

July 28, 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 (on Zoom) and Charles Hinkle attending. Commissioner Scott Adler was absent this day, except for attending the Georgetown Lake outflow and Board of Health meetings by telephone (speaker phone). 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 many people in attendance. The session was livestreamed through the Zoom computer program available to the public, and the public was also allowed to attend in person.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt met with the Board and gave his report. The report included that the crew is done putting millings at Georgetown Lake and he will get a price on chip sealing the millings. Also, he came to a temporary agreement with Linda Smith for storage of asphalt millings for \$2,000/year for two years with the county to clean all millings from the property when finished. Commissioner Hinkle moved to accept the agreement and Commissioner Slaughter seconded the motion. There was no public comment. The motion carried unanimously.

Plan for logging within and adjacent to Bear Gulch Road right-of-way: Meeting with Paul Alt has been cancelled two weeks in a row by the logging business planning to do the logging.

Gravel Purchasing: The Board discussed the purchase of gravel. It will be put on the agenda again next week for a decision.

Ron Wetsch and William Parke with the Valley Cemetery Board met with the Board regarding the purchase of equipment. Ron Wetsch indicated that he had gotten three bids for a backhoe with cab and attachments: JCB \$67,000 with attachments; CAT \$66,810 with attachments; and John Deere \$73,000 with attachments. He reported that the sexton is testing them now and there are funds in the cemetery account to purchase the equipment. County Attorney Blaine Bradshaw noted that all three bids are through a government purchasing cooperative (have already publicly bid), which allows them to take the bid they prefer.

Georgetown Lake level was reported at 6,429.59 feet, according to the USGS gage and the dam tender's report. The lake is approximately 1.08 inches above full pool. The outflow is estimated at approximately 54.7 cfs according to the USGS outflow gauge and the dam tender's report. Letters from Linda Connors and W. R. Halvorson requesting the lowering of the lake level were received and read. Commissioner Hinkle moved to make no change in the outflow and Commissioner Adler seconded the motion. As discussion, Chuck Stokke said that outflow is now approximately the same as inflow. John Groomes suggested that the lake level be lowered to the spillway crest now, then outflows could be reduced 30 cfs. The motion carried unanimously. Chuck Stokke inquired when the road across the Flint

Creek Dam will be closed and the Board responded that it will be closed for construction in late August or later and people will be notified in advance through email and signage.

Dustin Muhly, county PHEP (Public Health Emergency Planning) Coordinator, met with the Board and reported that there are zero active COVID-19 cases in the county and no new cases. He attended the Javare Conference last week on a training and exercise for a multi-year plan, which is due at the end of this quarter. Commissioner Adler suggested that Dustin Muhly make himself more known around the county and spread the word that hand sanitizer is in good supply and locally available.

Granite County Board of Health Meeting

Granite County Board of Health met with Dr. Mark Ransford, Chair of the Board of Health, Dr. William Reiter and Commissioners Bill Slaughter, Scott Adler and Charles Hinkle present. No board members were absent.

Minutes of last quarterly meeting of April 21, 2020 were approved on the motion of Commissioner Hinkle and second by Commissioner Slaughter. Motion carried.

Letters in favor of the mandatory wearing of masks were received and read from Chuck Johnson, General Manager at The Ranch at Rock Creek Jon Martin, Nikki Graybeal, Linda Walser, Richard A. and Joyce T. Molteni, Robert Beyer of Granite Pharmacy, Nancy Michalsky, Patsy Buck, Catherine Johnson and Annie Young. Letters opposing the mandatory wearing of masks were received and read from Devin and Tanya Dahl, Craig Larson, Elena Gagliano, and Chris Cooney. Also, five telephone calls were received opposing the mandatory wearing of masks.

Dr. Ransford said that he is very much in favor of requiring that masks be mandatory (regardless of number of active COVID-19 cases in Granite County) as the only recognized way to reduce COVID-19. He read a letter from Dr. William Reiter, who also is in support of mandatory masks. Dr. Reiter moved that masks be required in public places and where social distancing is not possible (consistent with Governor's Directive on face coverings dated July 15, 2020), except the Directive should be applicable regardless of the number of active COVID-19 cases in Granite County. This motion does not apply to schools as the Governor's Directive on face coverings does not apply to schools. Dr. Mark Ransford seconded the motion. As discussion, Commissioner Adler said that he is in not favor of mandatory masks so if the owners of businesses want masks worn in their establishments, then they can mandate that. Commissioner Hinkle said that he feels like Commissioner Adler and wondered what good it does to mandate masks. Dr. Ransford explained that wearing a mask is the right thing to do and that a "strong encouragement" for wearing masks is not working. County Attorney Blaine Bradshaw noted that the sheriff can and will enforce it if it becomes a trespassing matter if someone without a mask is asked to leave a business and will not. Dr. Reiter stated that the county will be taking a step back if masks are not required; much of the country which dropped precautions have done terribly with considerable harm; also, we know that COVID-19 is much more contagious and infectious than previously thought; it can be transmitted by aerosol, which are smaller droplets, and can travel more than six feet; it was initially thought that it was transmittable when asymptomatic, now it is believed that

it is transmittable for a much longer time; if you trust the science, then a mask is the only way to prevent the spread; epidemics are always worst at the crossroads of travel; and it doesn't matter how many cases are in a county because people travel so freely. Discussion: Jody Dallaserra commented that she was the first case in the county which was brought in by someone who was asymptomatic; she is an advocate of major physical spacing and other cases in Granite County were all related; she does not feel it was brought in from the outside, she feels that masks should not be mandatory, but businesses should decide whether to mandate masks. Dr. Ransford noted that the county got lucky to get the virus stopped as contact tracing is a very time-consuming activity. Adam Parke commented that if businesses want to dictate masks they can do so but he is absolutely not in favor of mandated masks in a free country. Dr. Ransford said that he has discussed this with the sheriff; also, if we get four cases the masks are mandated anyway. Zoom comments; Elena Gagliano does not agree with mandating masks; what about enforcement; governor's mandate in effect on July 15th; how does COVID compare with flu. Dr. Reiter responded that this is a different disease than the flu and you can get very ill. Tri-County Tobacco Specialist Jennifer Robinson noted that 148,000 people in the U.S. have died from COVID (with 51 having died from the virus in MT) and the U.S. has highest case load of any country in the world. Commissioner Slaughter commented that masks in public places where social distancing is not possible may be the only way to prevent closing businesses in the future; if mandating increases mask use and reduces the illness; although he hates it, he will vote in favor of it. Zoom chat; why do we have to be punished because of out-of-staters? Dr. Ransford responded that is not a punishment but it is preventative measures. Elena Gagliano: as far as businesses mandating a mask, what about people with health problems, also some people cannot wear a mask all day. Who gets called if a mask is not worn? County Attorney Blaine Bradshaw noted that businesses must follow ADA rules or be subject to civil liability. Dr. Ransford called for a vote and repeated that masks would be mandated indoors in public places and when social distancing cannot be maintained, and it does not cover schools. When the Governor's mandate expires, this expires at the same time. Dr. Ransford, Dr. Reiter and Commissioner Slaughter voted in favor of the motion and Commissioners Adler and Hinkle voted to oppose the motion. The motion carried. Dr. Ransford said that he has brought his letter of resignation and would have submitted it if the motion failed, and he cannot in good conscience not do what is the right thing to avoid diseases. Dr. Reiter stated that the logical thing must be done to protect the health of the people of the county. He also noted that it was not known at the beginning of this epidemic just how contagious and easily transmittable the virus is.

The second reading was held of the Granite County Board of Health Ordinance 2020-01 "First Amended MT Clean Indoor Act Implementation Protocol for Granite County." 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. 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. Dr. Ransford indicated that he is in favor of it because second hand smoke is detrimental. Commissioner Hinkle said that he is not in favor of it, but he is very concerned about smoke from forest fires and he has no way to avoid that. Dr. Ransford noted that the government has the right to protect

its citizens. Dr. Ransford called for a motion and there was none so the matter died. Commissioner Slaughter noted that 30 feet will likely put it near another business. Jennifer Robinson, Tri-County Tobacco Prevention Specialist, said that there are more important matters at this time and she will bring it up again after the COVID-19 epidemic ends. The Pandemic Influenza Plan and the Close Contacts Instructions for COVID-19 were postponed until the next meeting.

Board of Health meeting adjourned at 10:30 a.m.

End of Granite County Board of Health Meeting

Commissioner Adler excused himself from the meeting at 10:30 a.m.

Drummond Mayor Gail Leeper met with the Board to give an update on the town's Water Tower Project. She presented a letter from Triple Tree Engineering dated July 21, 2020 which outlined the work to date and the necessary work and cost to complete the project due to unforeseeable damage which was discovered. The letter outlined the current total cost of the project is \$126,047. The original amount received from the county for the project was \$110,000, leaving a remaining balance of \$16,047. Mayor Leeper requested that the Board consider giving the additional funds to the Town of Drummond from the county's PILT (Payments in Lieu of Taxes) funds. Commissioner Slaughter said that he feels it is a good project and the additional funding request should be looked at during the budget process. Mayor Leeper said that the water tower work has renewed the interest on the part of the firemen in the importance of the water tower.

Proposals for an Independent Contractor to administer the PHEP (Public Health Emergency Planning) Program in Granite County were opened by Executive Assistant Mike Kahoe. The advertisement for the submission of proposals was published in the July 9 and 16, 2020 issues of the *Philipsburg Mail* newspaper. Two proposals were received by the deadline of 5:00 p.m. on Friday, July 24, 2020. One from Gail Leeper and one from Dustin Muhly. The review of the proposals was tabled until next week. Scott Sylvester with the *Philipsburg Mail* attended.

The Board considered selecting an independent contractor to administer the PHEP (Public Health Emergency Planning) Program from the two proposals submitted. The matter was tabled until next week.

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, following public advertising. The men reported that they did an assessment to determine hourly rates and arrived at \$40/hour for social media maintenance and \$50/hour for website maintenance, although they would like to discuss a monthly management fee in the future, which they believe is a better value for the county. County Attorney Blaine Bradshaw indicated that hourly costs would be a good way to establish an approximate monthly cost. Commissioner Hinkle agreed that an hourly fee for at least 90 days and up to six (6) months would establish an estimated monthly cost. Eric Bunting discussed the upfront costs of the website development. Commissioner Slaughter inquired

if all that is developed becomes the property of the county and John Skousen replied that it is all the property of the county. John Skousen noted that they have reviewed many county websites and they would like this one to be the best of the best, which could include the Sheriff's Department. They plan to do a couple of mockups for the Board to review. Commissioner Hinkle moved to accept the following elements of the proposal: Website Redesign and Development \$8,500, Website Domain Connection and Management \$250, Professional photo and video services for visual content within the website (provided directly from Philipsburg Marketing Group) \$2,500, for a total fixed cost of \$11,250, plus \$40/hour for social media work and \$50/hour for maintenance. Commissioner Slaughter seconded the motion. Commissioner Slaughter commented that he sees this as a partnership between the county and the Philipsburg Marketing Group. John Skousen said that he sees the relationship as a partnership also. Zoom comments: Do they have other government contracts? Yes, the Granite County Hospital District. Comment: The website should be more user friendly and promote participation. There was no further public comment. The motion carried. Elena Gagliano commented that committee agendas and minutes should be posted to the website. Commissioner Slaughter recalled that the website would be searchable and Eric Bunting agreed that it would be. Scott Sylvester with the Philipsburg Mail newspaper attended.

Sam Dennis with Dennis Ranch LLC met with the Board regarding a floodplain decision appeal. Planning Director/Floodplain Administrator Linda Bouck explained that Sam Dennis had applied for a floodplain permit for a culvert in an irrigation ditch in which it appears that FEMA erroneously shows the irrigation ditch as being a fork of Flint Creek. The culvert would be installed to allow for a private driveway to a new building site for the family. Linda Bouck submits the plan to the state DNRC for engineering review, according to the county's regulations, and the DNRC is saying an engineered encroachment analysis be done, including an expensive hydraulic study, according to the County regulations. Sam Dennis does not want to complete this due to the fact this is an irrigation ditch which his family controls the flow to, and the study would be very costly. So Linda Bouck denied the floodplain permit. Sam Dennis has appealed the decision to the Board. Linda Bouck explained that there is in fact a process for appeal in the county's regulations, and the Board of County Commissioners can override her decision. In support of his appeal, Sam Dennis explained that the water in question is an irrigation ditch and the only other access is through an irrigated hay field, which is not practical as an access. Sam Dennis said that he would put in a five-foot culvert in the irrigation ditch and noted the county has three 18" culverts downstream to get the water under Porter's Corner Road. He also reminded the Board his family has a head gate on this ditch, and the water can be turned off completely by the family. The family has routinely forded the irrigation ditch in the proposed location to access portions of their property. Linda Bouck indicated that there is no exemption in the regulations for agriculture in this situation and she agreed this is an irrigation ditch, not the main stem of Flint Creek. She also noted that DNRC does not make the decision, but it recommends the necessary steps. Linda Bouck reviewed that public notice has been made in the newspaper and to the adjoining landowners, with no comments received. Commissioner Hinkle moved to override Linda Bouck's decision not to issue the

floodplain permit without the encroachment analysis and requested that she issue the floodplain permit. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried. Scott Sylvester with the *Philipsburg Mail* newspaper attended.

The Board considered the following two FERC (Federal Energy Regulatory Commission) items related to the Flint Creek Dam:

Use of DOWL Engineering of Billings for the upcoming Part 12D inspection of the dam, required every five years. Commissioner Slaughter moved to get a proposal from DOWL Engineering for the upcoming Part 12D inspection and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried.

Road Department to stretch the boat barrier cable each spring. The Board agreed to discuss the matter with Road and Bridge Superintendent Paul Alt.

County Attorney Blaine Bradshaw updated the Board on the litigation regarding the Bear Gulch Road and Mr. Richard Komberec. He said that he has not yet received the acknowledgement of service from Mr. Komberec's attorney, but he expects it soon. Commissioner Slaughter noted that Commissioner Adler and his family have received ongoing comments through social media that are detrimental to Commissioner Adler and his family due to this litigation. County Attorney Bradshaw agreed to email Richard Komberec's attorney regarding the matter and ask that they cease and desist such conduct.

Public Comment: None.

In an administrative action, Commissioner Hinkle signed the Amendment to the 2020 Cooperative Agreement with the Department of Public Health and Human Services for reimbursement to the county for COVID-19 related work conducted with licensed establishments by the sanitarian.

Correspondence: All correspondence is noted in today's minutes.

Commissioner Hinkle moved to approve the July 21, 2020 minutes as amended and Commissioner Slaughter seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:30 p.m.