

February 16, 2021

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 Charles Hinkle, Commissioner Blanche McLure and Commissioner Scott Adler attending. Also attending were County Attorney Blaine Bradshaw and Clerk Sue Antonioli. 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 internet-based program available for the public to view the session and comment, and the public was also allowed to attend in person and provide comment. The session convened with the pledge of allegiance.

Scott Sylvester, reporter with the *Philipsburg Mail* newspaper joined the session in-person. Also joining the session by Zoom were Elena Gagliano and Gail Leeper, Mayor of the Town of Drummond.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt joined the session by phone. The three ceiling heaters in the Philipsburg shop have failed and after talking with Jim Lott from Mile High Heating in Butte, he estimates a cost of approximately \$8500 to \$9000 for replacement. They need to be ordered right of way so that they can be plumbed by the first of the month. County Attorney Blaine Bradshaw explained that the Commission can waive procurement policy bidding procedures (3 informal bids required) as this is an emergency and the policy allows the Commission to waive such informal bids in their discretion. Commissioner Adler moved to waive the bid procedure and Road Superintendent Paul Alt work with Mile High heating to install the three heaters in the county shop ASAP. Commissioner McLure seconded the motion. During public comment Elena Gagliano asked when did they apply for bids? County Attorney Bradshaw stated that they didn't have to follow normal procedures as this is an emergency. The motion carried unanimously. Possible ways of getting the courthouse parking lot and adjoining sidewalk area were discussed. The courthouse 4-wheeler is too small to handle heavy snow loads. The Commission asked if Paul Alt could get someone from the road crew to plow these areas. Commissioner McLure stated that the county used to plow county areas. Paul Alt noted the crew could do this as long as it wasn't expected every time it snowed and just for heavy loads. Commissioner McLure brought it to the Board's attention that the Road Department was out of overtime pay. The Board decided to table this discussion and put it on the agenda for next week's session.

Georgetown Lake level was reported at 6,428.66 feet according to the USGS lake level gage and the dam tender's report. The lake is approximately 10.08 inches below full pool. The outflow has been set at 25 CFS over the past weeks and it appears to still be at 25 CFS for outflow. Commissioner Adler moved to keep outflow at the current level (25 CFS) for this week. Commissioner McLure seconded the motion. There was no Public comment. The motion carried unanimously.

The Board held the first reading of Resolution 2021-5: “A County Resolution Amending the County’s Public Health Budget To Account For Certain Unanticipated Grant Funds, Authorizing Expenditures, And Return Of Certain Grant Funding. County Attorney Blaine Bradshaw explained this resolution is needed to account for unanticipated grant funds (federal CARES Act—Provider Relief Funds--passed through state) received in December 2020, amending the current County Public Health budget, and approving certain expenditures of the grant funds. All unused portions of the grant must be returned to the State of Montana and this will be done. There was no public comment.

Eric Bunting and John Skousen from Philipsburg Marketing Group, the County’s new webmaster, joined the session in-person to update the Board on progress and recent developments with the new County website. Eric Bunting stated that the project has been taking a little more time than usual because of the county government domain and they want the least amount of interruptions with county emails. Commissioner Hinkle asked how much more time this would take. John Skousen stated that it would be a month at the most and it has been frustrating for them as the government domain issue has been a hard issue. He explained once the site is live they will provide training to all departments. The draft websites is available for review purposes at www.granitecounty.mt.us. County Attorney Bradshaw said a lot of the delay here is due to DEV406, the County’s outgoing webmaster, as they will not return calls and get back to anyone in a timely manner.

Dustin Muhly, PHEP (Public Health Emergency Preparedness) Coordinator, met with the Board and gave the COVID-19 update. There is currently one active case in Granite County. Granite County has given 567 vaccinations with 106 people receiving both. Hopefully vaccines dose allocation will increase for the county. By the end of March 2021, the County should be in Phase 1C which calls for vaccinating everyone 60 years old and up. The Granite Pharmacy, a private local business, will be receiving 200 doses this week, but it is uncertain at this time how they will be letting people know of the availability and how they will handle the practical matters of administering the vaccine.

During the County Board of Health update, the Board reviewed an email from local resident Ron Locke expressing his opinion on Governor Gianforte’s latest directive wherein he rescinded the mask mandate. Mr. Locke urged the Board to look at conditions in Granite County and “not to be swayed by emotional arguments, follow the science and the law, and NOT impose further restrictions upon our citizenry.” County Attorney Blaine Bradshaw explained to the Commissioners that they have the authority to be stricter on mandates within the County than is found in Governor Gianforte’s new pandemic directive dated February 12, 2021 which implements Order 2-2021. Commissioner Hinkle moved to concur with the Governor’s said directive from February 12, 2021 and to encourage people to use good common sense. Commissioner Adler seconded the motion. During public comment Scott Sylvester asked if local businesses would still require masks. The Commissioners felt that should be left up to the businesses. The motion carried unanimously.

Bill Slaughter has been the county representative on the Big Sky Passenger Rail Authority Board and recently resigned due to personal matters. Commissioner McLure moved to

accept Bill Slaughter's resignation and appoint Elena Gagliano as his replacement. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The draft lease agreement for the County's rental house in Hall was reviewed and changes were recommended by the Board. Commissioner Adler moved to accept lease agreement with the reviewed, recommended changes. Commissioner McLure seconded the motion. There was no public comment. The motion carried unanimously. Adler moved to offer the rental house to County road crew employees as a first option, as a preference, as he believes the renter should be a road crew employee who will be charged lesser rent for agreeing to be a good neighbor and watching out for the County's property (shop and equipment, etc.) interests in Hall, MT while the renter is on the rental premises. If no road crew member wants to rent the property then it could be offered to the general public. Commissioner McLure asked what are the legal ramifications of this public housing rental if this first option (preference) is given to road crew employees? County Attorney Bradshaw, said, legally speaking, there is a rational basis for giving the preferential treatment so there is no violation of the law (no equal protection issues); and 2) whether or not it is good public policy is a legitimate question for the Commission's ultimate decision. There was discussion on whether it was good public policy, and the Board generally agreed it was good public policy to offer the first option to County road crew employees as this will help protect the County's property interests. With the clarification, Commissioner McLure seconded the motion. There was no public comment. The motion carried unanimously.

The Board reviewed county claims for January, 2021. Commissioner Adler moved to approve the claims. Commissioner McLure seconded the motion. There was no public comment. The motion carried unanimously.

Commissioner Adler was unable to attend the afternoon session, but gave his proxy to Commissioner McLure.

County Extension agent, Ben Hauptman joined the session in-person.

County Attorney, Blaine Bradshaw, had a recent discussion with the Anaconda-Deer Lodge County Attorney, Ben Krakowka. Ben Krakowka said that the Anaconda DL County Commission and CEO are contemplating withdrawing from the Tri-County Fair and Fair Board, and just donating funds annually to their local 4H programs so their local 4H members could participate in the Fair each year. Anaconda County Commission wanted the Granite County Commission's thoughts on this issue. This would potentially remove Anaconda County's liability exposure, but at least the Anaconda area kids can participate in the Fair. County Extension Agent, Ben Hauptman talked to Katie Burden, Tri-County Fair Board member from Granite County, and it seems that the Granite County Fair Board members want the Fairgrounds Board to be being separate from actual Tri-County Fair Board which should just be over the 4H events at the Fair. Everyone in the meeting was in consensus that there should be distinction between Fairgrounds Board (just a Powell County board over the fairgrounds themselves) and Tri-county Fair Board (over 4H events at Fair).

Furthermore, there appears to be consensus that Granite County should have equal representation on the Tri-county Fair Board, the same as Powell County has in terms of board members. County Attorney Bradshaw said three (3) lawsuits have been filed, and at least one more to be filed, against the tri-counties and Tri-County Fair Board in regards to the 2019 demolition derby in which there was an unfortunate death and injuries. County Attorney Blaine Bradshaw did state he believes that Granite County did nothing negligent to be held liable for and that the County has insurance defense and indemnification through MACo trust. However, Anaconda Deer Lodge County had to bring a lawsuit against their insurance company who is balking about providing liability insurance coverage. Ben Hauptman feels it's a good idea to still have representation on the Tri-County Fair Board, but should be a distinction between them and Fairgrounds board. This matter would be put back on the County Commission agenda when the three Granite County board members (or at least 2 members) on the Tri-County Fair Board could participate. No public comment.

County Planner Linda Bouck joined the session in-person. Julie Sirrs, Jo Durgin, Ken Jenkins and Scott Sylvester joined the session by Zoom.

The latest proposal from Jo Durgin on the county shop encroachment was reviewed by the Board. Jo Durgin attended by Zoom with her attorney, Julie Sirrs, and surveyor, Ken Jenkins, all appearing by Zoom. After discussion on the limitations of residences, restrictions on the county easement to be granted to Jo Durgin for the access easement between School Hill Road and the county shop property, and road maintenance issues, Commissioner McLure moved to accept Jo Durgin's proposal as stated in Julie SIRR's email to the Granite County Attorney dated February 15, 2021 with the clarification made by Julie Sirrs in her email sent to the Granite County Attorney on February 16, 2021. Commissioner Hinkle seconded the motion. There was no public comment. The motion passed unanimously. Julie Sirrs will follow up with a formal agreement for the Commissioners to review and sign.

Granite County Airport Board Chairperson Ernie Fulk and KLJ Engineer Steve Brown joined the session in-person.

Steve Brown of KLJ Engineering, County's current contract engineer on airport matters met with the County Commission to discuss the County's grant application with the FAA and other matters. This FAA grant application has to do with the County's current Master Plan project and runway surfacing project at Riddick Field Airport. Steve Brown said the grant application is currently ready to be submitted to the FAA requesting up to 90% of the current project funds for the Master Plan and Aeronautical Survey. The Master Plan and Aeronautical Survey are required for further FAA grants on the runway resurfacing project. A draft grant application was provided by Steve Brown for the Board's review and approval at an upcoming public Commission meeting. The due date for the said grant application is March 5, 2021. Granite County had budgeted \$87,000 for the current fiscal year (2021-2021) for KLJ Engineering to start work on the Master Plan and Aeronautical Survey. KLJ currently exceeded the amount budgeted for the current fiscal year (but within their contracted amounts), but have held off billing Granite County until July 1, 2021, the next

fiscal year in which FAA grant funds should be available. However, the County is ultimately liable for these total amounts with KLJ due under the signed contract with KLJ. A local match of 28,300 is required of the County under FAA grant being applied for by the County, and the County has already received grants in the amount of \$17,500 to pay the required FAA grant match. So the County had requested additional grants to make up the difference but didn't receive one recently from the State of Montana, Aeronautics Division. So the County will be liable out of pocket for some (small part) of the FAA match requirement only in the unlikely event that other grants (or other funding) do not pay the difference currently remaining. There are other funding sources though to obtain the full grant match amount required. Steve Brown stated it seems like getting the cart before the horse in having to hire an engineer before obtaining this FAA grant, but these are requirements of the FAA. FAA hasn't guaranteed this grant will be approved, but they have the funds available and have made verbal representations that the grant would be awarded. Public comment: Elena Gagliano asked if they have an update of how much usage there is now at the Riddick Field Airport. Airport Board Chair, Ernie Fulk responded that he did not have the numbers with him, but that the County is not currently trying to increase the size of the airport's runway; and the County is just attempting to repair the current runway. Elena Gagliano asked why hasn't the upkeep been taken care of over the years? Steve Brown responded that the budget hasn't been there to throw that amount of money at the repairs. There is an FAA program now being utilized by Granite County that will pay for 90% of the maintenance costs for the new pavement that is put down in the resurfacing project

PUBLIC COMMENT: Elena Gagliano asked why the airport board vacancy wasn't advertised in the local newspaper. County Attorney Bradshaw explained that the airport is a little different than regular county boards and has been difficult to fill with qualified board members and that the members have wanted persons with existing aeronautics knowledge. As this was an appointment for a term that hasn't expired yet as well, it wasn't advertised.

CORRESPONDENCE: The Board signed two follow up letters discussed from the previous week's public meeting session.

Commissioner McLure moved to accept the February 9, 2021 minutes. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:22 pm.