

**May 17, 2022**

**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 Scott Adler, Commissioner Blanche McLure, and Commissioner Hinkle attending. Also attending were Commission Assistant, Billie Ann Kulaski and Granite County Attorney Blaine Bradshaw, who attended a portion of the agenda items set for the day. 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.**

**Also, in attendance were Road & Bridge Superintendent, Paul Alt; Drummond Mayor Gail Leeper; Granite County Attorney's Legal Assistant, Claudette Parke; Granite County Sheriff Scott Dunkerson; Philipsburg Community Library Chairperson, Barbara Cahill; Judge McLean; Granite County Deputy Clerk & Recorder, Becky Mickey; and other members of the general public including Elena Gagliano.**

**BOARD MINUTES; Commissioner Hinkle moved to accept the Board minutes for May 10, 2022. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.**

#### **CORRESPONDENCE;**

**An email was received from Red Lion Road resident, Tom Crawford concerning the plowing on Red Lion Road. Granite County Attorney, Blaine Bradshaw commented that Tom Crawford admitted that he plowed six (6) inches of snow off the road recently, which he does not have permission to do. The County has previously discussed this issue with Tom Crawford and explained to him that he must have County permission and a signed agreement with the County to plow the road. The Granite County Sheriff's Office has been contacted in this matter, and there are several concerned parties that have contacted the County. This will be an agenda item the following week (May 24, 2022).**

**An email was received from Local Government Services; State Financial Services Division, noting that the Annual Financial Report for Granite County (for 6.30.2022) has been received and accepted. Commissioner McLure explained that this is a positive thing as the Annual Financial Report was due on December 31<sup>st</sup>, 2021, and the County is penalized when it is submitted late.**

**An official notification of the vacancy of Senate District 39 due to the passing of the late Senator Mark Sweeney was received from Secretary of State, Christi Jacobsen.**

**A letter was received from Robyn Driscoll the State Chair of Montana Democrats, acknowledging the passing of Senator, Mark Sweeney, and sending condolences. The letter explained that the Committee has prepared guidance for their central committees concerning the vacancy and how to proceed.**

Commissioner Hinkle inquired how this would work. Granite County Attorney Blaine Bradshaw responded that, per statute, it is in the hands of the Democratic Party (local central committees); which will have to nominate candidates and then the four County Commissions will vote. (Powell, Granite, Anaconda-Deerlodge, and Butte-Silverbow). Commissioner McLure added that since we have a Central Committee for the Democratic Party in each of the four counties, they will need to submit their nominee to the Granite County Commissioners and then the four Counties will have to decide. Blaine Bradshaw noted that this will be a future agenda item. Commissioner Hinkle commented that this could be a fight between the Counties. Blaine Bradshaw added that Anaconda-Deerlodge has 60% of the vote according to the relevant statute. He added that the candidate appointed would just fill in until the election occurs in November. Commissioner McLure agreed, stating the candidate appointed would only finish the term and wouldn't get a full-term.

**PUBLIC COMMENT;**

There was no public comment

**BID OPENING FOR DOZERS & EXCAVATORS WITH OPERATORS FOR PERIODIC WORK THROUGHOUT THE CALENDAR YEAR 2022;** No bids were received for the second advertisement for dozers and excavators. The Commission previously advertised for dozers and bids receiving one bid for a dozer from Bob Weaver Construction. Commissioner McLure asked if this meant the County would need to lease equipment, potentially an excavator. Granite County Attorney, Blaine Bradshaw commented that the County could accept bids and add people to the call-down list. Commissioner Hinkle motioned to lease an excavator if the County needs to (County road crew member to operate), since no bids were received. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.

**ROAD & BRIDGE WEEKLY REPORT WITH ROAD & BRIDGE SUPERINTENDENT PAUL ALT;** Road & Bridge Superintendent Paul Alt joined the Commission to discuss projects that the Department has been working on including blading and hauling gravel to fix soft spots. Paul Alt pointed out issues on Echo Lake Road, where there are culverts that are about to surface. He proposed getting material from McLean's gravel pit, since it is located close to the project and is already crushed. The Department is only in need of approximately 10 loads and there are a couple of culverts that the County will also need to change. The Department will then start completing maintenance on Rock Creek Road and Willow Creek Road.

Paul Alt commented that later today the Department is hoping to be finished with moving materials from Pallin's Pond. Commissioner Hinkle asked if the County has an agreement with McLean to get gravel. Paul Alt responded that "we don't, but that he will sell it to anyone that wants it." (Later in the day Judge McLean was in the Commissioners Room for the 11:00 agenda item and stated he typically sells the gravel for \$12.50 a yard, but would potentially provide a better price to the County. Commissioner Adler told him that Paul Alt would be in touch). Commissioner McLure asked if the County needs to complete the bidding process for this project, and if there is an agreed upon price for the gravel. Paul Alt

responded that we typically only need to do the bidding process if we are purchasing 1K yards or more of gravel, and not for the smaller projects. He added that McLean usually charges \$12 to \$13 per yard. Granite County Attorney, Blaine Bradshaw asked if we will need to put anything out for bid for the upcoming Forest Service Project (Road No. 1589). Paul Alt responded that he wasn't sure yet, but would clarify soon. Commissioner McLure asked if the gravel is something the Commission puts out for bid then compiles a list of, and if McLean is on the list. Paul Alt responded that this isn't something the County has ever done with gravel, and that the County only puts gravel out for bid when they are purchasing more than 1K yards at a time. He added that with gas at \$5 per gallon the County needs to purchase gravel from the closest site to the project. Commissioner Adler commented that local resident, Rick Lacey called him to compliment the Road Department for the work done to place a culvert on Mullen Road.

Commissioner Hinkle commented on the Functional Exercise for Flint Creek Dam that was held on Saturday, May 14, 2022, stating that the Road Department plays a large and critical role in the response effort and that there was not any representation by the Department. He added that he, as a Commissioner had to fill in, and that in the future it would be important for the Road Department to be involved. Paul Alt agreed, and stated that the Road Department would be involved in the next Functional Exercise.

**CLOSED SESSION;** The Commission went into closed session to discuss a personnel matter.

**BRANDON PARRET, DAM TENDER'S REPORT, GEORGETOWN LAKE OUTFLOW;** The lake level was reported at 6428.92 feet; 6.96 inches below full pull, according to the USGS lake level gage and the dam tender's report for the week. Commissioner Adler commented that the outflow had increased to 30 CFS on the 15<sup>th</sup> of May in accordance with the FERC order in place. Commissioner Hinkle motioned to leave the outflow as is at 30 CFS in accordance with the FERC order in place. Commissioner McLure seconded the motion. Commissioner Adler voiced concern over not having consistent participation week to week from the homeowners, agencies, and ranchers. Granite County Attorney, Blaine Bradshaw commented on policy updates enabling the Commission to make decision concerning the outflow on a day-to-day basis. Commissioner McLure asked if Granite County Dam Tender, Brandon Parret will be able to continue in his role with the changing weather, if it requires closer monitoring of the lake levels (potentially daily); since he has taken on a new role with the Town of Philipsburg. Commissioner Adler stated they can follow up with him on this matter, but that he should be able to. Commissioner Hinkle commented that he can always go up and check on the lake level as well. With no public comment, the motion passed unanimously.

**BID OPENING; REQUEST FOR QUALIFICATIONS FOR ARCHITECT FOR COUNTY BUILDINGS - CAPITAL PROJECTS;** No bids were received. Granite County Attorney, Blaine Bradshaw explained that the County has reached out to the MSU School of Architecture as well as Bob Robertson (an Architect completing a project in Drummond), but we have not heard anything recently; however, he will follow up. Commissioner Adler stated we can keep the request for qualifications open and hope that someone applies.

Commissioner McLure asked if the County needs an architect for the proposed projects. Blaine Bradshaw responded that the project will need to be stamped and signed off on by a licensed architect. He added that the County does have plans that were drafted by an architect that they are hoping can be modified as they are so complex no contractor wants to bid on them. Commissioner Adler suggested putting the RFQ (request for qualifications) out on MT bids. Commissioner Hinkle motioned to put the RFQ for an architect for County Buildings - Capital Projects out on MT Bids for three weeks (Bid Award set for June 7<sup>th</sup> at 10:00 a.m.). Commissioner Adler seconded the motion. There was no public comment and the motion passed unanimously.

**BARBARA CAHILL WITH AN UPDATE FROM PHILIPSBURG COMMUNITY LIBRARY;** Philipsburg Community Library Chairperson, Barbara Cahill joined the Commission to provide an update. She explained that the Library has been very busy and that Program Manager, Kristen Vicedomini has been working with Librarian, Gina Vale to create a vast offering to engage the community. Leslie Casey serves as the Librarian's Assistant and helps to cover the daily duties of the library, which has gained in popularity not only by the community, but also by tourists. Commissioner Adler commented on how nice the set up in the library is. Barbara added that in addition to the full kitchen area that has been consistently utilized for programs and as a meeting space, the Library leases out the basement area to the Philipsburg Brewery. However, the brewery will be moving out soon and into their new storage space. The library also leases out the Studio Apartment upstairs and the lease is up June 30<sup>th</sup>, 2022. Barbara Cahill then provided a quick update of the many grants the Library uses to sustain operations, including Headwaters Grants, Town Pump Summer Reading Grants, and the Pilcrow Grant. The Library is also working with Healthy Granite County Network to offer a laptop and hotspot for behavioral health educational courses. Barbara Cahill also added that Mary Ferrari, Anita Immenschuh, and Sue Sweeney are working on summer programs for the kids of the community. Barbara Cahill stated that she is also the contact that works with MACo insurance concerning the insurance coverage for the library as a County building. Commission Assistant, Billie Ann Kulaski commented that she attended a Functional Exercise for emergency planning purchases recently and the Library came up as an option for a shelter; and has the potential to store some supplies in the basement area. Erin Helms from Red Cross will be getting in touch with the Philipsburg Community Library to have some more discussions around the topic. Barbara Cahill stated she would also like some information about engaging with the LEPC to see how the library could be of support in case of an emergency.

**MONTHLY CLAIMS;** Commissioner McLure motioned to accept the County claims for April 2022. Commissioner Hinkle seconded the motion. There was no public comment and the motion passed unanimously.

**ONGOING NEGOTIATIONS WITH FLINT CREEK HYDRO LLC WITH JUDGE MCLEAN;** Mediator, retired Judge McLean (former district judge in Missoula) joined the Commission to share a proposal from Flint Creek Hydro LLC with the Commission. He explained that Flint Creek Hydro LLC is proposing to have the County bring on Paul Tallon to monitor the dam, noting that during high-water this would be a five-day a week role and

a three-day a week role during other times. Flint Creek Hydro LLC would then make arrangement to take care of Paul Tallon's salary by reimbursing Granite County. Flint Creek Hydro is also considering hiring a reputable engineer to come do an evaluation of Flint Creek Dam. Commissioner McLure interjected, stating that this is what the County has Great West Engineering for. Judge McLean responded that Flint Creek Hydro has stated that they are not happy with Great West Engineering, and if they were to bring in their own engineer, they would be paying for the engineer to fully replace the responsibility of Great West was his understanding (but this would need to be confirmed). The County questioned whether the engineer being brought on would have the qualifications necessary to work with FERC and serve as the engineer of record for the Flint Creek Dam Project. Commissioner Adler commented that he is not in favor of having Paul Tallon monitor the dam while working with Flint Creek Hydro LLC, as it was a potential conflict of interest. Judge McLean commented that there have been unhappy homeowners at Georgetown Lake concerning the monitoring of the dam. Commissioner McLure asked who is saying that. Judge McLean responded that he has had personal experience where he has to have several dump truck loads of gravel hauled onto his property (to limit erosion) because the water level has been so high in recent years, and asked if the Georgetown Lake Homeowners had filed suit against the County in regards to the high water issues. Granite County Attorney, Blaine Bradshaw responded that the Georgetown Lake Homeowners did not file a lawsuit, but they wrote a letter to FERC in regard to the high-water level, the County provided FERC requested information with a legal defense, and FERC has not come back with any actions concerning the matter. Judge McLean commented that his opinion is that Paul Tallon is well-known to everyone around the lake and is reputable, and Flint Creek Hydro LLC would cover his salary to monitor the inflow of the dam. Commissioner McLure clarified that the County would pay Paul Tallon and then Flint Creek Hydro LLC would reimburse the County for payroll and benefits; and the County would get rid of their current Dam Tender. Judge McLean responded, yes. Commissioner Hinkle asked if this would be a conflict of interest for Paul Tallon, working for the County and Flint Creek Hydro LLC. Commissioner McLure continued that the County would have a Dam Tender from Granite County, which would be Paul Tallon, and that is why the County would have to employ Paul Tallon and be reimbursed by Flint Creek Hydro LLC. She added that since they don't like Great West Engineering, they are going to pay for an engineer and this engineer would need to do our EAP (Emergency Action Plan) other requirements Great West currently does. Blaine Bradshaw commented that the County cannot just terminate an employee because they find someone new, and they have a current Dam Tender who is a County employee. Commissioner McLure added that the County had to hire Great West Engineering previously, because Flint Creek Hydro LLC didn't do their job when they served as the engineer for the project. Commissioner Hinkle noted that the County will still be ultimately accountable to FERC. Judge McLean explained that the engineering firm would be a reputable company that is expensive and that there would need to be an agreement on the scope of work. Commissioner Adler commented that the County already has so much invested with Great West Engineering. Judge McLean reiterated that the County is trying to get financial assistance and stated that he is trying to help the County get some, but it may require bringing in a different engineering company to do so. Commissioner McLure stated

that Flint Creek Hydro LLC isn't saying what the engineer is going to be doing, and that the County needs to know what exactly they are going to be doing. Judge McLean responded that the County needs to tell them what they want them to do (in a formal written response). Commissioner McLure responded that the County wants help with their expenses. Judge McLean recommended starting off with Paul Tallon and what the County would require in terms of educational / training requirements. Then to write out what requirements the County will have for the engineering company. Blaine Bradshaw advised the Commission to have this on the agenda again to provide time for the Commission to develop their list and analyze the offer more. Commissioner McLure responded that the County, in any event, may potentially need to keep Great West Engineering for certain work. Judge McLean summarized that in preparation for the next session the Commission will be prepared to discuss the potential of Paul Tallon taking over the monitoring of the dam (including hours and pay, etc.); noting that the County would see working at Flint Creek Hydro LLC as well as with the County to monitor the dam would be a conflict of interest and not allowable. The County will also be prepared with the scope of work required for an engineering firm overseeing the Flint Creek Dam Project. This matter will be on the agenda again on May 31, 2022 at 11:00 a.m. (will be closed for litigation strategy) providing the Commission time to review the proposal more in-depth.

**SOUTHWEST DRUG TASK FORCE MOU; Granite County Sheriff, Scott Dunkerson** joined the Commission to discuss the many benefits of the Southwest Drug Taskforce MOU, explaining that this spans multiple jurisdictions and enables a cohesive response to drug issues in the region. He stated that most of the drugs coming into Granite County are primarily coming from Butte then down to Anaconda and into Granite County. Commissioner McLure asked if we get reimbursed through this program. Sheriff Dunkerson responded that we don't, we actually contribute \$4K to be part of this task force. He went on to state that in order to understand how effective this MOU is, you would have to see the details behind the scenes, but that in his opinion, this is a good thing to be a part of. Granite County Attorney, Blaine Bradshaw echoed the same sentiment, agreeing with Sheriff Dunkerson. Commissioner McLure clarified that right now the funds for this program come from the General Fund, and that \$4K is contributed. Sheriff Dunkerson confirmed. Commissioner Hinkle motioned to approve the MOU with the Southwest Drug Task Force. Commissioner McLure stated that she reached out to Jeff Green with SWRJD who explained we have not requested any reimbursements through this program. Sheriff Dunkerson responded that we don't get reimbursed through this program, and asked for more information about Jeff Green. Blaine Bradshaw clarified that SWRJD (Southwest Regional Juvenile Detention) is a separate program concerning regional juvenile detention. The County has not sentenced any juveniles, so they have not needed to request any reimbursements through this program during the fiscal year. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.

**DUI TASK FORCE, FISCAL YEAR 2023 OPERATING PLAN; Sheriff Scott Dunkerson** explained that funds are received for the DUI task force through reinstatement fees, and provided the Fiscal Year 2023 Operating Plan for the Commission to review. Commissioner

**McLure asked if this was something they would approve during the budget season. Granite County Attorney, Blaine Bradshaw stated that this is not the budget, but just the operating plan. The formal budget for Fiscal Year 2023 for the DUI Task Force would be approved later on during the general process. Commissioner Hinkle motioned to approve the DUI Task Force, Fiscal Year 2023 Operating Plan. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.**

**Sheriff Dunkerson, also commented that DuWayne Ulrich has resigned from the DUI Task Force. This will be on the agenda for the following week (May 24, 2022).**

**REVIEW OF GRANITE COUNTY CREDIT CARD POLICY; Following the discussion that has gone on over two prior weeks, stemming from the reviewing of Visa card payments, the Commission reviewed the current County credit card policy (updated in 2020) as well as the Credit Card and Travel Expense Policy from the Employee Manual. Commissioner McLure reviewed the Credit Card and Travel Expense Policy from the Employee Manual, clarifying some of the language. Granite County Attorney, Blaine Bradshaw advised the Commission to amend the County Credit Card Policy that is meant to clarify the Credit Card and Travel Expense Policy from the Employee Manual.**

**Granite County Sheriff Scott Dunkerson commented that currently the Sheriff's Office does not operate with a credit card, and one is necessary when they have to reserve rooms for conferences and trainings; and they go through the Clerk & Recorder's Office to make these bookings. He added that his staff does everything through a claim when it is practical, but if it is not practical he will authorize them to contact the Clerk & Recorder's Office to make a purchase using the general use credit card; stating that if they don't do it this way, it will typically put the Department in a bind. Sheriff Dunkerson explained that if the Commission would like to receive a copy of their purchases, he can have Valerie Cartwright (Dispatch Supervisor) send a copy to their office. Then he asked if the Commission would rather his Department get their own credit card. Commissioner Adler commented that it is starting to feel a lot like the Commission is micromanaging. Commissioner McLure stated they are not. Sheriff Dunkerson added that there is not a credit card charge that is made by anyone in his office without his prior knowledge. Blaine Bradshaw then asked if the Sheriff thinks his office should have a separate card versus just asking the Clerk & Recorder's Office to use the general use credit card. Sheriff Dunkerson replied no, but that they do need a credit card to reserve rooms. Commissioner McLure commented that it is up to the Commissioners to micromanage the bills.**

**The Commission then reviewed the County Credit Card Policy, agreeing to update the last statement that notes the general use credit card will be managed by the Commission Assistant; and have this reflected as the Clerk & Recorder's Office instead. Blaine Bradshaw asked if there was going to be a dollar amount that needed to be attached for preapproval of purchases. The Commission discussed language aligning more with practicality, (i.e. if it is practical to purchase through the claims process to follow that method and if not to utilize the credit card.) Commissioner McLure commented that the main goal is to get things preapproved, and that if the Clerk & Recorder's Office feels like something needs to be**

brought to the Chair of the Commission they can do so. The new language and amended policy will be on the agenda next week for approval (May 24, 2022).

**TASK ORDER NO. 5 - FLINT CREEK DAM CONCRETE OUTLET STRUCTURE INVESTIGATION AND TECHNICAL NARRATIVE;** The Commission reviewed Task Order No. 5 - Flint Creek Dam Concrete Outlet Structure Investigation and Technical Narrative. The cost of the task order is \$14,100 and comes in response to the Part 12D Inspection that was completed in June of 2021. The County partnered with Great West Engineering to pursue a Rural Economic Development Granite Program (RDLG Planning Grant) through the Montana DNRC and was awarded the grant in the amount of \$15K which will cover the cost of this task order. Commissioner Hinkle motioned to accept Task No. 5. Flint Creek Dam Concrete Outlet Structure Investigation and Technical Narrative. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.

The meeting adjourned at 12:25 p.m.