

September 16, 2025

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 Commissioner Adler, Commissioner McLure, and Commissioner Kulaski. Also attending were Commissioners' Assistant Maranda Williams and Granite County Attorney Blaine Bradshaw, who participated in a portion of the agenda items in person. The session was live-streamed through the Zoom internet-based program available for the public to view the session and provide public 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 members of the general public, including Elena Gagliano, who participated via phone on Zoom. A. Tobin via Zoom. Justine and Kendrick Richmond, Maureen Connor, Debbie Robinson, Chad Lanes, Ashley Todd, and Gail Leeper.

Commissioner Adler requested that microphones and videos be enabled for Zoom attendees who wish to make public comments during the meeting.

QUARTERLY BOARD OF HEALTH MEETING; Commissioner Adler, Commissioner McLure, and Commissioner Kulaski were joined by the Board of Health, Granite County Public Health Nurse Deb Robinson, Tri-County Sanitarian Chad Lanes, and Montana Tobacco Prevention Specialist Amanda Bohrer. Also in attendance were County Attorney, Blaine Bradshaw, and Commissioners' Assistants Maranda Williams. Commissioner Kulaski was excused from this meeting. Commissioner McLure motioned to approve the minutes from the June 17th, 2025, meeting. Commissioner Kulaski seconded the motion. There were no public comments, and the motion passed unanimously.

Chad Lanes Sanitarian Report; On-site septic are still steady with summer winding down and fall in the air; the autumn season is typically quite busy with construction and development as people feel Winter is on the horizon. We have a lot of recreational properties being developed as well as a lot of installs in existing subdivisions. Mark has done quite a few mobile food (and brick and mortar) plan reviews and they keep steadily coming. He was able to inspect at the Summer events, such as farmer's markets and the Tri-County Fair. All of our food vendors have been great to work with and have all done a great job this year. He is also lining up the school inspections. Mark will be inspecting all of the schools this month along with the regular routine inspections. Chad discussed cottage food if they are baking, a step between having nothing at all and a full-blown food license. School kitchen staff has been great and communicative and asking for inspections on time.

Granite County Tobacco Prevention Report Amanda Bohrer; Granite County Board of Health Report 9/9/2025 Community Survey – 30-Foot Distance Ruling
We have collected 99 survey responses from Granite County residents regarding the 30-foot distance ruling for smoking and vaping near business entrances.

Key findings:

- 74.8% of respondents said secondhand cigarette smoke and/or e-cigarette vapor bothers them.
- 51.5% reported they have friends or family members who struggle with exposure to secondhand smoke or vapor.
- 80.8% said they do not like breathing secondhand smoke or vapor while entering a business.
- 77.8% said they do not like seeing people smoke or vape near business entrances.
- 77.8% said they feel an ordinance requiring smoking/vaping to be kept at least 30 feet away from business entrances would be best for Granite County.
- These results reflect strong community concern about exposure to secondhand smoke and vapor, as well as visible smoking and vaping near entrances. The majority of participants support a clear and enforceable ordinance to protect public health in Granite County. I am not finished collecting surveys and will have a QR code up around the city next week. I would like to get between 150-200 responses. Also more variety.

Recent Activities

- New “No Smoking/Vaping” signs were delivered this summer to Drummond Schools, the Library, Hall School, and Philipsburg Schools.
- Youth from Deer Lodge joined me at the Drummond Library for a Back-to-School Fresh Start activity encouraging students to begin the new year vape-free. We shared My Life, My Quit materials, painted rocks, and did marker art tattoos.

Upcoming Prevention Projects

- Bookmaking Class – Philipsburg Library (date TBD): A hands-on workshop that combines bookmaking from scratch with prevention talking points on anger management, tobacco prevention, and underage drinking, with support from DUI Task Force members.
- Red Ribbon Week – October 23–31, 2025:
 - Teacher kits are being built and distributed. Teachers who apply will receive supplies (educational and branded items) to help facilitate lessons and creative projects, such as essays, highlighting the dangers of substance use.
 - Powell County Red Ribbon Week Film Festival: Youth in grades 7–12 will create their own video PSAs for a chance to win shopping sprees valued at \$250, \$200, or \$150. While Granite County is not hosting a large event this year, granite students are invited to participate. We have secured two DUI Task Force members as volunteer judges.

With strong community input and support from partners such as schools and the DUI Task Force, we are addressing not only tobacco and vaping, but also broader issues like underage drinking. Together, these efforts strengthen prevention and promote a healthier Granite County.

Deb Robinson, County's public health nurse, reported on ongoing services, including the public health van and clinics in schools and daycare centers. COVID-19 vaccinations remain recommended for those over 65, while younger residents must obtain them at pharmacies. Upcoming events include a health fair on October 24, 2025, another in Drummond in the spring, and a student prevention program in May. In November, the *State of the Mind* youth production will bring together students, law enforcement, and officials at the theater, followed by community discussions the next day to address identified gaps. Robinson emphasized succession planning for public health's future direction and expressed hope for another grant to support next steps. Task orders and preparedness exercises were discussed, including a successful measles tabletop exercise after cases were linked to visiting musicians. Blood-drives will return to Drummond on December 18, 2025, at the Fire Hall.

Looking ahead, Michelle requested a water report for the next quarterly meeting. Maureen Connor addressed ongoing water quality concerns in Philipsburg, where disinfectant by products (DBPs) from chlorine use have been trending upward, leading to a DEQ violation under the Safe Drinking Water Act. Though levels remain just under the limit, public notices are required when violations occur. A new chlorine system, funded through ARPA, has been installed with hopes of reducing DBP levels, which rise more during hot weather. Philipsburg's water sources include Montana Silver Springs and Fred Burr Lake, though DEQ has restricted surface water use. Early cost estimates for necessary improvements reached \$12 million, and further options are being considered. DBP results will continue to be reported to the public on a quarterly basis.

Quarterly Public Health Meeting adjourned at 9:23 a.m.

BOARD MINUTES: Commissioner McLure moved to accept the board minutes for September 9, 2025. Commissioner Kulaski seconded the motion. No public comment was received, and the motion passed unanimously.

CORRESPONDENCE;

Electronic Mail was received from Elena Gagliano regarding the decision on the Big Sky Passenger Rail Authority, and Commissioner Adler said this came about from Tom Rue. They will discuss her email with the questions during the 11:20 a.m. agenda item later in the morning.

Electronic Mail was received from the Montana Department of Transportation stating that the 2025-2029 Final Statewide Transportation Improvement Program has been published with improvements for plans for the next five years.

An electronic mail was received from the Montana Department of Transportation with a Bridge Construction Information Request Autumn Update.

An email was received from Missy Smith with the Annual Meeting which is September 23rd, and Commissioner McLure will be attending. Also attached were an Agenda, Agreement, Declaration of Trust, and Annual Member Meeting Minutes.

PUBLIC Comment: Maureen Connor requested that the Commission write a letter in support of her reappointment to the DOJ's Natural Resources Upper Clark Fork River Basin Advisory Council. She was previously on this Council several years ago and wishes to get back on the Council. She noted that while the board has funds, state and federal Superfund rules limit their use. She originally joined the board after Governor Schweitzer encouraged commissioner representation. Connor values the role because it helps her stay informed and update the county. The program is winding down and primarily benefits large landowners if their projects align with the program's rules. She confirmed she would represent the lower valley as well. The Commission will have County Attorney Blaine Bradshaw and Maranda Williams draft a proposed a letter that they will consider on the following week's agenda.

ROAD & BRIDGE WEEKLY REPORT WITH ROAD & BRIDGE SUPERINTENDENT PAUL ALT; Granite County Road & Bridge Superintendent Paul Alt updated the Commissioners on the Road Department. Gravel hauling is complete, and equipment like the roller and belly dump will be returned soon. The salt-sand mix will be finished today, and the remaining dry sand should be enough for both shops. Crews are being split to continue work into winter, and the use of mag chloride will depend on how blading goes, with at most two more loads expected. They are considering candidates for dura-patching and temporary help, including a short-term snow plow driver for up to 90 days at \$25.54 per hour with no benefits, with a cost analysis requested. The budget remains tight, with \$500,000 from PILT used to balance it. Overtime is being utilized to manage work without affecting finances, so they will hold off on temporary help for now. No bridge work is planned this season.

SOLID WASTE DISTRICTS WEEKLY UPDATES FROM PHILIPSBURG AND DRUMMOND LOCATIONS; Todd Bahsteter and John Kendall submitted their reports for the commissioner. Signs are in the works for the Solid Waste facility in Philipsburg, specifically for the metal bin and burn pile. Cliff Gulch Road was mentioned, and the Road crew will take care of it next week. Solid Waste transfer site open hours were discussed, and they must stay open (gates open) until 6 pm, and can't leave before unless an emergency. The Drummond site closed early one day recently, which is not acceptable.

SOLID WASTE POLICY UPDATE AND SOLID WASTE SUPERVISORS' JOB DESCRIPTION; Commissioner Adler tabled this agenda item.

GEORGETOWN LAKE OUTFLOW; DAM TENDERS REPORT; According to the USGS lake level gauge and the dam tender's report for the week, the lake level was reported at 6428 feet, 18 inches below full pool. Commissioner McLure moved to stay at 30 CFS. Commissioner Kulaski seconded. No public comment was received. The motion passed unanimously.

PUBLIC PARTICIPATION PROPOSAL FOR COMMISSION MEETINGS, JUSTINE RICHMOND; Justine Richmond shared her experience navigating local government meetings while balancing work commitments, primarily communicating via email. She offered practical suggestions to improve public engagement, including using Zoom's *9 feature for public comments when using Zoom by telephone, creating meeting minutes that combine video with short written summaries (as official meeting minutes), and reconsidering the 30-day ban on Elena Gagliano's participation in Commission meetings in-person or by Zoom. Commissioners acknowledged her input, emphasizing the challenges of managing meetings, maintaining order, and distinguishing between constructive criticism and harassment. They discussed the importance of transparency, trust, and collaboration, restating motions for clarity, and following open meeting laws. While some suggestions were noted but not adopted, such as combining video with official minutes, others, like ensuring public understanding of motions, were embraced, with an overall focus on civility, engagement, and continuous improvement in meeting procedures.

Notes for public comment from Justine Richmond:

NOTES for 9/16, 1015 AM

Good morning & thank you for your time, my name is Justine Richmond, resident of Philipsburg & business owner.

I would first like to share my experience navigating Granite County Commissioner's meeting Public Participation over the last several weeks.

Due to work commitments, I wasn't able to attend meetings in-person, on zoom, or by telephone. Therefore, my only option to be heard was to send emails. Unfortunately, in my opinion, those emails devolved into incivility from a public servant. Finally, after several exchanges, I realized that whether they intended to or not, they were "running interference" for the Commissioners and as a result I directed my questions to the Commissioner that represents the area I live in and did receive a prompt reply to my questions.

I then annotated my concerns and they acknowledged them. While I'm not sure yet if that email was read in the meeting last week, I was at least somewhat satisfied with the acknowledgement and that it wasn't a combative response.

I don't envy any of you in your positions and I do think your jobs can be difficult, but I don't think it has to go the way I've witnessed. Since I'm a novice on local government & conducting meetings I perused the Montana Local Government Board Handbook and cherry-picked some information that may be helpful.

First and I think most important is a quote from Max Lucado -- "Conflict is inevitable, but combat is optional."

The Handbook has some helpful information regarding public trust (below).

Gaining and maintaining trust between your board and your community is crucial to effectively fulfill the board's purpose. When the public trusts local government leaders, including public boards, the transaction costs for governing decrease and community leaders have greater freedom to efficiently and effectively accomplish goals.

Here are some practical tips for fostering trust as a board member:

- Know and proactively follow the Montana code sections on public participation, open meetings, and ethics. Not only do these laws allow the public to participate in decision-making, they also help your board avoid legal issues. Any non-compliance with the law—real or perceived—can erode public trust.**
- Foster a spirit of collaboration between the board and the public. When the public is recognized and invited to participate in a spirit of collaboration, participants are much less likely to seek disruptive means of addressing public concerns.**
- Engage issues through dialogue, rather than confrontation. When a board uses productive dialogue to address issues, instead of debate and argument, it is better able to create shared meaning and mutual learning. Proactive listening and striving to consider alternative viewpoints creates trust and respect, both with your fellow board members and with public observers.**

Based on watching several hours of video, here are some general recommendations that may facilitate effective meetings and public trust.

- 1. Chairperson, maintain rules & order, ALSO Commissioners can make a Point of Order motion to keep the meeting on task**
- 2. Chairperson, try not to deviate from the agenda**
- 3. Before voting on items, make it clear and repeat what the motion is that is being voted on**
- 4. When possible, reply directly to letters and emails**

Specifically, today, I am asking for 3 things, which I believe will help facilitate public participation as well as foster public trust.

- 1. Include the option for participants to speak on a zoom phone call. Advise they can “raise their hand” by pressing *9 and wait for the facilitator to unmute them when appropriate.**
- 2. Consider an update to the meeting minutes policy. There's an option to make the official meeting minutes a combination of the video and a summary document and can help to ensure accuracy and objectivity and save on man hours.**
 - a. 2) Minutes must include without limitation: (a) the date, time, and place of the meeting; (b) a list of the individual members of the public body, agency, or organization who were in attendance; (c) the substance of all matters proposed, discussed, or decided; and (d) at the request of any member, a record of votes by individual members for any**

votes taken. (3) If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

3. Reconsider Elena Gagliano's GCC meeting in-person ban [30-day]. The GCC issue was related to Elena not using her camera on zoom and sending emails and calling, but there was no GCC issue with her in-person and when she attended a few weeks ago she was not out of order or disruptive. Basically, the punishment doesn't fit the crime.

In response to Mrs. Justine Richmond, the County Commission indicated that the *9 (raise hand function) on Zoom by telephone will be updated in their policy. Still, they will not reconsider the decision regarding Elena Gagliano. They will continue to require cameras on for public to provide public comment via Zoom unless the chair allows a reasonable exception on a limited basis.

GRANITE COUNTY PUBLIC MEETING PARTICIPATION POLICIES, MODEL PUBLIC MEETING AGENDA LANGUAGE ON PARTICIPATION, AND PUBLIC MEETING RULES OF PROCEDURE; The meeting updated public participation policies to prioritize video attendance while allowing exceptions for technical issues, driving, or lack of access. Participants can join via video, phone, in-person, or email to ensure accessibility and public trust. The chair has discretion to grant exceptions, and tools like *6 to unmute and *9 to request speaking are included. The policy emphasizes accountability, freedom of speech, and inclusivity. Commissioner McLure moved to accept the updated meeting policies. Commissioner Kulaski seconded. Blaine said his interpretation of the policy is video on to make public comment unless there's an exception to the policy, but to give public comment. Justine said *9 to raise your hand via phone on zoom is in the updated policy and is at the discretion of the chair. Motion passed unanimously.

COUNTY CLAIMS; The Commission reviewed County claims. Commissioner McLure moved to accept the claims for September 2025. Commissioner Kulaski seconded. No public comment was received and the motion passed unanimously.

GRANITE COUNTY VS RISING SUN; ORDER FOR ATTORNEY FEES AND COSTS; PORTION CLOSED FOR LITIGATION STRATEGY; Rising Sun is a subdivision near Georgetown Lake. A fire suppression pond was installed there by Rising Sun's developer would freeze up in winter along with the hydrant. There was and is an agreement between the County and Rising Sun requiring Rising Sun to install a proper fire suppression pond that would function year-round. The County believed the agreement was breached by Rising Sun, as so the County was forced to file a lawsuit as the developer would not act. The pond and hydrant do freeze up every winter, rendering them useless for several months out of the year. The County initially won the civil case on summary judgment before Judge Ray Dayton. Still, the Montana Supreme Court reversed, requiring a trial for the County to actually prove that the pond freezes up even though Rising Sun had earlier admitted the pond was not engineered for winter use. An engineer, the fire chief, and County Commissioners testified at trial about the design issues and freeze up problems, and costs for a new, working pond/hydrant system, but the Supreme Court later ruled the

County missed a notice requirement and ruled against the County with finality even though the notice issue was not properly before the Court. Rising Sun then filed a motion for attorney/fees and costs that was granted by District Judge Luke Berger. Rising Sun is requesting over \$73,000 in attorneys' fees and costs so a hearing on the exact amount needing ordered was set for October 2025. The session was closed to the public for the Commission to discuss litigation strategy here. The meeting was opened back up and Commissioner Kulaski moved to make an offer, as a full and final settlement, \$50,000 from PILT funds for Rising Sun's legal fees, seconded by Commissioner McLure, and the motion passed unanimously. The offer would be conveyed to Rising Sun's attorney, Wayne Harper, by the Granite County Attorney.

COUNTY TREASURER, DELINQUENT TAXES UPDATE; COUNTY TREASURER, DELINQUENT TAXES UPDATE; County Treasurer Ashley Todd reported that second notices for delinquent taxes were mailed out, with some residents calling stating they were unaware of prior notices. Ashley Todd indicated that the notices are sent to the same addresses listed in the tax system each time. The delinquent list includes 232 accounts totaling \$325,631.73. Reducing the Delinquent Tax List from reports given on August 19th by \$103,775.96 With some needing cleanup or DOR assistance. Newspaper coverage caused confusion about collections, which are limited to legal processes. Programs like HAF provide financial help to pay back taxes and utilities, with \$20M available for distribution until September 2026. Discussions included real and personal property issues, county-wide fees, and the possibility of sending a third notice in October, though it could confuse residents with the timing of tax bills. The County Treasurer said she remain vigilant in collecting delinquent taxes, including preparing for Writs to be issued.

INITIAL DISCUSSION ON GRANITE COUNTY POSSIBLY PETITION TO BE RE-INCLUDED AS A MEMBER OF BIG SKY RAIL PASSENGER AUTHORITY; DISCUSSION ON POSSIBLE PUBLIC HEARING; Commissioner McLure moved to have Granite County possibly petition to be re-included as a member of BSRPA and hold a public hearing in order to obtain public comment with the Commission making a final decision after the public hearing. Commissioner Kulaski seconded. Justine Richmond asked about Elena Gagliano's email. Blaine Bradshaw read her email and responded to each question. Elena Gagliano asked how it was brought to the Commissioners' attention. Tom Rue dropped off the draft resolution the previous week and asked the Commission to hold a public meeting to discuss and set a public hearing.

FIRE RESTRICTION UPDATE; Commissioner Adler said he advised to stay at Stage 1 this week, and the other Commissioners agreed.

PAY APPLICATION #18 TCS NORTHWEST ON COURTHOUSE PROJECT; Commissioner Kulaski moved to accept the pay application #18 for \$35,617.68 for TCS Northwest. Commissioner McLure seconded. No public comment was received and the motion passed unanimously.

LETTER OF SUPPORT FOR ACTION INC. STATE FUNDING; Gail Leeper discussed the letter of support, which helps with elderly getting heating for the elderly, paying

utilities. Fifty-four people in the program in Granite County is quite a bit. Commissioner McLure moved to approve this letter of support to County's U.S. representative and U.S. Senators for supporting the Community Action program and for Congress to fund the program. Commissioner Kulaski seconded. No public comment was received and the motion passed unanimously.

DAVID PEDERSON VS GRANITE COUNTY, PROPOSED SETTLEMENT

AGREEMENT, PORTION CLOSED FOR LITIGATION STRATEGY; Blaine

Bradshaw updated the Commission and the public that David Pederson is a former road crew employee who has a grievance, but no litigation has been filed yet. David Pederson retained an attorney, Larry Henke, who sent a settlement offer. Maureen Lennon, County's defense attorney through MACo, attended via Zoom, and it was agreed that she may send a draft response letter for the County Commission to send to Larry Henke and attach the County's discharge letter. There is insurance defense and indemnification here, but MACo is in charge of the money and has final say on any payout. Commissioner Adler and Kulaski asked why a settlement was needed out of this, as they are adamant that the County did nothing wrong here. The County Attorney agreed. The meeting was closed for litigation strategy. When back in open session, Commissioner Kulaski moved to have defense attorney Maureen Lennon attempt to settle the dispute before litigation. Commissioner Adler seconded. MACo's claim will have final say over any settlement dollar amount. The motion passed unanimously.

Commissioner Adler adjourned the meeting at 12:31 p.m.