

April 19, 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 attending. Commissioner Hinkle was not in attendance. Also attending were Commission Assistant, Billie Ann Kulaski and Granite County Attorney Blaine Bradshaw, who attended (in-person) for 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; Granite County Sheriff, Scott Dunkerson; Drummond Mayor, Gail Leeper; Granite County Treasurer, Vicki Harding; Georgetown Lake Volunteer Fire Chief, Fred Bjorklund; Georgetown Lake Volunteer Fireman Kurt Unger; Georgetown Lake Volunteer Fireman Bob Logue; Local Property Owner Carol Bacquet; Local Property Owner, Charlie Parke; Blackfoot Communications Network Infrastructure Manager, J.B. Ray; Blackfoot Communications, Director of Operations, Mary Warden; Montana Department of Motor Vehicles Regional Manager, Terry Davis; Granite County PHEP Coordinator, Jennifer Robinson; Granite County Sanitarian, Chad Lanes; Lower Rock Creek Road Resident, John Kane; and other members of the general public including Elena Gagliano.

BOARD MINUTES; Commissioner McLure moved to accept the Board minutes for April 12, 2022. Commissioner Adler seconded the motion. There was no public comment and the motion passed unanimously.

CORRESPONDENCE;

A Thank You Card was received from the MACo Healthcare Trust for renewing with the trust for employee benefits for fiscal year 2023.

A DEQ Notice of Draft Environmental Assessment Proposed Amendment 001 to Hard Rock Mine Operating Permit 00044 Meadow Holdings, LLC - Yellow Dog Mine - Granite County.

A Survey of Performance for Great West Engineering was received. Great West Engineering is applying for a contract with the Army Corps of Engineers and has requested the County complete the document and return it prior to April 20, 2022.

A Bridge Construction Information Request was received from the Montana Department of Transportation, requesting information on any bridge construction and repair activities under Granite County's jurisdiction. Currently there are none.

A Notice was received from Gordon Sorenson Engineering concerning a 9-lot subdivision that Tom Rue is seeking to implement approximately one mile east of Hall, MT. The notice requested feedback concerning EMS services in the County. The Commission requested

Commission Assistant, Billie Ann Kulaski partner with Granite County Planning Director, Linda Bouck to complete any necessary information needed from the County.

A Letter was received from Karen Alley, Associate General Counsel for MACo, notifying the County that the MACo has hired an in-house attorney for land-use services.

A Notice was received from Maps Inc., Mapping & Planning Specialists announcing a rate increase that will go into effect May 1, 2022. Commissioner Adler requested that this be placed on an upcoming agenda to discuss further.

PUBLIC COMMENT;

Public comment was received from Elena Gagliano concerning the correspondence. Elena Gagliano asked which items of correspondence will be placed on the agenda. Commissioner Adler responded that the only item being placed on a future agenda for follow up will be the notice received from Maps Inc. Elena Gagliano asked about the letter from MACo announcing the addition of an in-house attorney for land-use services, and if it would be on the agenda to discuss further. Commissioner McLure responded that the letter is just explaining to the Commission that there is a new attorney available for support if the County needs to reach out for assistance, and that this won't be appearing on the agenda again.

BID OPENING FOR DOZERS & EXCAVATORS WITH OPERATORS FOR PERIODIC WORK THROUGHOUT THE CALENDAR YEAR 2022; The public bid opening was held for bids for hourly rates for dozers with operators (D6 class or larger) and excavators with operators (320 class or larger) for periodic work throughout the calendar year, 2022. The "Notice To Bid" was published for two weeks in the Philipsburg Mail newspaper; and three weeks on the Granite County Website.

There was one bid received which was as follows:

Bob Weaver Construction for a D7 Dozer with Rippers at \$137 per hour plus moving

Commissioner McLure asked if the Commission should put this back out for bid since we only have one response. Commissioner Adler explained that we could but that this would be the priority bid and set the amount per hour for a dozer with operator. Others wanting on the call-down list would be lower priority and called only if Weaver Constructing was unavailable. Road & Bridge Superintendent, Paul Alt added that as the County does with their bids for Truck Hauling. The Commission noted that this bid was only for a dozer and not an excavator, and Commissioner McLure commented that she believes the County should put this back out for bids, including for dozers that would be lower in priority for call-out for work. Commissioner Adler moved to accept Bob Weaver Construction's bid for a D7 Dozer with Rippers at \$137 per hour plus moving. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously. Commissioner

Adler then moved to put this matter back out for bid. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.

ROAD & BRIDGE WEEKLY REPORT; Road & Bridge Superintendent Paul Alt joined the Commission to provide a quick update of projects the road department has been working on including maintaining equipment. Paul Alt commented that they are not able to get blade work done with the snow and freezing conditions. The Department has begun hauling the millings from Linda Smith's property (area by Linda's Pond) to Charlie Parke's property as discussed the previous week, since they have time available to do so with the weather. Paul Alt clarified a point that was recently brought forth concerning the laying of millings, stating that the County has no plans to lay the millings this year, and that they are just moving them from one location to the other to store them. He added that the County has looked into the Transportation Alternative Grant Program to apply for the end of this year or early 2023, which will assist with the cost of milling projects. Commissioner Adler then read comments from Suzanne Browning that were sent into the Commissioner's Office: Granite County Commissioners:

I am not able to attend the meeting, or by Zoom. For the record, I have written public comment, questions, and requesting information, on the April 19, 2022 agenda item - Agreement between Charlie Parke and Granite County for Storage Space; Discussion & Decision. I listened to the April 12th recording, during the Road & Bridge Superintendent report. The discussion was that the agreement, with Charlie Parke for stockpiling millings, would be on the Granite County Commission Agenda, on April 19, 2022. On April 13, 2022, I observed Granite County dump trucks hauling millings, to the proposed site for stockpiling. Apparently, there is already a signed agreement. Also, in discussion of the agreement, Commissioner Adler stated that Charlie Parke would receive \$2500.00/year, for storing these millings. What decision is being made on this agenda item? Does the Granite County Commission know the cubic yards of "cold millings", being added for storage, which apparently will be from a construction award contract? Did the Road & Bridge Superintendent get approval? For what period of time will these millings be stored there? What is the plan for using these millings on county roads? When or will the Road Fund have a budget to lay these millings, and can the county roads be maintained once they are paved? This link, to a news article, may be of interest to the Granite County Commissioners. <https://bitterrootstar.com/2022/04/county-considering-un-paving-some-roads/> The questions, I am asking, may be a part of the Commission's discussion on the agenda item, prior to asking for public comment. I apologize, if they are repetitious. However, since I'm not able to attend, this would be my public comment and questions. In regards, to the amount that the property owner is going to be reimbursed with this new agreement, I would like a copy of the old agreement and total amount paid for storage of the millings, at Linda's pond, for comparison. Linda's pond was the name referred to in the discussion, on April 12, 2022. Thank you for your time. Regards, Suzanne Browning

Commissioner Adler stated that the decision has been made to stockpile the millings at Charlie Parke's and the County needs to get the millings out of their current location (Linda

Smith's property). Paul Alt added that the Department has time to move the millings right now and are trying to be efficient with the time they have, and complete the project before the weather breaks and they get busy with other projects. Granite County Attorney, Blaine Bradshaw explained that it was his understanding that the Commission had previously provided Paul Alt with authority to look for a new location and negotiate a preliminary agreement, and during the previous weeks session (April 12, 2022) there was a general understanding amongst the Commission that they were going to move the millings to Charlie Parke's property and that there would be a formal written agreement on the current agenda. He added that the cost of \$2500 annually is not something that would be of significant public interest, but would be more along the lines of day to day business operations.

Commissioner Adler commented that the amount of negative attention this has drawn could jeopardize the ability of the County to lease this space from Charlie Parke. Commissioner McLure clarified the situation, stating that the reason the County is moving the millings is because it needs to be removed from Linda Smith's property as the current lease is ending soon and Linda Smith and her family desire for the lease to end and not be extended, then asked Paul Alt why the Road Department has begun moving the millings. Paul Alt responded that they are moving them right now because the Road Department has the time to move them now. Commissioner Adler commented that he spoke with Commissioner Hinkle in the morning prior to the meeting, and Commissioner Hinkle had stated that he approved of the agreement with Charlie Parke. The Commission then reviewed specific questions Suzanne Browning asked including how the County plans to lay millings. Once again, the Transportation Alternative Grant Program was discussed. The question of maintaining roads where millings have been laid was discussed. Commissioner Adler responded that the Road Department would obviously maintain roads where they have laid millings. Commissioner McLure referenced the news article Suzanne Browning sent them, and then asked Paul Alt how the County knows how many millings they have. Paul Alt responded that they have to use equipment to rip the millings up in their current location and move them, therefore they don't have an exact number for the amount of millings they have. Suzanne Browning's letter also requested a copy of the County's current agreement with Linda Smith, which Commission Assistant, Billie Ann Kulaski sent to her.

Commissioner McLure commented that the County paid Linda White \$2K annually and asked why they County is paying Charlie Parke \$2500 annually. Commissioner Adler responded that the contract with Charlie Parke is a better deal as it was for three years and that the County needed to find a location to store the millings as Linda Smith no longer wanted them stored on her property, after the current lease ends.

Public comment was received from Drummond Mayor Gail Leeper stating that this was the first time she was reviewing Suzanne Browning's comments and that the public's perception is that the deal was done before it was started. Mayor Leeper suggested that the County get matters such as this on their agenda ahead of time and asked that the Commission and Paul Alt take her suggestions into consideration for the future.

Blaine Bradshaw responded that he felt as though the comments are somewhat nit picking the Commission since the matter was discussed in open meeting the previous meeting by the Commission, and the Commission was agreeable to the change. Mayor Leeper replied that she didn't want to get into it, and she was just supplying public comment on the matter and was not directing her comments at him. Blaine Bradshaw responded that he was not upset, but that was his opinion.

Public comment as received from Elena Gagliano stating she agreed with Mayor Leeper that it seems that the Commission is discussing the matter after the fact. Elena Gagliano referenced that it seemed to her that Commissioner McLure isn't aware of a lot of the activities that occur.

Blaine Bradshaw re-clarified that \$2500 as a significant public interest as opposed to day-to-day activities is questionable.

AGREEMENT BETWEEN CHARLIE PARKE AND GRANITE COUNTY FOR STORAGE SPACE; After previous discussion on the matter during the Road & Bridge report, Commissioner Adler explained that Road & Bridge Superintendent Paul Alt can take the agreement to Charlie Parke for review and if there are questions he has on the agreement the Commission will address them. Commissioner McLure asked if the agreement is for the Commissioners to review and then take to Charlie Parke and have it come back to them signed. Granite County Attorney, Blaine Bradshaw responded that Paul Alt had authority from the Commission to find a reasonable place to store the millings and negotiated a deal that he has brought back to the Commission for final approval, the Commission is now reviewing the agreement and if they approve, Paul Alt will take it to Charlie Parke for review and signature. Commissioner Adler motioned to approve the agreement with Charlie Parke. Commissioner McLure seconded the motion. Commissioner Hinkle provided his proxy to Commissioner Adler on this issue and voiced his support for the agreement prior to the meeting. No further public comment was received and the motion passed unanimously.

BROWN'S GULCH ACCESS ROAD, NOTICE OF OBSTRUCTION; Granite County Attorney, Blaine Bradshaw summarized that after the allotted 60 days the County provided for the Bacquets and /or Lockes to petition the County to abandon the spur off of Brown's Gulch Road, they have filed a declaratory judgement against the County (however, the County has not been officially served yet). Blaine Bradshaw explained he spoke with the attorney, Kevin S. Jones of Jones & Associates, PLLC and he would advise the Commission to hold off on removing obstructions until an agreement can be reached or litigation has been completed. Commissioner McLure motioned that notice of obstruction removal be stayed. Commissioner Adler seconded the motion. There as no public comment and the motion passed unanimously.

BRANDON PARRET, DAM TENDER'S REPORT, GEORGETOWN LAKE OUTFLOW; The lake level was reported at 6428.55 feet; 11.4 inches below full pull, according to the USGS lake level gage and the dam tender's report for the week. Commissioner Adler motioned leave the outflow as is, at 6 CFS, as allowed by the FERC Order in place. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.

GEORGETOWN LAKE VOLUNTEER FIRE CHIEF, FRED BJORKLAND REGARDING COLLECTION OF FEES; The Commission was joined by Granite County Treasurer, Vicki Harding; Georgetown Lake Volunteer Fire Chief, Fred Bjorklund; Georgetown Lake Volunteer Fireman Kurt Unger; and Georgetown Lake Volunteer Fireman Bob Logue. Fire Chief Bjorklund explained that the Fire Area Fee Increase project is something that they learned through a citizen in their area that they should be looking into, because there are properties that are not paying the fees. The Georgetown Lake Fire Service Area (GTL FSA) then created a committee to take on this issue, which Kurt Unger has headed. The committee identified 110 delinquent properties in Granite County, signifying a lot of missed operating revenue. Commissioner McLure clarified that the County collects the taxes, but since GTL FSA is district it is their responsibility to locate which properties are missed and turn them in. Vicki Harding commented that one thing that could be of assistance to GTL FSA is to connect them with Matt Pearce, who the County utilizes for 911 addressing and GIS services. She explained that Matt Pearce could add their contact information to notify when a new address is created in the County and then they could review the information to see if the address is in their district. Granite County Attorney, Blaine Bradshaw, thanks the firemen for their excellent volunteer work, and promoted the idea of County and GTL FSA continuing to work together as a team to support the effort. Fire Chief Bjorklund commented that he noticed that some properties that weren't being charged FSA fees were being charged Solid Waste fees and inquired to why that is. Vicki Harding responded that the Solid Waste Department has a secretary that handles the Solid Waste fees and is continually working on this. Kurt Unger explained that in the documentation they compiled the problem started around 2005 and in 2008 is when the issue really peaked, commenting that it is great to get these people on the tax roll, but asked how they stop this from happening again in the future. He added that this isn't just an issue for their fire districts but other fire districts across the County. Kurt Unger then suggested that the County authorize an audit (review of new structures, etc. within FSAs and other districts) to be completed every two years because it would not only benefit them but other fire districts as well as solid waste. He stated that fixing the problem long-term is important and that it is difficult for them to do this internally as a district. Vicki Harding applauded them for the work they have done and the amount of properties they have identified, saying she thinks it would be a great idea to do an audit. Commissioner McLure commented that the County does not have a local Assessor and now has to depend on the Department of Revenue (DOR) do to these types of things. Vicki Harding added that Julie Goebel the Assessor for the DOR now covers three counties, including Granite County, making it difficult for her to catch missed properties in Granite County. Blaine Bradshaw voiced more support for the idea of

an audit and the Commission agreed to keep working with the GTL FSA on the matter. Commissioner Adler asked that we get a representative from the DOR to come in and speak with Commission on the matter. Vicki Harding stated she would reach out and work with Commission Assistant, Billie Ann Kulaski to get them on the agenda.

RETAINING ARCHITECT FOR COURTHOUSE PROJECTS; Granite County Attorney Blaine Bradshaw explained that he had spoken with Mr. Robert Robinson from Missoula who is working on the new fire hall in Drummond for the Valley Fire District, but he is so busy he hasn't been able to look at the Courthouse project yet. Blaine Bradshaw commented that he reached out to Montana Tech to see if they had a professor that could oversee a student to work on the projects, but Montana Tech didn't have anyone. He then stated that Montana State University did show some interest and they said they will get back with us. The County also had this project out on RFQ last winter, with no response, however Commissioner Adler suggested putting it back out. Commissioner McLure moved to put the Courthouse projects back out on RFQ. Commissioner Adler seconded the motion. There was no public comment and the motion passed unanimously.

MACO BROADBAND SUMMIT REPORT; Commission Assistant, Billie Ann Kulaski summarized the summit she attended the week prior in Helena aimed at educating Counties on the complexities of the Broadband funding through ARPA and the Infrastructure Investment and Jobs Act (IIJA). The program under the Montana Department of Administration (DOA) is Connect MT program and is utilizing ARPA dollars. Counties are not eligible to apply for funding, however can partner with service providers on the application by providing matching funds. There is a 20% match requirement and the fund legislated under HB632 are not eligible for match. The direct allocation funds may be eligible for match, but it depends on the County Attorney's interpretation under SB267 Title II. The Montana DOA created a website for the broadband program: <http://Connectmt.mt.gov>; The website includes webinars, recordings, and FAQs to support those trying to apply for funding. Currently there have been 49 applications submitted, with the deadline being April 30, 2022; there is approximately \$200M in funding available. In order to get approved for funding a service provider must be able to provide service over the next five years, as the DOA wants service to be sustainable and future focused. Another large focus is a provider must be enrolled as an Affordable Connectivity Program Provider and this must be advertised. (Currently 64K households are eligible, but only 20K are taking advantage of this program). The program under the IIJA will be overseen by the National Telecommunications and Information Association (NTIA) and has four different program offerings: BEADs program, Digital Equity, Tribal Connectivity, and Middle Mile. BEADs will provide \$428B for infrastructure planning and implementation, focusing on unserved and underserved locations. Digital Equity is focused on meeting people where they are at with technology and making it affordable, aka supporting the closure of the digital divide. Under the Digital Equity Program there are three sequenced programs to promote digital

inclusion - State Planning Grant Programs \$60M; State Capacity Grant Program \$1.44B; and the Competitive Grant Program \$1.25B (open nationally).

GRANITE COUNTY SHERIFF, SCOTT DUNKERSON WITH DUI TASK FORCE BUDGET REPORT; Commissioner Adler read Sheriff Dunkerson's report and announced that the next DUI Task Force Meeting is on May 4, 2022. Sheriff Dunkerson then joined the Commission and discussed various prevention efforts they have been focused on including getting speakers in the schools and providing gift cards to designated drivers. He added that there is a business locally that has been doing catering licenses through the state and the monies coming in are going into the general fund. Sheriff Dunkerson asked if these funds could be used by the DUI Task Force as the reinstatement fees haven't been as high and the Department uses these for overtime patrols on event or holiday weekends. Sheriff Dunkerson noted that the DUI Task Force is being effective and the student representative on the task force is working hard to bring in speakers into the local schools. He further stated the County Attorney is doing a very good job prosecuting DUIs in the County. Commissioner McLure commented that currently these are going into the general fund but that during the next budget season they can designate these to the DUI Task Force.

ONGOING NEGOTIATIONS WITH FLINT CREEK HYDRO LLC WITH JUDGE MCLEAN; Commissioner Adler explained that this Agenda item has been tabled, since mediator, Judge McLean (former district judge in Missoula), did not call in and the County has not received a written offer from Flint Creek Hydro LLC. The matter of the on-going negotiations will be an on-going agenda item. The County does acknowledge it may be a few weeks before the formal, written offer comes from Flint Creek Hydro LLC, but there are no guarantees. Granite County Attorney, Blaine Bradshaw added that he did follow up with their attorney, Matt Williams about four weeks ago, but still hasn't received a written offer. Blaine Bradshaw mentioned he also spoke with a potential expert who may be able to assist the County. This will be on the agenda for further discussion next week. Still working on this and it will be on the agenda again next week. The name of the expert will not be released until there is an agreement due to litigation strategy.

MONTANA DMV REQUEST FOR OFFICE SPACE; Montana Department of Motor Vehicles Regional Manager, Terry Davis and Granite County Treasurer, Vicki Harding joined the Commission to discuss the ability for the DMV to utilize office space within the Granite County Courthouse. Terry Davis stated that DMV would like to establish a small office within the Courthouse, to potentially increase their service offering within the County. They hope to be able to offer Real ID's to those utilizing the Granite County Office, and having their own space would also enable them to take their own payments and relieve the increased traffic in the Treasurer's Office on Drivers License Day. Currently the DMV offers one day a month and Terry Davis explained that this may lead to additional days being offered within the month. Currently appointments are booked out 80 days out to renew and over 60 days out to take a test, while the demand continues to grow. Commissioner McLure inquired to the closing of the Anaconda Office. Terry Davis responded that the DMV didn't have a good location in Anaconda, as they were working in the Senior Center and during

COVID-19 posed multiple obstacles. Commissioner Adler raised the question of whether or not the smaller office would be preferable over the larger office. Vicki Harding explained she would show Terry Davis both available spaces which include the former Elections Office on the main floor and the former Public Health Office on the basement level. Granite County Attorney, Blaine Bradshaw asked if they are requesting a rent-free situation as the Montana DMV would be providing a beneficial service to the County. Terry Davis responded that she would need to get the County in contact with her supervisors concerning that matter, however she is fairly certain the State would take care of rewiring the room for their equipment, at the State's expense. Commissioner McLure motioned to approve the Montana DMV's request for a mutually agreed upon office space in the Granite County Courthouse. Commissioner Adler seconded the motion. There was no public comment on the motion and it passed unanimously. An agreement will be drafted and reviewed by both parties, then placed back on the agenda for final approval.

JB RAY WITH BLACKFOOT COMMUNICATIONS TO DISCUSS FIBER OPTIC PROJECTS & REQUEST A LETTER OF SUPPORT; The Commission was joined by Blackfoot Communications Network Infrastructure Manager, J.B. Ray and Blackfoot Communications, Director of Operations, Mary Warden to provide a brief update of the Fiber Project at Georgetown Lake and the plans to expand into the Philipsburg area and then into Drummond. JB Ray explained that as a Co-Op their projects are determined by their board and their directive is to bring fiber optic to our rural counties. Blackfoot Communications is applying with Montana Reconnect for the Philipsburg project, which is estimated to cost approximately \$20M. The Town of Philipsburg Mayor, Daniel Reddish met with JB Ray earlier in the month and the Town of Philipsburg has decided to do a letter of support for the projects as well as resolution. JB Ray explained that these applications garner more points if they receive letters of support from those in the affected areas.

Public comment was received from John Kane, a resident of Lower Rock Creek question Blackfoot Communications regarding a four-year old project where there has been a dispute between some residents and Blackfoot Communications concerning fiber optic service. JB Ray explained that in that area the residents connect into the Clinton exchange and not the Philipsburg exchange and during that project Blackfoot reached out to the community, but the interest wasn't significant enough for the project to move forward. That specific project was also part of a different funding option. The project Blackfoot Communications is working on applying for is funded through the Montana Reconnect Program, however regardless of being awarded this grant, Blackfoot Communications still plans on moving forward with projects in the Philipsburg and Drummond areas. Mary Warden added that Blackfoot has been very strategic in figuring out where to put fiber over the last few years because it expensive, and with the COVID-19 pandemic opening a pathway to dollars for fiber optic projects they are able to start focusing on rural communities.

Additional public comment was received from John Kane concerning the older project coming out of the Clinton exchange that Blackfoot Communications worked on.

Commissioner Adler asked for John Kane to stay on the topic of the current project being discussed and that he could continue this other conversation with Blackfoot Communications at another time. John Kane stated that he was representing the Rock Creek Protective Association, and served as a previous board member of the Association. It was noted that he cannot represent the board member unless he is an officer or given some type authority by the Rock Creek Protective Association. He also asked how to be placed on the Commissioners Agenda to present this issue to the Commission. Commissioner Adler referred him to get a hold of Commission Assistant, Billie Ann Kulaski to aid him in getting on a future agenda.

Public comment was received from Elena Gagliano asking for the spelling of John Kane's name. John Kane responded and provided her with the information.

Commissioner McLure motioned to provide a letter of support for Blackfoot Communications. Commissioner Adler seconded the motion. There was no further public comment and the motion passed unanimously.

Final comments of the meeting where received from John Kane stating he is working with the Secretary for the Rock Creek Protective Association and will reach out to the Commission Assistant, Billie Ann Kulaski to get on the agenda and present the issues he began discussing today.

The meeting adjourned at 11:57 a.m.