

September 29, 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 many people in attendance. The session was livestreamed through the Zoom computer program available to the public to view the session and comment, and the public was also allowed to attend in person and provide comment.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt did not meet with the Board today. Commissioner Adler reported that Paul Alt is loading trucks with millings today and the crew is placing millings near the solid waste site at Philipsburg and at the water tower in Drummond. Also, John Deere is coming to replace a part on the new tractor/mower, which arrived without a rear mowing deck, which was ordered with the machine. Commissioner Adler moved to send John Deere a letter about the defects in the machine and requesting a discount due to lost use of the mower for approximately three (3) weeks. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw agreed to draft the letter. Commissioner Adler moved to sign the purchase order for the new 2020 International Truck, including dump box, from Woodpecker Truck in Pendleton, Oregon for \$173,250.01. This purchase was authorized in previously by the Commission and was an agenda item. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Georgetown Lake level was reported at 6,428.96 feet, according to the USGS lake level gage. The lake is approximately 6.48 inches below full pool. The outflow is estimated at approximately 31.5 cfs according to the USGS outflow gauge. Commissioner Hinkle moved to make no change in the outflow. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board considered the payment request of \$50,000.00 from the FLAP (Federal Lands Acquisition Program) as matching funds for the Georgetown Lake Road Project. Commissioner Slaughter noted that the matter had been previously voted on at the April 21, 2020 Commission meeting. Commissioner Adler moved to make the payment and to take the funds out of fuel tax fund. Commissioner Slaughter seconded the motion. There was no public comment. Commissioners Slaughter and Adler voted in favor of the motion and Commissioner Hinkle voted to oppose the motion. The motion carried. Discussion was held on the Forest Service's use of \$40,000 in RAC (Resource Advisory Committee) funds for this project, which are funds that had been awarded to Granite County.

The Board considered the draft Addendum for Additional Masonry Work by David Kesler III at the Sheriff's Office. David Kesler III attended and explained the necessary work

(custom concrete cap for rock retaining wall) which will keep the water out and he noted that it is the best long-term fix that he can think of. Custodian Janeen Bonney attended and agreed that it would be a good plan. Also discussed was the work which needs to be done to the foundation of the jail as the rock foundation needs substantial work. None of this work was contemplated in the original bid and agreement so this would be a reasonable and necessary change order (Addendum). Further, the Sheriff has been very happy with his masonry work done so far. The total for this Addendum would be \$28,300 with \$15,000 in material costs being paid upfront. The plan is for the work to be completed by the end of November 2020. Commissioner Adler moved to approve the Addendum and Commissioner Hinkle seconded the motion. Commissioner Slaughter noted that the Board has an obligation to keep up the county property. The motion carried unanimously.

The Board reviewed a letter from Sheriff Scott Dunkerson dated September 24, 2020 with photographs showing work that needs to be done on the foundation of the jail. This matter was taken care of by the previous motion.

The Board reviewed the draft of the response letter on the Board's letterhead by County Attorney Blaine Bradshaw to the Federal Energy Regulatory Commission's letter dated September 14, 2020. The response is not due until mid-November (November 13, 2020) but the Board agreed to send it now since it is ready. Commissioner Adler moved to send the letter as written and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board complimented County Attorney Blaine Bradshaw on his excellent work in writing the four-page letter and putting together the many attachments to the letter.

The Board reviewed the response by Granite County to the Georgetown Lake Homeowners' attorney letter dated September 9, 2020. The letter from attorney Katelyn J. Hepburn and Granite County's response dated September 17, 2020 were discussed. County Attorney Blaine Bradshaw reviewed the sequence of events, which ended with Katelyn J. Hepburn's letter, to which the Board responded. Also, County Attorney Blaine Bradshaw agreed to send a copy of the letter to FERC, discussed above, to attorney Hepburn.

County Attorney Blaine Bradshaw reviewed several available dates for mediation between Granite County and Flint Creek Hydro LLC. The Board agreed that October 28, 2020 would be a satisfactory date. Retired District Judge Ed McClain will be the agreed upon mediator. Scott Sylvester with the *Philipsburg Mail* newspaper inquired if the mediation is open to the public and County Attorney Blaine Bradshaw indicated that it is an open meeting.

County Attorney Blaine Bradshaw reported on the ongoing litigation by Granite County regarding Bear Gulch Road and Mr. Richard Komberec. He reported that he is in the process of finding an expert surveyor to be an expert witness, and he would report back next week regarding possible candidates. It should be noted that it was previously discussed that Hans Bohrsen would be a great witness, but may not be considered independent since he is a contracted surveyor for Granite County.

The Board considered applications received for various county boards. Commissioner Adler moved to make the following appointments to the boards, all with an expiration date of October 2, 2023. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Appointments covered by the motion were Paul O'Leary, Ernie Fulk and Darcy Schindler to the Granite County Airport Board, Dr. Mark Ransford to the Valley Fire District Board, Mike Hayes to the Georgetown Lake Fire Service Area Board and Eaf Parke to the Tri-County Fair Board. Commissioner Hinkle moved to keep the application of Jim Lochridge of Philipsburg for the Granite County Planning Board on hold because this board member would represent a different area of Granite County. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

County insurance agent Rody Holman with PayneWest Insurance met with the Board to review the amended appraisal report performed by HCA Asset Management dated September 14, 2020. The report was ordered by the Montana Association of Counties (MACo) Property & Casualty Trust, which provides the county's property and liability insurance. The purpose of the report is to assure that buildings are insured to replacement values in the event of a total loss. Agent Holman noted that the insurance has a "margin clause" which the agents are trying to get removed, and the appraisal report is part of that process. Clerk Sue Antonioli participated in the review to assure that all the buildings and property in the report are currently listed as fixed assets in the county's accounting system. The Board reviewed the document and requested some changes. Agent Holman agreed to finalize the changes and submit the revised report to MACo. Scott Sylvester with the *Philipsburg Mail* newspaper attended.

Public Comment: None.

Correspondence: 1) The Board received the resignation of Dr. Mark Ransford from the Granite County Board of Health effective December 31, 2020. 2) Email from Jeremiah Theys with Great West Engineering informing the Board that DOWL Engineering will do the required 12D inspection on the Flint Creek Dam. DOWL will submit a proposed agreement for the Board's consideration. 3) A copy of the Owners Inspection Form, Flint Creek Dam annual inspection, as performed by engineers Jonathan Weaver and Brent Pilon with Great West Engineering of Helena on September 15, 2020. 4) An email from Jackie Bolster, DES Coordinator, that a table top exercise is required by FERC (Federal Energy Regulatory Commission) for the Flint Creek Project by December 31, 2020. The exercise is scheduled for December 5, 2020, at the Sheriff's Office. 5) A copy of a letter from County Attorney Blaine Bradshaw to attorney Wade Dahood notifying that informal mediation on the Rising Sun Estates' Fire Suppression System has been scheduled for Tuesday, October 20, 2020 at 2:30 p.m. to include developer Jack McLeod.

Commissioner Hinkle moved to approve the September 22, 2020 meeting minutes as presented and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. Emily Petrovski with the *Philipsburg Mail* newspaper attended.

The Board held the first reading of Resolution 2020-18 “A Granite County Resolution Authorizing The Transfer Of PILT Funds To The Town Of Drummond For Emergency Needs.” There was no public comment. Board discussion included that the change order work was completed prior to the request for funds for the change order. Commissioner Hinkle said that he would have preferred that the Board had been contacted for possible funding before the work was completed, not after.

The Board considered Task Order 21-25-5-01-020-0 for the Maternal and Child Health Block Grant Program through the Montana Department of Health and Human Services. Anaconda/Deer Lodge County Public Health Director Leah Ann Holmes was present and explained the details of the Task Order, which is a very basic grant that is a gateway to other services and it includes that the Granite County Health Department engage in activities to reduce infant and child deaths, some home visiting for pregnant women and newborn children, and no county matching funds are required. She noted that Granite County has renewed this grant every year for many years. Commissioner Adler moved to approve the Task Order and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Missoula County Commissioner Dave Strohmeier met with the Board to discuss his invitation to the county to support the Big Sky Passenger Rail Authority. He explained that regular passenger service was lost in 1979 to the lower tier of Montana. He noted that Montana law allows counties to create a regional passenger rail authority and nine counties have adopted a joint resolution to be part of the authority. The rail authority is not contemplating owning any infrastructure and establishing the authority is the very first step in the process, according to Commissioner Strohmeier. He noted that Granite County would have a seat on the board of directors for the authority, and that the board member would be appointed by the Granite County Commissioners. Commissioner Hinkle inquired where the funding would come from. Commissioner Strohmeier responded that the congressional delegation would need to be involved as the project would include additional sidings and some double track. He noted that the positive economic impacts of the passenger train running along the high line of Montana is well documented. He noted that ticket sales would be a small part of the revenue required to operate and subsidies would be required. Commissioner Adler moved to direct County Attorney Blaine Bradshaw to start the process of the joint resolution, subject to the Commission meeting again on the matter next week, and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:10 p.m.