

December 10, 2024

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 McLure, Commissioner Hinkle, and Commissioner Adler attending. Also attending was Commissioners Assistant Maranda Williams, and Granite County Attorney, Blaine Bradshaw, who attended a portion of the agenda items in-person. The session was livestreamed 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 Road & Bridge Superintendent Paul Alt, Owner of the Ranch at Rock Creek Jim Manley, Executive Director at Headwaters Kelly Sullivan, Homeownership Director at NeighborWorks Hanna Tester, Clerk and Recorder Sarah Graham, Treasurer Ashley Todd, and members of the general public Elena Gagliano, Carol and Jim Bacquet, and Bill Phelan.

SAFETY MEETING; The Commission met with the Safety Committee, Jackie Bolster, Rody Holman, for the Quarterly Safety Meeting.

BOARD MINUTES; Commissioner Hinkle moved to accept the board minutes for December 3rd, 2024. Commissioner Adler seconded the motion. There were no public comments received. The motion passed unanimously.

CORRESPONDENCE;

Electronic mail was received from Sam Schmidt notifying of the Shakopee Heights Water and Sewer District Board Meeting Thursday, December 19th.

Electronic mail was received from Montana Public Employee Retirement Administration regarding the next Public Employees' Retirement Board meeting on Thursday, December 12th.

A letter was received from Phil Richardson regarding the Petition to Brown's Gulch Road. Phil Richardson's letter expresses consent for the Petition pertaining to Brown's Gulch Road so long as the easement is 30-feet wide and not 60-feet wide. He explains that the road has been a 15-foot jeep trail for the past 125 years and has never been maintained or annexed by the county. Richardson acknowledges the County's desire to annex the road but believes that a 60-foot easement is excessive and unnecessary given the road's historical use. He is willing to grant a 30-foot easement, provided that no utility easement is allowed and the road retains its historical character. If the County proceeds with a 60-foot right of way, he warns that he would be forced to mount a legal challenge. It should be noted that on multiple occasions Mr. Richardson has stated during County Commission meetings (open, public meetings) that Brown's Gulch Road is a County road.

PUBLIC COMMENT:

Public comment was received from Jim Manley owner of the Ranch at Rock Creek. Asking if their road could be done more often. Other request is that the Middle Fork Bridge is in bad shape, wanted to know if someday the bridge could be redone for employees going to and from work that live up there. Paul says it's been on the list. Commissioner McLure suggested grant money to repair said bridge. Bill Phelan says there are 2 options: take deck off, band aid route, put metal forms down, then its paved-on top of it. Doesn't reflect dead load and the span of existing bridge and elevation is the same, no hump in road, no lifting, no dirt. Second option is a concrete precast and bridge comes in 2 sections. Stamped, engineered, and would be a forever bridge. Cost is high – about \$69,900, and to take deck of another \$42,000. Could do in half price to re-deck with new guard rails on the side. If guard rails aren't stamped by an engineer, you're at liability. Second option requires only a 310 permit, not an Army Corps of Engineer permit and other permitting. Mr. Phelan said if you just replace the decking, then that is really just putting on a band aid. Commissioner Adler wants to put money towards bridge, not permitting processes. Less permitting would be needed on this particular bridge. This will be an agenda item next week.

ROAD & BRIDGE WEEKLY REPORT; & SOLID WASTE UPDATE WITH ROAD & BRIDGE SUPERINTENDENT PAUL ALT; Granite County Road & Bridge Superintendent Paul Alt updated the commissioners on paperwork on skid steer and 930 loader and has all the paperwork in his possession. He also had the billing for Blackfoot for East Fork and Maxville. The road crew has been sanding roads and doing culvert work lately. Solid Waste is doing good with no concerns.

Hall House; electrical issues with numerous lights, Paul told the electrician to put all new lights in it where needed.

Ranch at Rock Creek Owner Jim Manley asked Road Superintendent Paul Alt if they can blade the road more. Paul says they do it as much as they can. They put Mag Chloride and lots of dirt on it. Paul asked that people slow down on that road as far as workers go in Jim's control with the understanding it's a heavily travelled road.

Jim Manley as the status of redoing the airport. County Attorney Blaine Bradshaw says airport board is working on it, but it is slow going dealing with the federal bureaucracy.

MONTANA COMMUNITY REINVESTMENT PLAN; Executive Director of Headwaters RC&D Kelly Sullivan and Homeowners Director Hanna Tester of NeighborWorks joined the commissioners to discuss the Montana Community Reinvestment Plan. The median household income for the county is just under \$54,000, with households earning between \$32,000 to \$45,000 eligible for down payment assistance. A \$100,000 fund is available, with \$200,000 allocated to the county, and the chosen Community Reinvestment Organization (CRO) will provide the required match. The county is required to select a CRO by December 31st. This decision doesn't cost the county any money, as it's a matching program where the CRO will match the funds provided. NeighborWorks or the Housing Authority of Billings would administer the down payment assistance program, following the same process as

another program they run. Homebuyers are referred to RC&D, starting with the first mortgage lender. The process involves borrowers requesting a package, and the CRO managing the details. A resolution is needed by the end of the year to opt into the program and choose which CRO to partner with.

Hanna Tester clarified that the funds are not "given away" but are repaid over time. The program ends with repayment from participants. County Attorney Blaine Bradshaw asked if it's first come first serve. Commissioner Hinkle asked where the CRO gets the money. Hanna Tester responded that Private entities, Intermountain Health, and more. She also mentioned that the program offers good incentives for investors as well as home buyers. Opting in lets you know this is a need in the community.

Public Comment was received from Elena Gagliano stating that she hasn't heard anyone complain there not being sufficient affordable housing in Granite County, but she does hear lots of complaints regarding property taxes. We don't need another program like this. Last time something like this came up Missoula was having a problem trying to get affordable housing. We don't need an overflow into Granite County because we have help.

County Attorney Blaine Bradshaw agrees with lower property taxes and less bureaucratic programs like this one, but the money is there so people should have an opportunity to apply. Younger people out of college, for example, can't necessarily afford housing right out of college. It's there to be used, he stated.

Public comment was received from Elena Gagliano, and agrees with Blaine. Money is available and mentioned a program several years ago was called a Bubble that made loans very affordable. Once you say something like you agree to look at this and you're going to be sucked under this. It's government money and could be abused.

Commissioner McLure motioned to opt into the Montana Community Reinvestment Plan. Commissioner Hinkle seconded. Commissioner Adler dissented the motion. Motion did not carry unanimously.

When asked why Granite County should go with NeighborWorks for the CRO Hanna Tester responded that they have 25-year experience with this type lending with staff all over the state. Infrastructure in mortgage lending and close partnerships across the state. HUD affordable financing is what they do and has been a business model for 25 years.

COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY C-PACE PROGRAM; The Commissioners tabled this item for a January 2025 agenda.

The commissioners took a recess.

GEORGETOWN LAKE OUTFLOW; DAM TENDER'S REPORT; The lake level was reported at 6428.19 ft 15.72 inches below full pool, according to the USGS lake level gage and the dam tender's report for the week. Commissioner Adler moved to continue releasing 6 CFS which matches the estimated inflows; in alignment with the current FERC Order in place. Commissioner Hinkle seconded the motion. There were no public comments and the motion passed unanimously.

Public comment was received from Carol Bacquet asking about the CRO and how the money is matched. It's a loan for the down payment, they get the money back when the house is sold.

Public comment was received from Elena Gagliano had a comment about any helpful links being uploaded to the webpage she would like to see them.

GRANITE COUNTY RESOLUTION 2024-17 AMENDING COUNTY BUDGET TO USE CARES ACT FUNDING TO FUND STUDY COMMISSION BUDGET IN FISCAL YEAR 2024-2025; Commissioner Hinkle moved to approve the resolution, Commissioner Adler seconded the motion. No Public comment was received. The motion passed unanimously.

OAC MEETING COURTHOUSE ELEVATOR & ADA PROJECT; The Commissioners tabled the agenda item for next week's meeting on the 17th of December 2024.

Commissioner Adler noted on 2 windows broken at the ambulance shed in Drummond. Want someone to get to look at it and get it fixed.

930 LOADER CATERPILLAR EQUIPMENT PROTECTION PLAN EXPIRATION; The Commissioners tabled this to discuss at next week's meeting along with the skid steer protection plan.

EDWARDS TRACT A MARINA AMENDED LEASE; The amended lease is only amended to name the new president of the marina as the lease had been previously this past summer. Commissioner Adler moved to approve the amended Edwards Tract A Marina Lease. Commissioner Hinkle Second. No public comment was received. The motion passed unanimously.

LETTER TO THE STATE DOT TO LOWER SPEED LIMIT NEAR BEARMOUTH ON I-90; Commissioner Hinkle still thinks we need a lower speed limit in addition to more sanding being done in the winter months on I-90 west of Drummond in the canyon. Commissioner Hinkle would like to see another sentence for a speed study to be done. He doesn't think sand is enough, would like to see lower speed limit.

Commissioner McLure noted that the Commission would be happy to discuss this and possibly a speed study in the near future added to the letter. Commissioner Hinkle moved to add a possible speed study to be done in the future to the letter. Commissioner Adler Seconded the motion. No public comment was received. The motion passed unanimously.

The Commission took an hour recess for lunch

PUBLIC HEARING ON PETITION TO ESTABLISH ALGONQUIN MINE, BROWN'S GULCH, CLIFF GULCH, AND TOWER ROADS AS GRANITE COUNTY ROADS;

Dave Croft, Dave Harris, Leo Graham, Steve Immenschuh, David McLure, Renee McLure, Luke Ulatowski, Sam and Lacy Cates, County Attorney Blaine Bradshaw, County Planner Linda Bouck joined the commissioners.

County Attorney Blaine Bradshaw spoke about the petition from the public to have the said four roads be county roads. The County settled the Brown's Gulch Road case. He noted that members of public are concerned with gates being put up on County and public roads and shutting off access. These roads are shown on the 1915 Granite County Road Map. Road investigation done has been done by surveyor Barney Hallin; he looked at all roads and recommended them to be established as formal County roads in his submitted road investigation report. Commissioner McLure asked about maps on Maps on the Maps Website. Blaine Bradshaw stated that these roads have historically been county roads.

Public comment was received from Leo Graham who was in favor of the Petition. Steve Immenschuh; a resident since 1963 and he stated even with these roads showing on maps, he can attest that these four roads been used over the years and have never been restricted. Regarding Cliff Gulch Road, he's driven up that road for years for firewood, recreation, and exploring.

Dave Croft stated he was representing the local fire department (Philipsburg Volunteer Fire Department) and the Public safety aspect of closing these roads. If local landowners close the roads off, are they willing to be liable for other people behind them when an emergency happens. He has been a firefighter for 30 plus years. From a fireman's standpoint, he (and the fire department) would like access on all of these roads if something happens and they need a fireman. Blaine Bradshaw asked if the fire department has 4-wheel drive vehicles. Dave said they do, multiple ones.

Public comment was received from Sam Cates owning Cliff Gulch Road property where it combines with Algonquin Mine Road. Samuel Cates was the only objector to the Petition, specifically to the Cliff Gulch Road being a County Road was their only objection to the Petition. Mr. Cates asked how do you determine that what is an access road or a county road, he asked? Going to take out the access to his cabin if they make it a county road. He asked if down the road the county will say hey we have a right of way we can do what we want. Stated it gets steep and narrow right at his property. He isn't blocking anyone from getting up there by any means but keeps questioning the 60' right of way.

Blaine Bradshaw stated that the easement is 60 ft, not the actual road way. Historically that is 15 feet and that the benefits to the petition is to avoid any future litigation.

Blaine Bradshaw read Phil Richardson's letter to the Commissioners stating he won't be able to come to the meeting and his concerns with the right of way. Commissioner McLure reiterates that is not the commissioner's intent to widen the roads, they are meant to be their historical width. Exception of Tower Road where its wider in spots currently, but meant to stay historically the same.

Leo Graham asked about utilities going through property, and Blaine Bradshaw said they would have to talk to the landowners. Linda said we have no jurisdiction over landowner's private easements.

Steve Immenschuh discussed the Cates' property; They were told there was nothing there when they bought it. Steve Immenschuh agrees it shouldn't be any wider than it is now

(historic width). Linda Bouck said state law requires each county road right-of-way (easement) to be 60 feet. The resolution will cap the width at 15'. Linda said its for plowing snow and needing a reasonable amount of space to get in there and work and stay on our piece and not damage your property.

Sam Cates said if you get 60' then that would mean the public would pretty much have their access. No survey marks are there and he questioned where the road actually is. GPS road mapping is valid within about a foot per Blaine Bradshaw's understanding. Linda Bouck asked about his access and Sam said his gates are there and some boulders to prevent washout. He was also told it wasn't a public road when he bought the property. Blaine Bradshaw said if Cliff Gulch Road is not a county road then the public does a prescriptive right there.

Dave Harris said he (Sam Cates) has another access. Sam Cates responded with "no" as that's someone else's and their property is for sale. Linda Bouck said we do encroachment permits all the time for easements on property. Samuel Cates said boulders are going to hinder that. Blaine Bradshaw reiterated that the resolution will grandfather in all existing driveways. Having it as a county road would stop future disputes and that people wanting Cliff Gulch to remain part of petition.

Dave Croft said you start closing stuff then everyone wants it.

Steve Immenschuh said it would be nice for realtors to do research when selling property.

Linda Bouck said it's very difficult for the title companies to determine what's county or not. They give their best info but some don't even try. We get a map showing these roads as County roads and it clears up a lot of these problems that come up when people are told it wasn't a county road. Cliff Gulch is a county road and told people to take down signs and people that were blocking it. Accepting petition should avoid lawsuits in the future.

Dave Harris wants to see all roads kept open in case of wildfire and that we are losing freedom with people moving in.

Sam Cates said he has paperwork that Algonquin and Tower are already county roads. Blaine Bradshaw said they are all in the same boat as operation of law without a petition on all of them. i.e. Browns and part of Tower roads.

Linda said it becomes unclear but it needs to be clear in legal documents for new people that are coming in so things are clear and they can trust that process to work.

Blaine Bradshaw in response to Phil Richardson's letter stated that Mr. Richardson, in 2022 while under oath in a formal deposition (deposed by Mr. Joseph Houston, attorney for James Bacquet), stated that Brown's Gulch is a County road.

Sam Cates asked what does the county benefit by making it a county road. Linda Bouck said the benefit is that the legal issue of the roads is cleared up once and for all. There's a grey area now and this is an attempt to clear the record and put a map on the record that these are county roads.

Jeff Abbott, during a Zoom meeting regarding the Brown's Gulch property he owns, shared that he grew up in the area and has no intention of blocking any access. He noted that the county won't be able to secure a 60' easement due to issues with downfall and other obstacles. He also expressed concern about fire risks and mentioned that he uses water on a flatbed for personal needs. Winter emergencies are a concern, as Stewart Lake Road is not plowed beyond the town. He believes it would be beneficial for the county to provide maintenance on the road and for safety improvements, including plowing Stewart Lake Road.

Blaine Bradshaw said this resolution would encourage the Commission to grandfather in all existing driveways as permitted so long as they are reasonably maintained. Jeff Abbott said you won't get 60' feet roadway the county claims. Blaine Bradshaw reiterated it's the right of way that will be 60' feet wide, not the actual roadway surface width (that will be capped at 15-feet in width).

Samuel Cates said if you had a 60' easement could we put the roadway where we want. Paul Alt has said he has no objections with roadway surface being moved as long as it's within the 60' and only for a short distance of roadway. Linda Bouck asked if they did move it do you have a problem with easement being center. Bradshaw asked how many feet are they talking about. Sam said 40' over and for 40' in length. Bradshaw said the County could move road, but would have to update the map for the easement. Sam Cates said there's a Y in the road that isn't on the maps where Cliff Gulch Road joint Algonquin Mine Road. It is a tremendous amount of expense to move a road. Linda said historically, county paid to have them put in and it is an expense on the county.

Blaine Bradshaw would like to see the Cates' withdraw their objection Cliff Gulch Road and the petition go through.

Jeff Abbott commented that if the petition does not go through who owns roads. Blaine's legal opinion is they are already County roads, and this petition process is needed so there is no more doubt any longer about these four roads being County roads and open to the public.

Sam Cates suggested that moving the road, as he suggested would help resolve some issues. Blaine Bradshaw responded that that Cliff Gulch Road would need to be re-mapped in the spring/summer of 2025, and an amended resolution could be adopted after a public hearing next year. The county plans to move the Cliff Gulch Road near Cates Place, with a 30-foot centerline easement. Linda Bouck noted that this change would require another public hearing.

The Commissioners agreed to approve the Petition for Algonquin Mine Road, Brown's Gulch Road, Cliff Gulch Road, and Tower Road to be established as County roads, with the understanding that the Cliff Gulch Road (40' feet over and 40' in length section adjacent to the Cates' cabin along Cliff Gulch Road) will be moved within the right-of-way, in the spring/summer 2025, at the County's expense. Samuel Cates verbally withdrew their family's objection to Cliff Gulch Road being a petitioned County road. Commissioner Hinkle moved to approve the petition to Establish Algonquin, Browns Gulch, Tower, and Cliff Gulch Road as County Roads. Commissioner Adler seconded.

Public comment from Dave Croft was received, stating he was fine as long as everything remained the same (these said roads remain open in other words). The motion passed unanimously.

PROPOSED RESOLUTION 2024-18 ORDERING THE ESTABLISHMENT OF FOUR COUNTY ROADS AND FOR SAID COUNTY ROADS TO REMAIN OPEN TO THE PUBLIC;

Blaine Bradshaw provided a summary of the Resolution 2024-18 concerning the establishment of the four County roads (Algonquin Mine Road, Brown's Gulch Road, Cliff Gulch Road, and Tower Road), being capped at 15-wide with no utilities being allowed except for the portions of Tower Road that are already petitioned in which utilities may be allowed and the roadway is not capped at 15-foot wide). He clarified that existing encroachments (driveways and the like) would grandfathered in as permitted so long as reasonable maintained, but changes to the right of way would be addressed by the County Commission in the spring. Steve Immenschuh raised a concern about the potential danger of denying utilities on the edge of county roads, questioning whether this might hinder future growth. Blaine Bradshaw responded that if realtors should give proper notice regarding this Resolution, and this Resolution still ensures that emergency vehicles like ambulances and fire trucks may access the area (if passable).

Linda Bouck emphasized that the County is not planning to blanket grant easements for utilities, as it would incur costs. Utility easements could be purchased from private landowners by utility companies. She also pointed out that it's important to confirm whether utilities have easements or not. Jim Bacquet expressed confusion regarding the 60' right of way, asking about the ability to place new personal property. Blaine Bradshaw explained that the resolution grandfathers in existing encroachments (driveways and the like), but requires maintenance upkeep on those encroachments by the private landowners. At this time, Jim Bacquet mentioned a prior letter (2021) from Granite County in which the Bacquets were ordered to remove all personal property from the right-of-way, Bradshaw recalled only gates being referenced as the personal property he recalled that within the Brown's Gulch right-of-way that needed removed. The Bacquets read the letter from the County from 2021, and Bradshaw clarified he was unaware of any other personal property that was within the right-of-way besides the gate. Bradshaw said the Bacquets now own Tungsten Lane as the Bacquets received that one leg of the "Y" road and the County will obtain the other leg of "Y" road where Brown's Gulch Road connects with Stewart Lake Road.

The Session Adjourned at 2:02 p.m.