

March 30, 2021

The Board of County Commissioners met at 9:00 a.m. in a 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 Granite County Attorney Blaine Bradshaw and Assistant Billie Ann Kulaski. 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. 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* joined the session in-person as well as Philipsburg Mayor Daniel Reddish; Payne West Insurance Agent, Rody Holman; Granite County Treasurer, Vicki Harding; Granite County Courthouse Custodian, Janeen Bonny; Granite County PHEP Coordinator, Dustin Muhly; Granite County Planning Director, Linda Bouck; and members of the general public including Susan Antonoli and Vera Johnson. Attending via Zoom were Attorney Julie R. Sirrs, Shareholder & Attorney at Law with Boone Karlerg PC and her client Jo Durgin; Ken Jenkins, President & Surveyor with Montana Northwest Company; and the general public including Elena Gagliano, Jordan White, and Bill Slaughter.

**ROAD AND BRIDGE SUPERINTENDENT/SOLID WASTE MANAGER WEEKLY REPORT:** Paul Alt wasn't able to join the session as he is in Great Falls for training. Commissioner Hinkle received a phone call over the weekend from a home owner on Travelers Home Road concerning the way the road was plowed. The home owner claims that the snow was plowed incorrectly and has ran down a drive way, flooding the basement of home. County attorney Blaine Bradshaw stated that if the snow was plowed and stored negligently that the County could be liable for damages. Commissioner Adler provided an update on Rattler Gulch, and the gravel that a private contractor, Kanduch Logging Company, was able to lay last week. The project required a couple additional loads than anticipated but the private contractor was able to cover the cost of it. Commissioner Adler also provided an update on the Hall Property, advising that the carpet has been laid and that the bathroom is almost completed. Additionally, the Road Crew has been working on lower Rock Creek where the windstorm blew some trees down over the weekend. Commissioner Hinkle added follow up to the discussion concerning millings, and wanted to rest of the Commissioners to be mindful of the 100 loads of milling that the County still has and where those can be utilized.

**GEORGETOWN LAKE LEVEL OUTFLOW:** The lake level was reported at 6428.44 feet according to the USGHS lake level gage and the dam tender's report. The lake is approximately 12.72 inches below full pool. Commissioner Adler went up to the Dam with Jeremy Mickey to set up cameras and reported that they saw lots of footprints around the area as approved the previous week. He followed up by stating they should have more information after the end of the month reports come out, and the Commissioners will

continue to investigate the unauthorized hikes in outflow that were previously reported. Currently it is at 35 CFS and the Commissioner Adler motioned to leave as is. Commissioner McLure seconded the motion. No public comment. The motion passed unanimously.

**PROPOSAL TO ESTABLISH JOB DESCRIPTIONS FOR POTENTIAL AMBULANCE PERSON:** Commissioner McLure stated that she doesn't feel that we are in a place where we are ready to develop a job description. She stated that she has talked with Philipsburg Mayor, Daniel Reddish about how to move forward with this issue. She also stated she will go to the Hospital Board Meeting in the evening and wants to meet with the Philipsburg Ambulance Association to understand what obstacles they are facing. Commissioner McLure proposed that the Commissioners meet with additional agencies and community members to continue discussing the matter and return to this issue on June 1<sup>st</sup>. Commissioner Adler agreed with Commissioner McLure and followed up that he needed to clarify what he had said in the previous session in regards to Drummond not wanting anything to do with this, and said that Drummond doesn't want to be controlled. He continued by stating that he doesn't see where hiring someone to coordinate the program is going to work, or fix the issue. Commissioner Hinkle stated he agreed with Blanch but doesn't want to wait until June, because that is too far out. Commissioner Hinkle stated that we need to be working towards a goal and this job description is pivotal in that approach. Granite County Attorney Blaine Bradshaw stated that combining this position with PHEP may be a good idea to pursue. Commissioner McLure added that the PHEP contract isn't up until the end of June, and that we may want to wait and see whether or not we want to integrate that contract or not. Commissioner Hinkle added the he believes there is definitely the need for a full-time position and that this is a work-in-progress. The Commissioners then opened the floor to public comment.

Philipsburg Mayor, Daniel Reddish joined the conversation stating he had visited with Robert Medof of the Philipsburg Ambulance Association regarding the 2020 proposal that Patrick Little (Philipsburg Ambulance Association President) provided the Commissioners in November. Robert had stated that he was in the process of reaching out to Patrick to arrange a meeting with the Ambulance Association so they can sit down and figure out what needs to happen. Mayor Reddish commented that he thinks they need to sit down on their own turf and figure out what they need and bring their own ideas to the County Commissioners. He also stated that he thinks we are making progress towards this goal and we just need to keep working together.

Community member Jordan White commented via Zoom that he is happy we are still discussing this topic and provided some additional information in regards to billing processes for ambulance services. Commissioner Adler responded that the Commission is aware of the financial process, that the concern is having someone to go on the calls. Commissioner Adler also added concerns about how one person would coordinate the entire County.

Community member Elena Gagliano commented via Zoom requesting clarification in regards to the Drummond and Philipsburg Volunteer Ambulance Associations including budgets, bylaws, etc. Granite County Attorney Blaine Bradshaw responded that her

comment was beyond the scope of public comment. Commissioner Hinkle responded that she was off topic, we were discussing the development of a job description and if her comments weren't about the topic she would be muted. Elena argued that her questions were on topic and as Chairperson, Commissioner Hinkle muted her.

Scott Sylvester of *The Philipsburg Mail* joined the conversation stating that he doesn't see anything wrong with having a job description to start with and circulate to all the parties involved. That this could be something that could simultaneously evolve with the process of establishing a working group of volunteers and people to support this program.

Commissioner Hinkle moved to continue working on this project and reaching out to both the Philipsburg and Drummond Volunteer Ambulance Associations as well as the Town of Philipsburg and Town of Drummond to find a resolution. Commissioner Adler seconded the motion. The motion passed unanimously.

**COVID-19 UPDATE; IMT (INCIDENT MANAGEMENT TEAM) REPORT; DUSTIN MUHLY, PHEP REPORT:** PHEP Coordinator, Dustin Muhly explained that there are currently 157 new COVID cases in Montana, 0 Cases in Granite Cases, there were a few over the weekend but now it is back down to zero. He also stated that Granite County Medical Center just received 100 doses of the Johnson and Johnson vaccine and they are allocating 50 doses to the pharmacy. Also, The Ranch at Rock Creek employees were vaccinated on March 29<sup>th</sup> since they tend to be hot spot for travel. The new phase for vaccinations that begins on April 1<sup>st</sup> does include those ages 16 and over. For individuals that are in that younger age range the Pfizer vaccine is what is given and Montana is using Butte as the hub to provide this. Currently in Granite County there are 512 people fully vaccinated, 864 ready for their second shot (1/3 of the population that is eligible). No Public Comment.

**COUNTY BOARD OF HEALTH UPDATES:** No updates. The position for a board member is currently being advertised in the newspaper but no one has applied. No Public Comment.

**LEE CAMPBELL'S REQUEST TO WAIVE PENALTY & INTEREST ON TAX LIEN:** Commissioner Adler began the discussion clarifying that this property was for Stockman's Bar, located in Hall, MT. He continued by stating that he had been contacted by someone asking how they could attain this property. Granite County Attorney Blaine Bradshaw interjected stating that Sheila Keirnes came to the Granite County Treasurer's Office the previous day and paid the taxes on the property in full so it is no longer an issue. Commissioner McLure stated that she doesn't think that someone should be able to come in and do a tax lien and then ask the Commission to waive the penalty and interest, because the reason they are doing the tax lien is to make money or take over the property. Granite County Treasurer, Vicki Harding joined the session to comment on the details of transaction and to ascertain that it was paid in full.

**COURTHOUSE MAINTENANCE WALKTHROUGH WITH JANEEN BONNEY, COURTHOUSE CUSTODIAN:** The Commissioners joined Janeen Bonney to walk through the Courthouse where they examined the ladie's bathroom on the third floor. There is a section of the floor that is raised up that needs further inspection. While on the third floor,

the Commissioners also looked at the ceiling surrounding the dome and discussed problems with leaks. Following the interior walk through the Commissioners went to look at the sidewalk in front of the Courthouse where ice is building up to discuss ideas for the future. Commissioner Adler moved to have Janeen contact Dave Kesler, a local contractor, to come look at the issues with the ladies' bathroom and the Courthouse dome, and have them come in and present findings to the Commission. Commissioner McLure seconded the motion. There was no public comment. The motion passed unanimously.

**MT MVD LEASE CONTRACT WITH COUNTY:** Granite County Treasurer, Vicki Harding provided some information on what this contract is for, which is providing space for the driver's licensing service at the Granite County Courthouse. Granite County Attorney Blaine Bradshaw commented that he had reviewed the contract and he had no concerns with it. He said it somewhat one-sided, but this is a benefit to Granite County residents. The Commissioners had reviewed the agreement too and had no issues with it. Commissioner Adler moved to approve and sign the lease contract. Commissioner McLure seconded the motion. There was no public comment. The motion passed unanimously.

**SENIOR CITIZEN CENTER FOR GRANITE COUNTY GRANT OPPORTUNITY WITH VERA JOHNSON:** Vera Johnson joined the Commissioners in person to discussion an opportunity for the Senior Center to apply for a CDBG planning grant for architecture and planning to develop their new building. The reason they came before the Commission is because with the CDBG there are some rules that come with the application and the Senior Center needs Granite County to be their Sponsor. The total grant amount is for \$30K, and will cover the design and architectural plans. Commissioner McLure motioned to draft a letter and sponsor the senior center for the grant application for \$30K in support for the Senior Center. Commissioner Adler seconded the motion. There was no public comment. The motion passed unanimously.

**COVID-19 FUNDS (CARES ACT) TO BE DISTRIBUTED TO COUNTY EMPLOYEES:** Commissioner Adler began the discussion by reviewing the documentation from Granite County Financial Auditor, Don Davies and MACo Deputy Director, Jason Riddal on this matter. Commissioner McLure stated that in January when this was Agenda item was previously discussed she didn't approve, because County employees were receiving a paycheck when there were community members that were suffering due to the COVID-19 Pandemic. She said that as the discussion went on she realized that government employees are not able to receive bonuses, and based off of the research done by the Commissioners Assistant Billie Ann Kulaski, she doesn't see how it can work. Granite County Attorney Blaine Bradshaw stated that there could be a way to do this legally as a temporary salary increase as the State of Montana did this for their employees on a temporary basis. Commissioner McLure then responded by reading an email received by the Commission from Jason Riddal on this matter. *"This is the response from our general counsel: I do not know of any counties that are doing this. We've been asked by a couple of counties regarding the legality of doing so and have offered the opinion that we are not aware of any authority to provide this type of bonus pay to employees. Unfortunately, generally, bonuses are not payable to County employees and the only authority for doing so is this statute, which isn't applicable in*

*this case: 7-4-501. Establishment of program -- award value limited. (1) A governing body may develop and administer an employee incentive award program to appropriately recognize and monetarily reward local government employees in a timely manner for: (a) suggestions or inventions that contribute to the efficiency, economy, or other improvement of local government by reducing costs of governmental operations; or (b) participation in or successful completion of a program designed to improve employee health or enhance employee safety. (2) An award to an individual under this part may not exceed \$50 in value.”* Commissioner Hinkle stated that this is too complicated and based on the research he doesn’t think it’s a good practice.

Public comment was received via Zoom from Bill Slaughter. He stated that he thinks that County employees deserve a temporary salary increase for serving the community during the pandemic. He also commented that they are working alongside State employees who benefited from temporary pay increases during the pandemic.

Scott Sylvester of the *Philipsburg Mail* asked Assistant to the Commission, Billie Ann Kulaski about her research on this issue how other Counties would be utilizing their CARES Act money. She replied that the majority of Counties are using the money for capital improvement projects and technology upgrades. Commissioner Adler moved to pay each County employee \$1,000 (temporary salary increase) out of the CARES Act money. The motion did not get a second and died.

**POSTING OF ZOOM RECORDED COMMISSIONER MEETINGS TO WEBSITE:** Commissioner Adler stated that he is against the recording Board meetings and posting the files on the County’s website. Commissioner Hinkle stated that he had heard that if a meeting is recorded you have to post it, Granite County Attorney Blaine Bradshaw replied that it is not required to be posted unless it is your official minutes. Commissioner McLure commented on the importance of being transparent to the community and that she is in support of posting the recordings. Commissioner Hinkle moved to post audio recording file for now with the potential to post video of meetings to the website with the launch of the new County website; with the amendment that if this is abused by the public it will be removed. Scott Sylvester of the *Philipsburg Mail* asked Commissioner Adler why he didn’t want the posting of meetings on the website to which he replied that he has a hard time filtering. Commissioner Hinkle commented that he also has a hard time filtering but is working on it. Commissioner McLure seconded the motion. The motion passed with one dissenting.

**SAFETY MEETING FOLLOW-UP WITH RODY HOLMAN FOR CORRECTED P&C LOSS REPORT:** Rody Holman from Payne West Insurance, the County’s Insurance Agent reported to discuss the corrected P&C Loss Report with the Commissioners. He went through and discussed the most recent items and explained that Granite County has mostly physical damage claims on automobiles, but that nothing jumps out saying that the county needs to focus on anything specific. There was no public comment for this section.

**COUNTY TREASURER VICKI HARDING PRESENTING CASH REPORTS:** Granite County Treasurer Vicki Harding presented the Cash reports and Pledge Securities from July 2020, August 2020, September 2020, October 2020, November 2020, December 2020, January 2021, and February 2021. Commissioner McLure moved to accept the cash reports

and pledge securities. Commissioner Adler seconded the motion. There was no public comment. The motion passed unanimously

**DUI TASK FORCE RESIGNATIONS AND APPOINTMENTS:** The Commissioners discussed that one member of the DUI task force has stopped attending meetings and that another member is moving away. Commissioner Adler moved to have two letters written to the former members thanking them for their service, and advertising the vacancies in the paper for two weeks. Motion. Commissioner McLure seconded the motion. The motion passed unanimously

**COUNTY SHOP ENCROACHMENT PROPOSAL; FINAL AGREEMENT;** Granite County Attorney Blaine Bradshaw began the discussion explaining that a verbal agreement between the County and Jo Durgin's attorney Julie R. Sirrs has already been reached and that they are currently going back and forth over the final agreement. Blaine Bradshaw no the Board had given him authority to get the proposed, final language worked completed with Julie Sirrs and bring it back to the Board for final approval. Blaine Bradshaw continued on to discuss issues he has with the final agreement being that he would like to see the final agreement show the easements. He also explained that Granite County Planning Director Linda Bouck had also requested a retracement of the County property to be done prior to the quiet title action, which will incur a cost that needs to be discussed. Attorney, Julie R. Sirrs joined the conversation via Zoom to say she has no dispute in terms of the having the survey reflect the easement, but it is her understanding that the area they haven't been able to reach an agreement on is the issue of the retracement of the County's entire property. She went on to explain that this is something that she and Surveyor, Ken Jenkins, had some direct discussion about and as to of what was required for a boundary line adjustment, and that it was their understanding that a full retracement is not a requirement. She continued to explain that in her discussion with Granite County Attorney Blaine Bradshaw, he had voiced concern that the judge will require this in a quiet title action, if requested by the County, and that she respectively disagreed. She proposed to have the existing draft survey reflect the easement and an additional exhibit that surveyor Ken Jenkins prepared specifically for the quiet title be put before the Court, and if the Court has additional requirements they will abide by what the Court says, but proceed that way so they don't just get stuck on this issue and can move forward. County Planning Director Linda Bouck joined in on the discussion and stated that County Attorney Blaine Bradshaw had sent her the attachment and asked her if it was sufficient for a boundary line adjustment and she said it was not, because anytime there is a boundary line adjustment of 160 acres both parcels need to be shown. Linda strongly recommended to have the parcel surveyed so the County knows where their boundaries are and where their assets are. She followed up by stating that it is not Jo Durgin's responsibility to pay for it, but that it is something that she recommends that County does. Commissioner McLure commented that this action has taken a lot of time and the County needs to let Jo Durgin get her quiet title done, because the exhibit shows what they need, and the retracement can be done at a later date. County Attorney Blaine Bradshaw disagreed and advised that he thinks the retracement should be done prior to the quiet title. Commissioner McLure motioned to proceed forward with a revised survey that includes the easements to the written agreement and have the final agreement back on

**the agenda; and the County will pay to have a retracement done after the deed has passed because the County doesn't own the property. Commissioner Adler seconded the motion. No public comment. The motion passed unanimously.**

**PUBIC COMMENT: Philipsburg Mayor Daniel Reddish joined the session to provide the Commissioners with a proposed job description from November 2020 regarding an ambulance coordinator person. That was prepared by Patrick Little, President of the Philipsburg Volunteer Ambulance Association.**

**CORRESPONDENCE: There was no correspondence.**

**BOARD MINUTES FOR MARCH 23, 2021: Commissioner McLure moved to accept the March 23, 2021 minutes. Commissioner Hinkle seconded the motion. The motion passed unanimously**

**ADJOURNMENT: The session adjourned at 2:35 PM**