

**June 11, 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 and Commissioner Adler, attending. Commissioner Hinkle was excused for the day. 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 *Philipsburg Mail* Editor, Amelia Wood; Granite County Solid Waste Clerk, Scott Rettig; Philipsburg Community Library Chairperson, Sue Sweeney; Granite County Airport Board Chairperson, Donovan Jones; Granite County Custodian, Janeen Bonney; MSU Extension Office Agent, Ben Hauptman; Local Rancher, Pat Verlanic; Fish, Wildlife & Parks (FWP) Fisheries Biologist and FWP Water Conservationist Stephen Begley; Solid Waste Clerk, Scott Rettig; Local Contractor, Dave Kesler; and members of the general public including Elena Gagliano.**

**BOARD MINUTES; Commissioner Adler moved to accept the board minutes for June 4, 2024. Commissioner McLure seconded the motion. Commissioner Hinkle noted that there was one correction that was made. There were no public comments received. The motion passed unanimously.**

#### **CORRESPONDENCE;**

**Electronic mail was received from Stahly Bridge & Transportation Department Manager & P.E., Kathy Thompson following up on the off-system bridge infrastructure in Granite County. She stated that Stahly Engineering will be reaching out to discuss further. This email was also sent to Road & Bridge Superintendent, Paul Alt.**

**Electronic mail was received from Yellowstone to Yukon Connectivity Coordinator, Morgan Marks providing an update on funding opportunities for the Wildlife Crossings Pilot Program.**

**Electronic mail was received from MACo providing funding opportunity information in association with the National Parks Foundation to Enhance and Protect America's Parks & Trails.**

**A response was received from Beaverhead-Deerlodge Working Group concerning the Commissioners request for more information over the "Support for Law Enforcement Officers". Darcy Warden invited the Commissioners to attend the BDWG meeting on August 7, 2024 from 1:00 p.m. to 5:00 p.m. (virtually or in-person).**

**A flyer was received from Phillips 66 Pipeline LLC, providing information about safety and emergency preparedness operations concerning pipelines and / or terminals in Granite County.**

**Electronic mail was received from Linda Ferguson of Ferguson Cleaning Supplies providing information for logo mats; inquiring if the Commission would like to have them create logo floor mats for Granite County.**

**Electronic mail was received from Jim Bacquet inquiring how to locate past recordings of Commissioner meetings. Commission Assistant, Billie Ann Kulaski responded with the requested information. Commissioner McLure noted that the video pertains to public comment session when Commissioner McLure covered the camera with a piece of paper. She stated that she understands that from his perspective it could look odd; but that she was caught off guard, and there were no comments being made during that part of the session. Commissioner McLure added that she is the only Commissioner that uses a camera during the session and stated that she is getting scrutiny and that she believes all of the Commissioners should be under scrutiny. Attorney Bradshaw noted that the concern or question would be whether or not a meeting was closed, which it wasn't. He further suggested that when personnel matters (and the alike arise), the Commission Chair should state that the persons' right to privacy exceeds the public's right to know anytime they are closing a session. Attorney Bradshaw noted that the County and Mr. Bacquet should forward from past differences, getting along. Attorney Bradshaw meant this advice to be for both sides, including himself and Mr. Bacquet.**

**Certified mail was received from FEMA concerning the revised flood insurance rate map and flood insurance study for Granite County and incorporated areas. This was also sent to Granite County Planning Director, Linda Bouck. This matter will be on a future agenda for the Commissioners to adopt the updated maps.**

**Electronic mail was received from Trout Unlimited Project Manager, Tess Scanlon inviting the Commissioners to attend the Watershed Tour on Saturday, June 22, 2024. This will walk through the project the County recently agreed to partner with Trout Unlimited on to apply for grant funding through the DNRC.**

**An announcement for the upcoming MPERA (Montana Public Employee Retirement Administration) meeting on Thursday, June 13, 2024 was received; with attached meeting materials.**

**Information concerning a filing in the District Court of Yellowstone County concerning the Montana Opioid Abatement Trust was received.**

**A notice from the Philipsburg Mail was received asking if the County would like to renew their subscription.**

**The Granite County LEPC (Local Emergency Planning Committee) Meeting Agenda was received for the meeting on June 13, 2024.**

**PUBLIC COMMENT:**

Public comment was received from Elena Gagliano noting the amount of correspondence to be reviewed in a short period of time. She referenced a comment concerning open meeting laws from the previous week, asking that MCA 2-3-203 (subsection 3) be notated in the minutes. She read the section of the MCA and asked that the Commissioners look into the matter further and gain clarification on how to handle closed sessions. Attorney Bradshaw stated that anytime the Commissioners are going to discuss employees that it will be a closed session, since the employees right to privacy outweighs the publics right to know. He explained that when the Commission closes a public session ( and the matter is not on the Commission's agenda) it is for an administrative matter such as to receive information from an employee through their Department Supervisor. If there is an employee discipline matter or the like, then the matter is placed on an agenda and the employee is directed to be at the meeting, and the employee(s) are given an opportunity to either close the session or waive their right to privacy. He cautioned the Commission regarding disclosing employees names in relation to closed sessions as it could hurt their reputation. Commissioner Adler agreed. Elena Gagliano commented that she doesn't agree with Attorney Bradshaw and that she would like this matter looked into further, noting that the Commission could request an opinion from the Attorney General (AG). She added that when people are attending the meeting in person, they can see the employee walking into the closed session, so not disclosing their name does not make any sense. Commissioner McLure confirmed with Attorney Bradshaw that they could get an opinion from the Attorney General or continue based off of his interpretation of the MCA. Attorney Bradshaw confirmed that the County can get an opinion from the AG, and commented that many times the employee matters (that are closed to public) are often insignificant, but that if employee discipline is required then the matter is an agenda item (personnel matter on agenda) and the employee is always given the opportunity to waive their rights to privacy. Commissioner McLure stated that she doesn't feel as though the County needs to get an opinion on this matter from the AG. Commissioner Adler agreed. Attorney Bradshaw noted that listing an employee name next to the closed session is not necessary and listing "personnel matter" suffices.

**ROAD & BRIDGE WEEKLY REPORT; CONTRACT HAULING TO GO-OUT TO BID; & SOLID WASTE UPDATE WITH ROAD & BRIDGE SUPERINTENDENT PAUL ALT;** Granite County Road & Bridge Superintendent Paul Alt was not able to join the session to provide an update of projects across the County because he had to go to Billings for maintenance issues on the water truck. Commissioner Adler explained that the Road Crew is working on blading and pot hole filling (dura patching) up the Middle Fork.

Solid Waste Clerk, Scott Rettig joined the Commission and explained that things are going well. Commissioner McLure noted that since his report is mostly administrative that it doesn't need to be done weekly unless there is something he needs to report on or policy changes that he needs to be aware of.

**GEORGETOWN LAKE OUTFLOW; DAM TENDER'S REPORT;** The lake level was reported at 6429.24 feet; 3.12 inches below full pool, according to the USGS lake level gage and the dam tender's report for the week. The Commission was joined by Fish, Wildlife & Parks (FWP) Fisheries Biologist and FWP Water Conservationist Stephen Begley for the

session. The group discussed the raising water and upcoming weather for the Georgetown Lake area, raising concern over reaching the spillway. Commissioner McLure noted that on June 10, 2024 the Commission met with FERC for the Annual Inspection; during that meeting, Flint Creek Hydrodynamic Operator, Paul Tallon recommended increasing the outflow to 35 CFS. Commissioner Adler noted that he would like to see the outflow increased to get the irrigators some additional water, and that the lake level is sitting in a good place.

Brad Liermann commented that FWP would not recommend increasing the outflow to 35 CFS, noting that he is nervous that the lake won't fill this year. Commissioner Adler motioned to remain at 30 CFS; in alignment with the current FERC order in place. Commissioner McLure seconded the motion. Local irrigator, Pat Verlanic commented that the USGS website shows that only 25 CFS is being released currently. The Commission noted that an error in the USGS gauge was identified by Flint Creek Hydro LLC and reported to USGS. This is in the process of being remedied, but that 30 CFS is being released. The County will follow up on the matter. Pat Verlanic inquired about more water being released from the dam. Commissioner Adler noted that they tried to increase the outflow but that FWP will not agree to the increase. Pat Verlanic commented that the County own the dam and that the agencies should not be able to tell the County what to do. He inquired what would happen if the County were to act without consent. Attorney Bradshaw explained that the agencies or citizens would then file a complaint with FERC, and the federal courts would likely rule against the County. There were no further comments and the motion passed unanimously.

**PRELIMINARY BUDGET REVIEW;** The Commission reviewed several preliminary budgets for FY 2025 including the Victims / Witness Advocate, Special Counsel Fund, Flint Creek Project, Rumsey Mountain, and County Building budgets provided from the Clerk & Recorder's Office. Commissioner McLure noted that in the past there was a policy in place in regard to County Building expenditures, where anything in excess of \$200 needed the Commission's prior approval. She suggested that the County reenact this policy, since the Commission oversees the County Building budget.

**MONTHLY CLAIMS;** The Commissioners reviewed and discussed monthly claims for May 2024. The Commissioners analyzed a claim received from Kesler Kustom Shops for repairs to a sink / faucet at the Granite County Jail. Dave Kesler raised concern over a request for more information regarding his claim in previous weeks. He explained that he was specifically concerned over the request for his wholesale receipts. The group discussed the interaction that took place in the Courthouse weeks earlier. Attorney Bradshaw noted that he did not appreciate the matter escalating into his office, when the price associated with the claim was only around \$300.00. Commissioner Adler explained that the Commission analyzes all claims they receive and ask questions, but that this should be done during claims processing. Attorney Bradshaw noted that the work associated with the claim was completed at the Jail and the Sheriff should have been requested the Commission to ask for receipts if that is the rule. Commissioner McLure raised concern over that suggestion, since the Commission is responsible for the County Building budget. Attorney Bradshaw responded that the Commission does have final say, but he advised against micromanaging the Sheriff

with the Jail, especially on smaller expenditures. Commissioner Adler stated that the County needs to know more about repairs that are being done and paid out of County building (prior to them being completed). He noted that the Commission doesn't want to micro-manage departments but that they need to be made aware. Attorney Bradshaw commented that it is a good practice to have Department Heads request approval for repairs in excess of \$500 (or in that range) that will come out of County Building. He noted that the Sheriff's Office may require a higher limit for the Jail since the Sheriff oversees repairs to the Jail.

Commissioner Adler suggested that the Commission would need to know more about repairs that are being paid out of the County Building Fund, prior to them being completed. Attorney Bradshaw suggested that it is a good practice to have Department Heads request approval for repairs coming out of County Building in excess of \$500; but that the Sheriff should have oversight over repairs to the jail that are not extensive. These issues will be on a future agenda for decision.

Commissioner Adler motioned to approve the monthly claims for May 2024. Commissioner McLure seconded the motion. There were no public comments received and the motion passed unanimously.

**PHILIPSBURG COMMUNITY LIBRARY UPDATE;** The Commission was joined by Philipsburg Community Library Board Chairperson, Sue Sweeney for an update on Library happenings. She updated the Commission on the current Library Board members, including Kathy Gillies, Charlene Bucha, and Bethany Foley. Sue Sweeney discussed that one item making the Library unique, is the fact that they have a mortgage. The organization would like to pay off the mortgage sooner than later, and are working to do so through events like a silent auction as well as rental spaces which include office spaces (basement) and a residential loft. Sue Sweeney explained that they are potentially looking at mill levy in 2027.

The Library Board is currently seeking a new member. Current programs that are operating at the Library include Book Club, Bingo, Sit & Fit, After School Programing, Summer Reading Programs, Seed Swap, and Preschool Playtime. The Library is also offering several special programs including MT Author Visits, Yule Night Kids Crafts, Adult Art Classes, and Tax Rebate Assistance. Sue Sweeney reviewed the many community uses of the space and the grants that are currently supporting operations. She also reviewed the current Strategic Action Plan of the Library Board, sharing the mission and goals of the organization. Sue Sweeney noted that the Library has been having drainage issues with the sidewalk, and looked into a Transportation Alternative Grant. The Library wasn't successful, since it was a small project, however the Library is hoping to partner with the City to expand the project and include ADA accessibility across the four corners. Commissioner Adler motioned to accept the Philipsburg Public Library Report and to provide support concerning the ADA Projects. Commissioner McLure seconded the motion. There were no public comments and the motion passed unanimously.

**GRANITE COUNTY AIRPORT BOARD UPDATE; AIRPORT NON-PRIMARY ENTITLEMENT TRANSFERS; DNRC LAND USE APPLICATION;** The Commission was joined by Granite County Airport Chairperson, Donovan Jones for an update. He reviewed

the current Airport Layout Plan, they are expecting approval from the FAA in July of 2024; and updated the Commission on the airfield beacon replacement, which is still in process. The group discussed the ongoing work between the Airport Board and the Montana DNRC concerning land surrounding the airport in Philipsburg (Riddick Field). The Airport Board is requesting approval from the Commission to proceed with the proposed scope for an underground conversion from an overhead pole on DNRC property to the airport property fence line; as well as a new access road, and airport property adjustment. Donovan Jones explained that they are also working with the DNRC on an airport building restriction line adjustment. Donovan Jones is exploring funding available to support the project(s), he added that they can potentially use funding under the grant that was received for the airport beacon; but that the area does need to be surveyed out. The Commission discussed that there is funding available under the Capital Projects Fund for the Airport. There is over \$100K that needs to be transferred into the Airport Fund. Commissioner McLure stated that the Commissioners will need to look at the budgets as they may need to levy more than they have in the past to support future improvements. Commissioner Adler motioned to approve The Granite County Airport Board to contract with Ken Jenkins for upcoming surveying and boundary work at Riddick Field in Philipsburg. This will enable the Airport Board to proceed with the proposed scope for an underground conversion from an overhead pole on DNRC property to the airport property fence line; as well as a new access road, and airport property adjustment. Commissioner McLure seconded the motion.

Public comment was received from Elena Gagliano stating that the County does not have an Airport, and Riddick Field is just an Airfield. She raised concern over the funding available with the FAA, asking if there is any seed money involved from the County, and if the County needs to adhere to any new rules or regulations. She also raised concerns over the budget, noting that not everyone in the County cares about the airfield and decisions the Commission makes are tying the County residents to future costs. Attorney Bradshaw noted that the federal regulations and strings attached to grant funding are a real thing, but not associated with the current agenda item relating to the survey. Elena Gagliano raised concerns over the future costs and increased mill levies that could be associated with airport improvements. There were no further public comments and the motion passed unanimously.

The Group discussed the Airport Entitlement Transfers that were recently requested from KLJ Engineering. Donovan Jones explained that a few years back, the County borrowed entitlements from Mineral County to fund the Airport Master Plan Study. In this case, the County would be returning the borrowed entitlements to Mineral County and lending to Powder River County to help these two Sponsors fund airport projects they have this year. In return, Powder River County would execute a reciprocal agreement to return the entitlements being borrowed from Granite County in a future fiscal year. If the County would be willing to assist Mineral County and Powder River County, they would just need to approve the entitlements transfer documentation that was sent over. Commissioner Adler motioned to approve the Airport Entitlement Transfers to Mineral County and Powder County. Commissioner McLure seconded the motion. There were no public comments and the motion passed unanimously.

Public comment was received after the motion from Elena Gagliano stating that she objects (opposes).

**SURPLUS PROPERTY SEALED BID OPENING (COURTHOUSE ITEMS);** One bid was received from Rick White for several items:

<b>Item #4: TV/ VCR</b>	<b>\$15.00</b>
<b>Item #7: Two folding tables</b>	<b>\$5.00</b>
<b>Item #8: Metal Desk (1)</b>	<b>\$20.00</b>
<b>Item #9: Metal Desk (2)</b>	<b>\$20.00</b>
<b>Item #10: TV/ VCR- DVD</b>	<b>\$10.00</b>
<b>Item #11: Office Desk (wood)</b>	<b>\$15.00</b>
<b>Item #12: office Desk (white)</b>	<b>\$10.00</b>
<b>Item #18: White Plastic Desk</b>	<b>\$20.00</b>

Commissioner Adler moves to accept all of the bids from Rick White for multiple items. Commissioner McLure seconded the motion. There were no public comments received and the motion passed unanimously.

The Commission discussed the remaining items from the surplus sale that were not bid on during the recent public bidding process. Commissioner Adler moved that these items, as they have no value, to the County and can be given away or discarded. Commissioner McLure seconded the motion. There were no public comments received and the motion passed unanimously.

Commissioner Adler noted that if Rick White would like any of the items he did not bid on, that he can take any of them when he picks up the items he has been awarded.

**NOXIOUS WEED TRUST FUND PROJECT GRANT AGREEMENT (LOWER WILLOW CREEK CWMA);** The Commission reviewed the grant agreement. Extension Office Agent, Ben Hauptman explained that this is a brand-new weed grant, and runs from Willow Creek Reservoir out towards Henderson Creek. This allows private landowners to spray weeds and get reimbursed 50% from the State. Commissioner Adler motioned to approve and sign the Noxious Weed Trust Fund Project Grant Agreement (Lower Willow Creek CWMA). Commissioner McLure seconded the motion. There were no public comments and the motion passed unanimously.

**MAINTENANCE WALK-THROUGH WITH CUSTODIAN JANEEN BONNEY;** The Commission was joined by Granite County Custodian, Janeen Bonney who raised concern over the water damage to certain interior walls on the top level of the Courthouse. She noted that the walls could fall down when work is done in that area. This will potentially be a change order in the construction contract, since the contractors that are working on the Courthouse Elevator and ADA Projects will have to do repairs in that area to complete their

**project. This will be looked at more in-depth during the meeting with the contractors (TCS Northwest) next week. Attorney Bradshaw noted that it was recommended by Dave Kaufmann that the roof of the Courthouse be replaced. The Commission discussed the potential of any new or current leaks damaging new construction areas. Janeen Bonney stated that she hasn't seen any evidence of new water leaks.**

**The meeting adjourned at 11:30 a.m.**