

**December 20, 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 Adler, Commissioner McLure, and Commissioner Hinkle attending. Also attending were Commissioner's Assistant, Billie Ann Kulaski and Granite County Attorney, Blaine Bradshaw, who attended a portion of the agenda items. 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 Granite County Treasurer, Vicki Harding; Slate Architecture Principal Architect, Scott Cromwell; Local Resident, Ed Brunsvold; Powell County Director of Parks, Anna Cooley; Flint Creek Hydrodynamics Operator, Paul Tallon; Road & Bridge Superintendent, Paul Alt (Via Phone); Courthouse Custodian, Janeen Bonney; Local Resident Dan Anderson; Granite County Financial Auditor, Don Davies; Granite County Planning Director, Linda Bouck; Drummond Mayor, Gail Leeper; Amanda Cooley of Powell County; The Powell County Commissioners; as well as other members of the general public including Elena Gagliano.**

**BOARD MINUTES; Commissioner Hinkle moved to accept the board minutes for December 13, 2022 with one change. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.**

**CORRESPONDENCE; A Public Hearing Notice was received from the Town of Philipsburg concerning the water and sewer rate changes; the meeting is scheduled for December 20, 2022 at 6:00 p.m.**

**A letter was received from the USDA FS Beaverhead -Deer Lodge National Forest, notifying the County of the proposal to conduct forest management activities in the Basin Creek – Butte Watershed Project located south of Butte, MT.**

**PUBLIC COMMENT; Public Comment was received from Flint Creek Hydrodynamics Operator, Paul Tallon explaining that they would like the Commission to consider increasing the outflow to 10 CFS at the Flint Creek Dam. Paul Tallon referenced the upcoming, forecasted cold snap and how the increased flow through the equipment will generate more heat in the power house and assist in the protection of the equipment in the extremely low temperatures. He added that at Flint Creek Hydrodynamics they were confused as to why the Commission had decreased the outflow to 6 CFS when the lake level is steadily rising, adding that from December through February Northwestern Energy provides the highest rates for power generation, which benefits the County as well as Flint Creek Hydrodynamics. Commissioner Hinkle responded that he has lived in the area for over 20 years and watched the weather; and that this year, in his opinion the County is worse off than the previous year because there is no moisture in the snow. He provided various examples from his own property that illustrated the low amount of moisture not only in the current snowfall, but in the soil and how this will impact the ability for the lake to fill. Commissioner Hinkle added**

that he does sympathize with the hydro-plant, and that he too would like to capitalize on the current energy rates, but that the County needs to ensure that the reservoir fills. Commissioner Adler referenced the previous reports, noting that on January 5, 2022 the lake level was at 11 inches below full pull and that currently the lake level is at 18 inches below full pull. Paul Tallon raised concerns over the lake level going up too quickly and going over the spillway if a good storm is to hit the area. Commissioner Hinkle added that if that were the case the County would increase the outflow. Commissioner McLure commented that if the lake level increased as desired then they could potentially increase the outflow to 10 CFS, but that the County has been releasing 6 CFS and have only come up 1.2 an inch. The group discussed the snowpack and the current inflows into the reservoir that Roger Kirk and Ben Singer of Flint Creek Hydrodynamics claim to be at 15 CFS. This matter will be discussed further during the upcoming agenda item.

**ROAD & BRIDGE WEEKLY REPORT WITH ROAD & BRIDGE SUPERINTENDENT PAUL ALT;** Road & Bridge Superintendent Paul Alt is on vacation and did not attend the Commissioners meeting. Commissioner Adler provided a brief update of current projects the Road & Bridge Department has been working on including maintenance on equipment. Commissioner Adler added that there is an employee that will be retiring on May 1, 2023. There is an additional employee that had planned to retire but stated they would stay on through the winter season, concluding that the Road & Bridge Department will need to hire. Commissioner Hinkle stated that the Department will need to start advertising and that it is better to advertise and get someone on early to ensure they are trained. Commissioner Adler agreed. Commissioner McLure clarified that the Commission should set clear timeframes to hire for the department and ensure they plan accordingly for budgetary purposes. Commissioner Hinkle moved to advertise for a Road & Bridge Operator / Mechanic to begin employment on March 1, 2023. Commissioner McLure seconded the motion. There was no public comment and the motion passed unanimously.

The Road Crew has already gone back to five eight-hour shifts, but did not notify the Commission. Commissioner Adler commented that this should have been told directly to the Commissioners. He added that with the weather that is expected this week and the holiday over the weekend the Crew may be required to work overtime to ensure the roads are cleared, with a strong focus on Friday. Commissioner Adler called Paul Alt via phone to confirm that the Crew understands the expectation. Paul Alt confirmed and added the following updated concerning payment from the US Forest Service. The invoice for the Project on FS Road 1589 has been billed out and payment is expected this week.

**GEORGETOWN LAKE OUTFLOW; BRANDON PARRET, DAM TENDER'S REPORT;** The lake level was reported at 6427.93 feet; 18.84 inches below full pool, according to the USGS lake level gage and the dam tender's report for the week. The Commission discussed the cold weather that is to begin this week and continued their discussion with Flint Creek Hydroelectric LLC's Operator, Paul Tallon from earlier in the session. Commissioner Adler stated he understands the need for the increased outflow to protect the equipment at the power house and that he would agree to increase the outflow to 10 CFS during the cold snap. He added that the County would like to make money during the coming months as well, but

that it is not just about making money as the County has a lot of people to answer to when it comes to the dam. There was further discussion on the impact the extremely low temperatures can have on the equipment, including the pipeline. Paul Tallon explained that a few weeks ago they were running water down the creek to do repairs and a coupler began leaking in the pipeline, so they had to shut everything down (and run water in the creek a second time) and repair the issue; and these types of issues tend to surface during the colder temperatures. The Commission discussed varying timeframes for adjusting the outflow back to 6 CFS if they agree to increase the outflow to 10 CFS during the cold snap, coming to the agreement that it will have to be monitored. Commissioner Hinkle motioned to increase the outflow to 10 CFS until Saturday, December 24, 2022; at this time Paul Tallon will reach out to Commissioner Adler and they will review, if the temperatures remain below zero the Commission will continue releasing 10 CFS until December 27, 2022 when they will make a decision on whether to decrease to 6 CFS or remain at 10 CFS until their next Commission meeting session on January 3, 2023. Commissioner McLure seconded the motion. Public comment was received from Elena Gagliano asking Paul Tallon about the leak that was identified in the previous weeks. Paul Tallon confirmed there was leak that was identified and repaired. There was no further public comment and the motion passed unanimously.

**GRANITE COUNTY TREASURER VICKI HARDING WITH MONTHLY CASH REPORTS:** The Commission was joined by Granite County Treasurer, Vicki Harding, who presented the cash reports and pledged securities from July, August, September, and October. The Commission reviewed the reports and there were no public comments received.

**SCOTT CROMWELL, SLATE ARCHITECTURE – PROPOSED COURTHOUSE PLANS; TASK ORDER;** Slate Architecture Principal Architect, Scott Cromwell joined the Commission via Zoom, because of the inclement weather conditions. He had previously planned on meeting with the Commissioners in-person to walk through the drafted floorplans. Commissioner Adler recommended that they reschedule in January to walk through the floor plans. Scott Cromwell agreed, and then provided a brief update on where they are at with the task orders. Currently, Task Order 1 has been completed (the scanning of the Courthouse and Jail); Task Order 2 will focus on what to do with the elevator, ADA bathrooms, and handrails which will be a focus of the walkthrough in January. This matter is tabled until January 2023. Public comment was received from Elena Gagliano asking for clarification of the task orders and if she could receive a copy of Task Order 1; Commission Assistant, Billie Ann Kulaski stated it is an older Task Order and not a new Task Order, so is not part of the meeting packet, but that she would send Elena Gagliano a copy. Granite County Courthouse Custodian, Janeen Bonney joined the Commission to discuss some of her thoughts concerning the proposed floor plans and will join the group during the January session with Scott Cromwell.

**GRANITE COUNTY FINANCIAL AUDITOR DON DAVIES WITH FY 2021 FINANCIAL REPORT;** The Commission was joined by Granite County Financial Auditor Don Davies to review the Financial Report for FY 2021. Don Davies explained that the FY 2021 Audit was complicated due to the amount of Federal programs; and that the guidelines provided to

local government concerning those programs were not clear, making documentation challenging. Don Davies discussed the complexities of government accounting and thanked Granite County Attorney, Blaine Bradshaw for the letter (response) to the audit. Public comment was received from Elena Gagliano asking about a purchase that was made by the Road Department & County Airports for a highway mower. The Commission explained that the mower was purchased and the uses of the mower, and how it aids in fire mitigation. Don Davies concluded the review by informing the Commission that the FY 2021 Financial Audit has been sent in and accepted by the Federal Government.

**RESOLUTION 2022-14; A GRANITE COUNTY RESOLUTION AMENDING THE COUNTY'S FY 2022 BUDGET; FIRST READING;** The Commission reviewed the Resolution and opened the floor for public comment. There was no public comment. Commissioner McLure motioned to adopt Resolution 2022-14; A Granite County Resolution Amending the County's FY 2022 Budget. Commissioner Hinkle seconded the motion. There was no public comment and the motion passed unanimously.

**ROAD MAINTENANCE AGREEMENT- DAN ANDERSON;** Dan Anderson joined the Commission as he is wanting to plow on Black Pine Mine Road. Commissioner Adler clarified that the County can only grant permission for County sections of the road. Dan Anderson stated that he has been speaking with Road & Bridge Superintendent, Paul Alt as well as Black Pine resident Russ Piar and said that he is willing to plow that section of County road because he is plowing for another resident in that area. Commissioner Hinkle asked what type of vehicle Dan Anderson is plowing with. Dan Anderson explained he has a large truck with a plow attached and that he has been plowing for the Kerby's that own a place between the Mine and Black Pine Meadows. Granite County Attorney, Blaine Bradshaw clarified that the US Forest Service has concerns over someone plowing in that area on their roads without proper permits, and recommended that if the Commission approve this road maintenance agreement that a map be attached highlighting the road that is approved to be plowed. County Attorney Bradshaw also asked Mr. Anderson if he had the requisite liability insurance required by the County, and he said he did and would provide a copy of the certificate of insurance to Billie Ann Kulaski. Commissioner McLure clarified that the County is still plowing the portion that they agreed to plow for Russ Piar. Commissioner Hinkle added that he thinks that Dan Anderson and Paul Alt can work together concerning the area. Commissioner Adler suggested that with the incoming weather the Commission move forward with approving the Road Maintenance Agreement and allow Dan Anderson to bring the map by their office. The Commission agreed to approve the Road Maintenance Agreement and to have Dan Anderson work with Paul Alt. Dan Anderson is also required to bring in his certificate of liability insurance and a map of the area he is plowing to the Commissioner's Office. The map will be attached to the written agreement.

**MULTI-COUNTY PARTNERSHIP PROPOSAL FOR TRAIL SYSTEM WITH ED BRUNSVOLD & AMANDA COOLEY OF POWELL COUNTY;** The Commission was joined by local resident, Ed Brunsvold, The Powell County Commissioners, and Powell County Planning Director, Amanda Cooley to discuss a proposal for a multi-County trail system. Amanda Cooley also sits on the Parks Board, and began discussing the potential of

opening up a trail system with Missoula County and Mineral County who are both interested in the opportunity to partner. Amanda Cooley has gotten in touch with the Great American Trail Association and the Rails-to-Trails Conservancy and provided some background on the organizations. Recently Powell County completed ten miles of trail from Garrison to Deer Lodge so they have some momentum going and want to investigate further trail development which is how they got in touch with Flint Creek Trail Association and Ed Brunsvold. Currently, there is a grant opportunity (RAISE grant) that the counties could join together and apply for. The grant application is due at the end of February and she is out hustling to see if this is something that can be pulled together in time. Amanda Cooley has secured a grant writer for the project and asking Granite County if they would like to partner on this project. If they would, she is requesting up to \$2500 toward the grant writer. She explained that after the grant is written it will provide the counties with a professionally created document that can be utilized to apply for other grants for the project if the RAISE grant is not awarded. If the RAISE grant is awarded the funds will be utilized by each County for the planning process; this would include looking at potential trail routes and working with landowners. This would enable the County to hire someone to spearhead this process and hold public meetings to interface with the public and find the best approach while considering the County's priorities. She added that in Powell County they had some issues where landowners did not want the trail on their properties and they were able to connect to old County roads. They then passed through a resolution that these old County roads would become open to pedestrian traffic only. Commissioner Adler asked about maintenance on these trail systems. Amanda Cooley responded that this is something Powell County is currently dealing with and have had to hire two people; one that works approximately 10 hours per week to spray weeds and mow; and another that works 5 hours per week to clean and maintain restrooms. She added that it is important to look at long-term maintenance.

Drummond Mayor, Gail Leeper commented that she would like to see the Commissioners support this project. She added that she has spoken with Granite County Planning Director, Linda Bouck, and that there is money available in the budget for these types of things. Mayor Leeper voiced support over the tourism that this could bring in the Drummond area.

Commissioner Hinkle raised concerns over not knowing where the trail system is going to go prior to applying for the funds. Amanda Cooley responded that in order to do the "legwork" and understand where the trail should go, the County would have to pay someone; which is what the grant is for. She added that there is also the potential to incorporate ATV and off-road vehicle traffic routes which could be investigated if they are a priority of the County, as well as any infrastructure projects that could tie into the trail system. Public comment was received from Elena Gagliano, who is also the Granite County Director for Big Sky Passenger Rail Authority. She asked for copies of the handout and if Amanda Cooley had attended any of the recent Headwater CEDS meetings. Amanda Cooley explained that she did attend the Headwaters CEDS meetings for Powell County and that she is a participant with Headwaters RCD, where they have had very active conversations about this project. The handouts for the meeting were uploaded to the Granite County website following the end of the session. Mayor Leeper commented that the next Headwaters CEDS meeting will be in Drummond on January 4, 2023 at noon and that hopefully this project will be discussed

further. She added that in the spring MSU Extension Agent, Ben Hauptman hosted a community discussion where this project was initially discussed.

Amanda Cooley explained that she doesn't need an answer today, and that as long as she knows by January 6, 2023 that it will allow enough time to plan accordingly for the grant application. She would want a letter of support from the County as well as Cooperative Agreement to be signed among all counties involved. Mayor Leeper added that she would like to see the Commissioners create a fund that can be utilized for matching funds for grants in the future and that she would like to see the Commissioners attend the Headwaters RCD meetings. Commissioner McLure explained that she thinks the proposal is clear and that the funds are available for this type of thing. Commissioner Hinkle raised concerns over spending money to write a grant when the County doesn't know whether or not they will be able to move forward with the project and get access to the lands. Amanda Cooley explained she is in the same place in her County, but that these funds are available to explore those options. Commissioner Hinkle raised additional concerns over the federal grant dollars that are being expended. Amanda Cooley agreed, and added that someone will still get the money and she would like it to be our counties. Granite County Planning Director, Linda Bouck joined the Commission and confirmed that there are funds available to support the contribution of up to \$2500 for a grant writer. It was acceptable with her to use her department's budgeted Park funds to pay the County's contribution. She added that there was a group that did some exploratory work and found some issues connecting the trail due to contentious landowners. Amanda Cooley commented that she sees this being a decade long project. There was further discussion around the grant and how it would be utilized if awarded. Commissioner Hinkle remained concerned over spending money when they are not certain they will be able to gain access to private lands for the trail system. Public comment was received from Elena Gagliano noting the next Headwaters RCD Meeting on January 4, 2023, stating that the Commission has time to think on this matter and to get more information. She cautioned the Commission concerning the upkeep and maintenance of the trail systems. Ed Brunsvold commented that he supports this grant application and that it is a planning grant but a great opportunity especially for the Drummond area. Commissioner McLure moved to move forward with the partnership with Powell County and Missoula County, and for Granite County to contribute up to \$2500 towards the RAISE grant application, as requested. The funds would come from the Planning Department's Park Fund budget which has requisite funds. Commissioner Adler seconded the motion. Commissioner Hinkle continued to raise concerns over receiving money from the federal government to understand something that they already know. Linda Bouck commented that one good thing that will come out of this is the potential of a map of County roads that show what areas can be accessed and which areas cannot. Amanda Cooley mentioned that Missoula County Attorney's Office would likely draft the agreement between the counties and that all the county attorneys for each partnering county could work together to come up with final proposed language for the agreement for each county commission to consider. There were no further comments and the motion passed two to one with Commissioner Hinkle dissenting.

**GRANITE COUNTY NUISANCE DOG ORDINANCE 2022-1;** The Commission reviewed the Nuisance Dog Ordinance. Granite County Attorney, Blaine Bradshaw provided some background on the nuisance dog ordinance and how it assists the Sheriff's Department as an additional tool when dealing with nuisance dogs. Commissioner Adler stated he is not in favor of the ordinance, because it gives the public another reason to call the Sheriff's Department. Blaine Bradshaw clarified that this ordinance is not applicable in the Towns of Drummond or Philipsburg, but out in the County; and that the Sheriff's Department is in favor of the ordinance. Commissioner Hinkle motioned to approve the Nuisance Dog Ordinance; Granite County Ordinance 2022-1. Commissioner McLure seconded the motion. There was no public comment and the motion passed two to one with Commissioner Adler dissenting.

**DAM TENDER TRAINING OPTIONS;** Commissioner Adler explained that this agenda item is discussing the opportunity to have Commission Assistant, Billie Ann Kulaski and DES Coordinator, Jackie Bolster trained in the basic operation of the Dam Tender, so there is someone to fulfill his duties in the Dam Tender's absence; as a back-up. This also enables there to be multiple people at the County educated on the specifics of the dam to support emergency operations. Commissioner Hinkle commented that he thinks it is a good idea to have some back-up personnel trained. Commissioner Hinkle moved to approve having Billie Ann Kulaski and Jackie Bolster trained on the Dam Tender operations, with the County paying the expense of the training. Commissioner McLure seconded the motion. Public comment was received from Elena Gagliano asking for more information as well as a breakdown of the documents the Dam Tender provides on a weekly basis to the Commission. Billie Ann Kulaski explained the different documents and how the information is gathered. She added that the additional training will help support the dam operations and connects back to call-outs from FERC that the County Offices need additional training and education concerning dam operations. The trainings will not be formal trainings from FERC, but will be done through partnership between the County and Great West Engineering. There was no further public comment and the motion passed unanimously.

**DISCUSSION OF CLAIMS FROM RUN LOSS REPORT WITH PAYNE WEST INSURANCE AGENT, RODY HOLMAN;** This matter was tabled by the Commission for January 3, 2023.

The meeting adjourned at 12:04 p.m.