. If a mask is required in a business and someone refuses to wear one, call law enforcement. Will highway signs be changed? Hand sanitizer that Granite County has and is giving away is coming from Exxon-Mobile, is safe and is in very good supply. Shirley Beck noted that she has chosen to protect her staff and protect the public by requiring a mask in her businesses, the Sweet Palace and

the Sapphire Gallery. Who gets to choose who gets sick and possibly dies? There is not enough emphasis put on hand sanitizer and hand washing. A decision must be made before a surge comes. Her business sees over 1,000 people on a Sunday from everywhere in the world. If a decision is made related to overloaded hospitals, it is too late. She bears the expense of having someone at the front door every day the business is open to assure mask compliance. She is more encouraged that the Governor made the decision. It must be understood that summer tourism is vital to the county and that the spread is more likely from family gatherings. Zoom question; if everyone is wearing a mask and one isn't, where is the threat. Dr. Ransford stated that encouraging people to wear masks is not working. Many people do not have symptoms, but can still spread the disease. County Attorney Bradshaw indicated that the Governor's Directive requires a face covering over the mouth and nose, not necessarily a mask as a face shield or bandana would work. Chris Cooney complimented Shirley Beck on the way she treats her clients and her employees. Scott Lyons inquired if this is going to be done in flu season? He said that it is inevitable that this will be with us forever. Zoom written comments: consequences of inmates not wearing masks; have had seasonal flu but did not require mandates. Scott Lyons said that it should be up to the business owner on what to require. County Attorney Blaine Bradshaw said that the Board of Health may adopt more restrictive regulations than the Governor's Directive on face coverings dated July 15, 2020. County Attorney Bradshaw then said the debate is proper as to whether or not the Board of Health should adopt such stricter regulations. Commissioners Slaughter and Dr. Ransford voted in favor of the motion and Commissioners Adler and Hinkle voted to oppose the motion. The motion did not pass. Commissioner Slaughter moved that masks be strongly recommended in public places where social distancing cannot be maintained. County Attorney Blaine Bradshaw noted that the Governor's Directive is effective if there are more than 4 or more active cases in the county. Commissioner Hinkle seconded the motion. Commissioners Slaughter, Adler and Hinkle voted in favor of the motion and Dr. Mark Ransford voted to oppose the motion. The motion carried. The Pandemic Influenza Plan, and the Close Contacts Instructions for COVID-19 were tabled until the next meeting. Scott Sylvester with the *Philipsburg Mail* newspaper attended.

Jennifer Robinson, Tobacco Prevention Specialist, presented information for the second 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 previously 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. It is Jennifer Robinson's responsibility to enforce the ordinance and she said that she would be going to all businesses to give them new signs if the Ordinance is adopted; if there are consistent complaints then the county attorney gets involved and there can be fines. Commissioner Adler stated that this seems like more regulation and it would be difficult to find a place to put smokers 30 feet away without interfering with another business in small towns. There was no motion, therefore the Ordinance was not adopted.

As an administrative matter, Chairperson Slaughter inquired whether either of the other two Commissioners would like to be chairperson and run the meetings. Commissioners Adler and Hinkle declined and Commissioner Slaughter continued in the position of chairperson.

John Skousen and Eric Bunting with Philipsburg Marketing Group met with the Board to review the group's proposal for county website revision and maintenance which was previously submitted. Due to time constraints, Commissioner Adler moved to table the matter until next week and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried.

The Board considered two claims submitted by Jason Wingo, The Electrical Connections, for work done on the Philipsburg Ambulance Garage in 2018 which were overlooked by Jason Wingo in the original billing. One claim is for \$1,235.30 for road base material and a second claim is for \$2,543.00 for plumbing. These invoices had not been paid by the county prior to this as there were issues with certain work done at that time by Jason Wingo. Commissioner Hinkle moved to pay the claims and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board considered the proposed agreement with Doyle and Associates for preparation of the county's Annual Report for the 2019-2020 fiscal year. Commissioner Adler moved to approve the agreement and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board considered the proposed agreement with David Kesler III, Kesler Kustom Shops, for the Masonry Project for the Granite County Jail and Courthouse in the amount of \$49,500.00 with the project to be completed by September 30, 2020. Commissioner Adler moved to approve the agreement and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. David Kesler III attended and indicated that there may be a small change order to make one repair more permanent.

TJ Viotor, Victim/Witness Advocate, met with the Board to discuss that department's 2020-2021 budget. She presented a proposed budget of revenue sources of \$11,260 and expenses of \$16,948 for a difference of \$5,688, to be covered by the county. The Board assured TJ Viotor that the deficit will be covered. She reminded the Board that the expenses are for salary only with no other expenses for office supplies or mileage, which she would pay for. Commissioner Adler indicated that an employee should not have to pay for things related to their employment. The Board suggested that she use the county car for travel.

The bid proposal for Granite County Courthouse Accessibility Improvements from Crew General Contractors in the amount of \$298,800.00 for the basic bid, plus five alternates, was discussed with historic architect Paul Filicetti with A&E Architects and Michael Allem with Crew General Contractors Inc. Paul Filicetti indicated that he felt that many contractors, including two local contractors in Missoula, did not see the advertisement and if it is re-bid there would be more interest. Commissioner Hinkle moved to reject the bid of Crew General Contractors Inc. as it was unreasonably high in the dollar amount, re-bid the project and get

the opinion of some contractors on the design prior to putting it out for public bidding again. Commissioner Adler seconded the motion. As discussion, David Kesler III indicated that there are other ways for an elevator shaft and for the design of the two restrooms on the third floor. He feels that the current design is overkill and he suggested that a contractor's opinion should be considered when the project is being designed. Paul Filicetti noted that architects need to follow state law and guidelines for an historic public building. County Attorney Blaine Bradshaw indicated that input could be taken prior to the design if that is the Commissioner's decision. Michael Allem with Crew General Contractors said that he is open to looking at the project again. The motion carried unanimously. David Kesler III suggested that the architect for the project should be put out to bid also. David Kesler III and Scott Sylvester with the *Philipsburg Mail* newspaper attended.

County Attorney Blaine Bradshaw updated the Board on the litigation regarding the Bear Gulch Road and Mr. Richard Komberec. He noted that the sheriff has not been able to serve the notice on Richard Komberec, who reportedly has been working out of the area, so he sent the Summons, Complaint, and an Acknowledgment of Service to Richard Komberec's attorney, John Haffey, who has agreed to accept service of these documents.

Public Comment: Scott Sylvester inquired if a response has been received from Flint Creek Hydro LLC and the Board responded that it had not. The Board agreed to send a reminder to Flint Creek Hydro. Suzy Browning had several questions: Why is it allowed to mute a public meeting using Zoom. County Attorney Blaine Bradshaw responded that if it is just causal chit-chat by the Board in-between agenda items was not part of the public meeting as it not of significant public interest, and Zoom can be muted at those times. Suzanne Browning asked what was the total of Jason Wingo's claims. The response was that one claim was for \$1,235.30 for road base material and one claim was for \$2,543.00 for plumbing. Where are the millings being used? Commissioner Adler responded that the millings will be used on Mullan Trail, by the shavings mill, at Verlanic's, at Graybeal's and on Bear Gulch Road, not necessarily in that order; the county has a new roller this year and there are two additional contracted trucks hauling the millings. Elena Gagliano stated that Zoom meetings should be recorded, not just by hand and she was going to send an email to Flint Creek Hydro. She was glad that the Board did not adopt the ordinance regarding smoking distancing and she was glad that the mask ordinance was not adopted, but strongly encouraged, because it is otherwise unenforceable. She also discussed ADA issues with masks. County Attorney Blaine Bradshaw explained that it is up to business owners to enforce the ADA and there is an ADA exception to the Governor's Directive on face coverings dated July 15, 2020.

Correspondence: All correspondence has been previously noted in these minutes.

Commissioner Adler moved to approve the July 14, 2020 minutes as presented and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:30 p.m.