

November 16, 2020

The mediation scheduled for this day with Granite County and Flint Creek Hydroelectric LLC was postponed due to the mediator, retired District Judge Ed McLean, being called to a jury trial. The mediation will be rescheduled.

November 17, 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 were 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 Paul Alt was not available today for this meeting. Commissioner Slaughter reported that cutting grass along county roads continues.

The Board discussed the house owned by the county at the Hall Road Department. Commissioner Slaughter reported that he has had a professional cleaning company look at the house for a bid to clean it and the cleaning company said that it is likely that the carpet will need to be removed. He will report what the quote is when he receives it. Commissioner Adler indicated that he felt the house should be torn down. The expense of tearing it down was discussed. It was noted that a county employee may want to rent it, which would have the advantages of having a county employee be on the Hall Road Department Shop premises for security.

As an administrative matter, the Board held a conference call with Lewis Smith and Charlie Brand, both with the Powell County Landfill Board. Discussion was held whether Granite County would participate by having Granite County haul its solid waste to Powell County. Commissioner Adler noted that the county would have to buy a truck and hire a driver. Lewis Smith noted that at the existing Powell County landfill, there are 15 to 20 years left; they have purchased an additional 108 acres and are working to get that licensed as a lined site. Commissioner Adler noted that Granite County still has two and one-half years left on the contract with Republic, so this would be for future consideration. Lewis Smith noted that Powell County rural had been hauling waste to Helena, but now does not have to go over McDonald Pass. The cost for that was \$35/ton for the tipping fee. Commissioner Adler asked for more information about how much waste can be taken, what the rate would be, and length of any proposed contract. Lewis Smith agreed to supply the information. The matter will be placed on future Board agendas for public meetings to be held before any decisions are made.

Georgetown Lake level was reported at 6,428.80 feet according to the USGS lake level gage. The lake is approximately 8.40 inches below full pool. The outflow is estimated at approximately 35 cfs. Commissioner Hinkle moved to make no change in the outflow and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

As an administrative matter, the Board conducted the canvass of votes from the November 3, 2020 General Election with Clerk and Recorder/Election Administrator Sarah Graham, including declared write-ins. Sarah Graham said that the all-mail election went very smoothly and any discrepancies were resolved. The Board declared the final election results official as follow:

(Put scanned election results here.)

The Board held a telephone conference call with personnel from the Federal Energy Regulatory Commission (FERC) Portland Regional Office regarding the Owner's Inspection Form for the Flint Creek Dam. Participating from Granite County were Commissioners Slaughter, Adler and Hinkle, County Attorney Blaine Bradshaw, Executive Assistant Mike Kahoe and Disaster and Emergency Services Coordinator Jackie Bolster; Granite County consulting engineers Jeremiah Theys and Jonathan Weaver with Great West Engineering of Helena; and Civil Engineer Kelcy Adamec with the Portland Regional Office of the FERC. Chairperson Slaughter closed the meeting to the public due to the Owner's Inspection Form being designated as CUI//CEII (Controlled Unclassified Information//Critical Energy Infrastructure Information) by the FERC because it could be used by a person or group in planning an attack on critical infrastructure.

As an administrative matter, Mike Foley met with the Board regarding the Flint Creek Dam and he suggested that the Board talk to the Fish and Game and talk to the homeowners at Georgetown Lake because they benefit from the lake. Also, he suggested that an area around the lake be made a special district to generate revenue. County Attorney Blaine Bradshaw indicated that it would need to be done by petition with the approval of all the land owners involved. Mike Foley also suggested working with the Deer Lodge County people. Commissioner Slaughter noted that the regulations from the Federal Energy Regulatory Commission have been increasing rapidly over the past few years. He noted that a mediation has been scheduled with the county and Flint Creek Hydroelectric LLC to potentially get more revenue for the county from the electrical generating project. Commissioner Hinkle noted that public money should not be used to support the dam. Mike Foley said the people of Drummond, Hall and Maxville should not be asked to pay taxes to maintain the dam. He suggested several times that the lake be drained.

As an administrative matter, Kent Penney, Senior Aviation Planner with KLJ Engineering, met with the Board to report on the meeting yesterday of the Airport Planning Advisory Committee. He also reviewed the planning considerations, including pavement maintenance, hangar demand, instrument capabilities, and medical flights. He noted that KLJ will maintain a website with current information on the Riddick Field Airport Improvement

Project which will be available to the public and it will be posted on the county's website. People will be invited to make comments, through the website, directly to the engineers regarding the airport planning process.

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

The Board considered the applications for appointments to various volunteer boards and committees. Two applications were received for the Philipsburg Cemetery District Board from William Hoehne and Danette L. LaTray. Commissioner Slaughter moved to appoint Danette L. LaTray to the Philipsburg Cemetery Board for a term ending October 2, 2023. Commissioner Hinkle seconded the motion. County Attorney Blaine Bradshaw informed the Board that Matt LaTray is the Board Clerk and another LaTray family member is on the Board already, and the Board considered this information. There was no public comment. The motion carried unanimously. Because there was only one application for a position on the Granite County Planning Board, the Board made an exception as to the area represented for this appointment, and Commissioner Hinkle moved to appoint Jim Lochridge of Philipsburg to the Granite County Planning Board to represent the Lower Rock Creek area for a term ending October 2, 2023. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. The Board noted that the available board positions had been advertised on the county's website and in the *Philipsburg Mail* newspaper on September 10 and 17, October 29 and November 5, 2020. The Board noted one application for the upcoming Board of Health vacancy from Jeremy Aal of Philipsburg. The Board agreed to interview him in early December (on a publicly noticed meeting agenda) for the volunteer position, which will begin January 1, 2021. The Board of Health volunteer position was advertised separately on the county website and in the November 5 and 12, 2020 issues of the *Philipsburg Mail* newspaper.

The Board reviewed the proposed Employee Leave Request Form to be used under the Families First Coronavirus Response Act. The Board postponed any action until the next meeting.

COVID-related expenses and the CARES Act (Coronavirus Aid, Relief, and Economic Security Act) were discussed with DES Coordinator Jackie Bolster. She noted that wages for the Sheriff's Office, deputies and dispatchers, some election expenses, two months of Zoom, and census advertising for the last quarter all qualify as eligible. She inquired if the Board would like to apply for the funds. There was discussion on how the funds must be accounted for and how they can be spent. Clerk and Recorder Sarah Graham noted that the funds go into the Coronavirus Fund and may go as reimbursement to the funds which they were given to reimburse, but she is checking on that and will get back to the Board. County Attorney Blaine Bradshaw noted that these funds do not increase individual budgets without a Resolution by the Commission. Commissioner Adler moved to apply for the funds and Commissioner Slaughter seconded the motion. Commissioner Hinkle commented that he is not in favor of accepting government money. There was no public comment. The motion

carried unanimously with Commissioners Slaughter and Adler voting in favor of the motion and Commissioner Hinkle voting reluctantly in favor of the motion.

DES (Disaster and Emergency Services) Coordinator Jackie Bolster met with the Board regarding the tabletop exercise required by the Federal Energy Regulatory Commission (FERC) for the Emergency Action Plan for the Flint Creek Dam. It was agreed to request an extension of time to do the tabletop exercise in conjunction with the third Part 12-D inspection for the Flint Creek Dam. That request will be made by the Board to the FERC.

Public Health Nurse Debbie Robinson and assistant Jackie Bolster met with the Board to explain the process of contact tracing due to COVID-19 potential exposure. Jackie Bolster gave a brief report regarding contact tracing.

Dustin Muhly, PHEP (Public Health Emergency Planning) Coordinator, met with the Board to discuss contract issues. Dustin Muhly waived his right to privacy and requested that the meeting be open to the public (including on Zoom). Commissioner Slaughter explained that there have been communication issues and noted that he supported the renewal of the PHEP contract with County because he didn't want to change course in the middle of a pandemic. Discussion was held that the Board was not notified that Dustin Muhly was gone for a vacation. Commissioner Adler indicated that some requests by the Board have not had a response. Commissioner Slaughter stated that the Board can request that it be notified when he is going on vacation. Dustin Muhly said that he notified the Public Health Nurse, who knew that he was going on vacation. Commissioner Hinkle noted that he had never worked anywhere you did not notify the boss when you were going on vacation. Commissioner Slaughter stated that Dustin Muhly works for the Commissioners and Dustin Muhly agreed that was correct. There was some discussion on whether Dustin Muhly had agreed to take notes for LEPC and IMT meetings, and it was the consensus that he had agreed to do so under the other administrative duties included in his contract. Commissioner Slaughter inquired what the additional duties are required for the extra PHEP funds that were allotted. Dustin Muhly responded that additional deliverables are required for the additional funds. Discussion was held that a reasonably detailed monthly report of activities would be good for the Board to have and the Board requested that Dustin Muhly submit one. Commissioner Slaughter requested that Dustin Muhly submit a quarterly report on deliverables so the Board is aware of the deliverables which are submitted to the state, and Dustin Muhly agreed to do this.

Contract tracing was discussed and Dustin Muhly indicated that he had been doing that as a volunteer, although the Board noted that it had been on his time sheet. Dustin Muhly consented to complete extra administrative duties if requested by Chairperson Slaughter. Dustin Muhly said that he will not come into another Commission meeting until everyone is wearing a mask, but he will participate through Zoom. The Board will send Dustin Muhly a letter outlining what was discussed at this meeting. Emily Petrovski with the *Philipsburg Mail* attended.

The Board held a work session to discuss final language for the proposed county Nuisance Dog Ordinance, which will be Granite County Ordinance No. 2020-1, if it is adopted. Sheriff Scott Dunkerson reviewed the proposed final language and discussed it with the Board. Agreement was reached on the final language for the Ordinance. County Attorney Blaine Bradshaw noted that the final Nuisance Dog Ordinance will need to be on the agenda for two readings prior to adoption and the Board agreed to put the proposed ordinance on the next two Board agendas.

Commissioner Adler excused himself from the meeting at 1:40 p.m.

Public Comment: Jo Durgin, formerly Jo Collins from Philipsburg, met with the Board and reported that she had a survey done on property that she owns on the School Hill area in Philipsburg and that the county Road Department shop building and other improvements, including the fence, encroach upon her property according to the research she has done. She presented plat maps indicating proof of this encroachment. She said that she has spoken with County Attorney Blaine Bradshaw about the situation. Jo Durgin proposed that the county cut the fence back a little bit so that the town road can be used for access. She said that she would be willing to discuss a boundary adjustment with a potential land swap. She also said that the long-term plan is to put some residences on her land. County Attorney Blaine Bradshaw said that the matter should be an agenda item. Commissioner Slaughter requested that when Jo Durgin has a more definite plan that she make an appointment to be on the Commission agenda. On another subject, David Kesler III met with the Board and gave a report on work that he is doing on the foundation of the jail. He reported that he has put 1,400 pounds of grout into the foundation and he feels that a total of 4,000 pounds will likely be needed on the project. He is ordering material for repair of the roof above the exterior entrance to the courthouse boiler room, which was damaged by falling ice and wind. He anticipates the material will take one to two weeks to arrive.

The Board reviewed draft minutes for the November 10, 2020 regular session. The minutes were approved as presented on the motion of Commissioner Hinkle and second by Commissioner Slaughter. There was no public comment. The motion carried unanimously.

Correspondence: None.

The session adjourned at 2:15 p.m.