

June 23, 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 met with the Board and gave his weekly report. The report included that he is meeting people today regarding the potential widening of the East Fork Road. The crew continues to grade and gravel roads. The Stewart Lake Road was discussed and it was agreed that several loads of gravel would be hauled to the soft areas of the road, but get caught up on regular maintenance first.

Georgetown Lake level was reported at 6,430.14 feet, according to the USGS gage and the dam tender's report. The lake is approximately 7.68 inches above full pool. The outflow is estimated at approximately 107.00 cfs according to the USGS outflow gauge and the dam tender's report. Commissioner Adler moved make no adjustment to the outflow and Commissioner Hinkle seconded the motion. As discussion on the motion, Chuck Stokke presented a chart of lake levels and said he represents the 21 people he has received telephone calls from regarding damage to their property due to high water. He said he realizes the lake is high and it is too late to do anything at this point. But basements are flooded, lawns flooded, there is mold in crawl spaces, trees are dying and the lakeshore is eroding. There is an abundance of data; the lake never went over the spillway by more than 1 ½ inches in 50 years. In the past, the lake level was regulated by the gate valve. The spillway is uncontrolled and the gate valve is now rarely used. There are competent men at the lake in Bill West (county dam tender) and Paul Tallon (employee of Flint Creek Hydro, LLC and powerhouse operator). Commissioner Hinkle noted that the water level was deliberately going over the spillway this year to test the work done on the spillway last summer. Also, there was two inches of rain recently, so these issues are an act of God. Commissioner Slaughter reviewed that this is a balancing act and that some people near Hall cannot get to their houses and a bridge washed out. Also, releases were not done as instructed for some reason. Charles Stokke inquired how this can be avoided in the future and he suggested that the solution is to use the gate valve to control the lake level. Commissioner Slaughter reviewed that the U.S. Fish and Wildlife Service, FERC, Montana FWP, Flint Creek Hydro, irrigators, home owners and others all exert influence on the lake level. The motion carried unanimously. Gary Carlson, representing the Georgetown Lake Homeowners' Association, recommended that guidelines be set to prevent this from happening in the future. Commissioner Slaughter noted that the people below the dam on Flint Creek must also be considered. County Attorney Blaine Bradshaw noted that the issue with the spillway was determined by engineer Jeremiah Theys with Great West Engineering of Helena and he noted that the Commission is ultimately responsible for the outflow. Chuck Stokke agreed that there are many parties

and interests involved that need to be balanced. David Klumpar commented on the current motion and said that it does nothing more than hold the level going over the spillway. He would like the outflow to be increased to get to spillway level. The last five years under the Commissioners' guidance, water has gone over the spillway when it could have been avoided, in his opinion. Also, the people below the dam on Flint Creek would not have large outflows to deal with as the outflow would be more consistent. Commissioner Slaughter noted that Brad Liermann with FWP constantly wants to regulate the water level strictly to keep lake levels up and to benefit the fish in the lake. Brian Solan said he owns a small lot at Georgetown Lake; in his 42 years there, there have been no more than 1 ½ inches over the spillway until the last five years. He does not feel that the last five years are an act of God. Wells are artesianing, he cannot get to the lakeshore at this time, there is a liability on the county's side when all of the infrastructure at the lake is built to the spillway elevation. Something in the management needs to change. He reminded the Board of the lawsuit that happened in 2001-2002 and he presented a letter for each Board member. County Attorney Blaine Bradshaw noted that there is a one-foot rule in place which the reservoir level must be within a foot of full pool in May of each year. Commissioner Slaughter discussed having Bill West and Paul Tallon make lake level changes. County Attorney Blaine Bradshaw noted that if a change is made above 30 cfs during the summer irrigation season that the agencies (MT FWP, Forest Service and U.S. Fish & Wildlife Service) must be notified and consent to the temporary modification. The Board agreed to invite Bill West and Paul Tallon to the meeting next week to discuss the regulation of the lake level. Commissioner Hinkle moved to authorize mid-week adjustments to outflows and Commissioner Adler seconded the motion. There was no public comment. The motion carried. Chuck Stokke recommended the Board adopt an internal, written operation policy which will cover proper communication and decision making mid-week between regular Board meetings, and the Board agree to look into such a policy. The Board noted that once again Brad Liermann with FWP (Montana Fish, Wildlife and Parks) did not participate in this agenda item or contact the Board regarding the lake level. Those signing in as attending were Chuck Stokke, John Groomes, Brian Solan, Serene Klumpar, David Klumpar and Gary Carlson.

Granite County Board of Health met with Dr. Mark Ransford, 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, reported that there are 31 active COVID-19 cases in the state, likely due to increased testing; close contact is defined as 15 minutes within 6 feet of someone; people should wear masks in public places. He agreed to have the Epidemic Flu Plan next week, it is now being reviewed by the Public Health Nurse; will use fire hall for mass testing because it allows for more separation between people. Dr. Mark Ransford reported that there are no confirmed COVID cases in Granite County and no quarantines currently in the county. Discussion was held that fire crews should be required to stay at fire camp; services could be delivered to fire camp; have Forest Service pay a monitor to test people; have fire briefings outdoors; it was suggested that the Incident Management Team write the plan; once a fire team takes over the local Forest Service has no authority; firefighting teams and contractors should be tested; work with Chamber of Commerce to keep businesses operating and also to

let them know the importance of following guidelines; DNRC fire crews have a separate plan. Maria Stoppler, CEO/DON of Granite County Hospital District, has received supplies from the state to be a sentinel testing site, which will begin next week as a drive-through site. She noted that the time it takes to get results varies, depending on the reason for the test.

Drummond Schools Superintendent Christina Barbachano and Clerk Toby Wetsch met with the Board to discuss a potential Memorandum of Understanding (MOU) for public health nurse services at Drummond Schools. She reported that she has been in contact with the Granite County Public Health Office and noted that the school is not required to have a school nurse, but with COVID-19 and other things, it is a good idea. The school has been advertising and Superintendent Barbachano is hopeful someone will apply, but no one has yet. The primary purpose is to do immunization checks. The school has funding for the service of \$4,000 to \$5,000 for the year and likely would need about three hours per week, but the nurse does not need to be on site all that time. The Board agreed to consider a Memorandum of Understanding with the school, but would first bring it up with the Anaconda-Deer Lodge County Health Department later today.

The Board conducted a closed session at the employees request because the employee's right to privacy outweighed the public's right to know. The employee received a step increase retroactive to their anniversary date. Minutes from this closed session are held in a secure location in the County Attorney's Office.

The Board considered the Task Order Agreement between Granite County and KLJ Engineering of Great Falls for Riddick Field Airport Planning and Engineering. Commissioner Adler moved to approve the Task Order Agreement with KLJ Engineering and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously

Granite County litigation regarding the Bear Gulch Road was discussed with County Attorney Blaine Bradshaw. He reported that he has received a response letter from Richard Komberec's attorney, John Haffey of Missoula, dated June 18, 2020. The Board reviewed the response and disagreed with many points. Planning Director Linda Bouck attended and noted that where the road is now is evidence, not where the road once was. Discussion was held on the culvert and how it got plugged up it appears by Mr. Komberec or his crew which led to the county road being washed out. Commissioner Adler moved to move ahead with the legal action and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw agreed to file the Civil Complaint "Granite County v. Hellgate Equipment LLC, Charles Richard Komberec, and John Does 1-5" in District Court.

The Board received one response to the Request For Proposals (RFP) for county webmaster services. The RFP was advertised in the June 4 and 11, 2020 issues of the *Philipsburg Mail* newspaper. At Chairperson Bill Slaughter's request, Executive Assistant Mike Kahoe opened the proposal from the Philipsburg Marketing Group, which sent four copies of its proposal, as required. The proposed budget for initial website development totaled \$12,250

and monthly management totaled of \$2,000.00. The Board took the proposal under advisement. The Board agreed to meet with the principals of the Philipsburg Marketing Group on next week's agenda to discuss the proposal.

Leigh Ann Holmes, Public Health Director for Anaconda-Deer Lodge County (ADLC), met with the Board to discuss a proposed Granite-Deer Lodge County Public Health Agreement for the 2020-2021 fiscal year. ADLC will continue to be an independent contractor of Granite County in continuing to perform public health nursing services for Granite County. Compensation proposed is \$5,922.80 per month, plus reasonable mileage, and this includes the total payment by Granite County as ADLC will pay wages and benefits, and all required forms of insurance. Leigh Ann Holmes presented the ADLC Health Department 2020 grant distribution for comparison to Granite County's grant distribution. There was discussion on the use of PHEP (Public Health Emergency Planning) funds, and that her office in ADLC could potentially handle some of these duties in the future. Leigh Ann Holmes noted that Granite County is getting a good deal with ADLC (Anaconda-Deer Lodge County), considering the services provided. Commissioner Adler moved to approve the agreement and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. A potential MOU (Memorandum of Understanding) with the Drummond Schools was discussed and Leigh Ann Holmes was agreeable if the MOU was with the county. It was determined that a cost of \$8,120.00 would be fair and Drummond Superintendent Christina Barbachano was contacted by telephone and was agreeable to that amount.

Planning Director Linda Bouck met with the Board regarding septic pumping and the Board told her that the list of pumpers available to come to Granite County is on the county's website.

Shari Endy, Susan Eide and Saree Couture met with the Board to discuss the Happy Camp property at Georgetown Lake, which they lease from the county, in conjunction with two other parties. They gave a written history of the property, which dates to 1965 when their father, Harry Miller, worked for Montana Power and the lease was later acquired by Granite County. They are interested in purchasing the property (approximately 5.5 acres), if it is available, as they would like to invest in the property, but did not know how long the leases would continue. They said that they would consider a longer lease, which was automatically renewable. The Board explained that maintaining the Flint Creek Dam has become increasingly expensive over the years under the FERC (Federal Energy Regulatory Commission) regulations. The Board agreed that the Miller family has essentially maintained the property for the county for many years. The Board considered having the property appraised to determine the current value. County Attorney Blaine Bradshaw noted that in order to sell the property, by statute, it would need to be done by public auction. Also, he advises that a county lease should not go longer than ten years, according to statute, but such leases could contain automatic renewal provisions so long as no notice given otherwise. Also, it may be possible for the Miller family to see if the other two occupants would give up their leases; they agreed to find out and get back to the Board.

Change Order No. 3 for piezometer work at the Flint Creek Project for Dam Face and Spillway Improvements was reviewed by the Board. The Change Order increases the project cost by \$1,080.00 and adds five additional contract days. Commissioner Adler moved to approve Change Order No. 3 and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board discussed weed control at county airports. The county commission reviewed that a private company has been doing weed spraying at the county's airports at Drummond and Philipsburg as this was approved by the Granite County Airport Board. The Commissioners discussed that the county has a weed control program which could do the airport weed spraying. Commissioner Adler moved to have the county weed crew spray the weeds at county airports in the future. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Airport Board will be notified of the decision by letter.

As an administrative matter, Commissioner Slaughter notified the Board that he would be absent from the state from June 24 to 28, 2020.

Public Comment: None.

Correspondence: The Board received a copy of a letter from Missoula attorney John Haffey, for his client Richard Komberec, dated June 18, 2020 to County Attorney Blaine Bradshaw regarding the Bear Gulch Road.

Commissioner Hinkle moved to approve the June 16, 2020 minutes as presented and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

Victim-Witness Advocate TJ Vietor met with the Board regarding the program budget. She presented a written report on revenue sources for a total of \$15,941.00 for the 2020-2021 fiscal year. Also, she presented information that a new opportunity to apply for a Board of Crime Control grant for the 2020-2021 fiscal year. Commissioner Hinkle moved to accept the report and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:40 p.m.