

**January 21st, 2025**

**The Board of County Commissioners met at 9:00 a.m. in a regular session in the Commission Office of the Granite County Courthouse with Commissioner McLure, Commissioner Adler, and Commissioner Kulaski 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 Treasurer Ashley Todd, and members of the general public Elena Gagliano.**

**BOARD MINUTES; Commissioner McLure moved to accept the board minutes for January 14<sup>th</sup>, 2025. Commissioner Kulaski seconded the motion. There were no public comments received.**

**Public comment was received from Elena Gagliano asking what is the purpose to invite the public to comment for the draft of the minutes. Commissioner Adler said why not as it's something they have always done. Elena Gagliano said the draft is not online so why have public comment. She wanted the chair to answer specifically. Commissioner McLure said in our response on several occasions we feel we are doing it right. They know she has requested draft minutes in the past and anyone can do so. Elena Gagliano said back in January 2024 she asked for a draft and it was a trial run but she receives the draft weekly now automatically from the Commissioners' Assistant.**

**The motion passed unanimously.**

**CORRESPONDENCE;**

**Electronic mail was received from the DEQ with a Public Notice of a General Permit Renewal for Construction Dewatering General Permit Statewide of State Surface Water.**

**Electronic Mail was received from the NACo EDGE with a webinar notice to help retirees with automatic features that deliver in plan lifetime income with Nationwide.**

**Electronic Mail was received from Autumn Coleman from Montana Department of Natural Resources and Conservation regarding House Bill 7 (Reclamation Development Grants) hearing rescheduled for Monday 1/27/25.**

**Electronic mail was received from Jeremiah Theys also regarding the Granite County's Renewable Resource Grant and public testimony is scheduled this Friday during the Long Range Planning subcommittee hearing and seeing if someone from the county could testify in support of the grant and project. Great West will draft written testimony to be submitted by the County.**

**PUBLIC COMMENT:** Public comment was received from Elena Gagliano regarding the meeting minutes from January 7<sup>th</sup>, 2025 meeting and that on page 6 there was a discussion of the Owl program. She mentioned that there was an interesting article in the newspaper thanks to Luke Ulatowski on the front page of the paper. She asked if we have contacted DIS. Commissioner McLure said we have contacted them and we have received the Owl but didn't receive it in time to setup for the meeting today. It will be worked on this week and hopefully set up for next week's meeting. Elena Gagliano would like to see it on the agenda next week. Commissioner Kulaski said the future agenda item Elena Gagliano was referring to was actually for the public to be on camera, nothing about the Owl itself. There was some confusion on the future agenda item. Commissioner McLure reiterated the commissioners will be on Owl; possible new policy will be anyone who wants to make a public comment your video and mic must be on. Elena said what about the ones that call in; you don't have the capability to be seen. Blaine Bradshaw said the person she be asked to jump on zoom if they are able, but allow members of the public to give comment by phone if that's all can do as that is reasonable.

**ROAD & BRIDGE WEEKLY REPORT; & SOLID WASTE UPDATE WITH ROAD & BRIDGE SUPERINTENDENT PAUL ALT; ROTATING CREW MEMBERS THROUGHOUT JOBS;** Granite County Road & Bridge Superintendent Paul Alt was excused from this meeting as he had a broke down truck. Everything is fine at the dump's sites and road department.

Public comment was received from Elena Gagliano stating she wasn't told she only had 3 minutes and that the hourglass was turned over. She stated she was cut off (muted) on Zoom by Commissioner Adler. She said that once the Owl is setup we will see the hour glass being turned over.

**SOLID WASTE UPDATE;** Treasurer Ashley Todd brought in the burn permits for both Solid Waste Sites. Commissioner Adler said it turned into quite a process to be able to burn now.

**GEORGETOWN LAKE OUTFLOW; DAM TENDER'S REPORT;** The lake level was reported at 6428.57 feet; 11.16" inches below full pool, according to the USGS lake level gage and the dam tender's report for the week. Commissioner McLure moved to stay at 10 CFS which matches the estimated inflows; in alignment with the current FERC Order in place. Commissioner Kulaski seconded the motion. There were no public comments and the motion passed unanimously.

**COUNTY CLAIMS;** The Commissioners reviewed monthly county claims. Commissioner Kulaski brought up oil changes on County vehicles and the cost and recommended they have the shop and the crew to do it themselves. Commissioner Kulaski had a question about the Geological survey that was also on last week's claim review and discussed further with Accounts Payable. Commissioner McLure moved to accept claims from December 2024. Commissioner Kulaski seconded. The motion passed unanimously. Commissioner Adler texted Paul Alt asking if the shop crew could change oil in the rigs they are capable of and

he responded they sure could start. Commissioner McLure agreed to save money and save trips to Missoula.

**MONTANA RAIL LINK ABANDONMENT EXEMPTION WITH MRL REPRESENTATIVES;** Jack Owens, Joe Genti, and Joe Racicot joined the Commissioners for this portion of the meeting. Joe Racicot with MRL to Washington Corporation. MRL retained some rail property under authority STB jurisdictional lines. Plan is for MRL to potentially abandon the rail from Drummond to Philipsburg unless Rails to Trails statutory program is used. They have not filed that abandonment petition yet as he (Joe Racicot) wanted to have this meeting first; wanted to see where the commissioners stand and community to maybe talk about the trail system. Rails to Trails is a specific program part of the Trails Act. Joe Racicot is happy to answer any questions. They would work with whoever wants to go that route of turning this into a trail (they commit to obtain funding, etc.), whether it is a private or governmental entity. If proceed to actual abandonment; then dispose of property accordingly, sell donate, etc. Joe Genti manages MRL Legacy Real Estate. Blaine Bradshaw asked if Commissioners are for this, would letter of support be needed? Joe Racicot said they'd file a notice of abandonment within 10 days the interested party has to submit a letter to STB (Service Transportation Board) in D.C. Other steps are if county says yes and any other railroad can come forward and say that no we don't want that a trail but have to have proof of financial interest. They have a year to negotiate how it could be converted. The county would need to come up with funding if they wanted to do a trail. You have a year and can do an extension up for max of 4 years. If the funds aren't there etc. then have to formally abandon it. Blaine Bradshaw asked how the county is involved from there; Joe Racicot said they like to deal with governmental bodies then private. Biggest setback is going to be the funding. Commissioner Kulaski asked about the maintenance of it and Joe Racicot said yes, all those components come into play, plowing, any wrecks etc. Powell county planner Amanda Cooley received a grant that doesn't technically have to be spent in Powell county. Won't file abandonment petition until he hears back from the group so we don't run into the 10-day time window. Joe said he'd be a resource as much as possible. If there is a lot of community support. Encourage the commission to meet with Ed Brunsvold and Powell County Planner. Commissioner McLure asked what research the county needs to do. Blaine Bradshaw said to have Flint Creek Trails come in and they would take it from there. Commissioner Adler said we'd have to come up with the funds. Joe Racicot said you can take portions of it, doesn't have to be the whole corridor. Commissioner McLure asked how to get a hold of people. Blaine Bradshaw reiterated to that the County needs to get a hold of Ed Brunsvold with Flint Creek Trails Association and Powell County's Planner, Amanda Cooley, for initial discussions along with local landowners. Commissioner Kulaski asked these rails run through a lot of ranches and do they have first right of refusal. Joe Racicot replied not technically but logically who'd they approach first. They like to see if there's utility companies out there that wants any section.

Public comment was received from Elena Gagliano who said she was the director for the Big Sky Passenger Rail Authority and that the community was excited about the short line going through Drummond to Philipsburg. Stated people were really going for it and would be

economically wise and great for Philipsburg. In regards to Rails to Trails; said the ranchers didn't want anything to do with it. Would like to see this on the agenda in the future. Would like to see towns and chamber involved.

Commissioner McLure asked how to get it out there; Commissioner Adler said to get in paper and on website etc. Joe Racicot would be able to come to meetings to answer any questions in the future.

**A PETITION TO ABANDON A PORTION OF THE NORTH FORK OF THE LOWER WILLOW CREEK ROAD; PUBLIC HEARING;** Mike Shaylor, Land Surveyor with Woith Engineering of Missoula, MT and Dave Peitz, private land owner of the parcel with the County road running through it, joined the Commissioners for this portion of the meeting. Commissioner Adler asked if the irrigators have been reached out to. Dave Peitz has been working with Rex and Army Corp and contractors and engineers. He's a retired civil engineer. Commissioner Adler said it was many people that signed the petition are water users (irrigators). Assumed people getting to head gate had been going on a long time and then he started to look closer at the property and people said that used to be the county road. Many of the water users signed the petition. Employees, contractors, and water users. Dave Peitz said there is a Montana statute where county may not abandon county roads unless there's alternate access. Blaine Bradshaw cited MCA Section 7-14-2515 where a County road cannot generally be abandoned if it is only access to public recreational waters.

Mike Shaylor the question on the original location this County road as they found a 1950 aerial of the road. That road didn't provide any access to the stream prior to the dam being created. Roads currently ends at the toe of the dam, and one of the biggest fears is public safety. Irrigation district and users are able to access it and fix the public safety aspect.

Rex Radtke, local rancher and President of Lower Willow Creek Irrigation District joined via Zoom stating they have a good proposal that the water users have a good proposal (easement grant) offering in writing from Mr. Peitz for gaining legal and permanent access to the bottom of spillway and up the engineered channel to the outward structure, through the engineered stream to the head gate of the south side ditch. If he had to go and prove prescriptive use that would be more difficult but that they have historical use; in any event, this proposed easement from Mr. Peitz helps solidify that they won't ever have a problem for accessing and maintaining their improvements. Blaine Bradshaw asked Rex Radtke if the original road went all the way to the Willow Creek. Rex said it went further to the north on the northside of the valley. Rex Radtke said it's a totally engineered stream now. Water rights by certain irrigators were refiled to put in for a change of diversion showing the new engineered stream bed as the point of diversion as old legal documents showed the original diversion point in the natural, now unused stream bed. No water is running in the natural stream bed, now the water goes through the engineered, constructed stream bed only. Dave Peitz said the DNRC map shows that stream across the flood plain. One of the DNRC's staffers insisted that's where the stream was located.

Commissioner Kulaski said, for example, let's say the dam needs to be reconstructed and property has changed hands and what does that look like. Rex Radtke said they would file

this easement (he discussed earlier) in the courthouse and that provides uninhibited access to the 60' easement. Attorney at Warden Thane Chris Johnson joined via zoom and said in section 7 it refers to if the grantee brings in a major construction project and tear up the road they need to bring it back to historically the way it was and the easement has that verbiage in there to cover that. Commissioner Adler said he is generally not for abandoning County roads. Rex Radtke asked with the easement actually prescribed there is a known existence where this road is and if you went off what the old county road used to be; it wouldn't take you to the head gate where the water is; isn't speaking to historical. Being the stream was altered, had to get a change of delivery point. Blaine Bradshaw asked about objections to the petition. Rex Radtke said he hasn't talked to anyone but there's always question when abandoning a road; but people (local irrigators) are happy with the proposed easement from Mr. Peitz.

Public comment was received from Elena Gagliano that she heard about historical roads and planning and asked if Linda Bouck is here because she'd be the one to ask questions. Blaine Bradshaw said she reviewed the Petition and didn't have any questions or concerns with the Petition.

Dave Peitz reviewed the easement awhile back and added some clearer language. Rex Radtke to take the written easement proposal to the Lower Willow Creek Irrigation District Board members and have it filed in the courthouse Clerk and Records Office then get a copy to Commissioners Assistant.

Commissioner McLure moved approve the Petition to Abandon the North Fork of the Lower Willow Creek Road conditional upon the Lower Willow Creek Irrigation District Board agreeing to the proposed, permanent easement proposed by Mr. Peitz and the said easement document being recording with the Granite County Clerk & Recorder. The Resolution to Abandon (for first reading) would not be on the Commission's agenda until the said easement document (permanent easement approved by the said Lower Willow Creek Irrigation District Board) is properly recorded. Commissioner Kulaski seconded the motion. The motion passed unanimously.

The Commissioners then went into recess for a few minutes.

**PHILIPSBURG SKATE PARK ASSOCIATION UPDATE;** Ruby Kikkertt, Chair of the Philipsburg Skate Park Association, began efforts a few years ago, forming a committee that secured the town's approval to construct the park within the town park. The committee is actively writing grants and collaborating with Evergreen Skateparks. Construction is planned to start in September with a two-month completion timeline. Once built, ownership of the skate park will transfer to the town. The park, designed for all ages, will include features like a pump track with bumps and tracks and may double as a space for remote-controlled cars and inline skating. The project budget is \$300,000, with \$250,000 raised so far and pending grants expected to close the gap. Located near the baseball field, the park also includes educational partnerships with local schools. A significant portion of funding comes from Pearl Jam guitarist Jeff Ament, who has contributed to nearly 40 skateparks in Montana. Commissioner McLure inquired about a design theme, with discussions focusing

on potential ski-run-inspired names from Discovery Ski Area, Mining History, etc. Currently, the funds raised are earmarked for construction, with future customization possibilities. Blaine suggested exploring county park funds and returning with a proposal.

Public comment was received from Elena Gagliano asking if they presented this to the town and if the county is giving a letter of support. Town of Philipsburg has been working with the Skate Park Association since the beginning. The Skate Association has received donations, in kind-donations, and the Town has set aside Town property for the park; and generally speaking, the Town seems very supportive of the project, says Kikkertt. Once the skate park is completed, the Town of Philipsburg will take over liability of the park, including maintenance responsibilities. The County park fund contains \$12,000, historically divided into three parts, but is intended for county-wide use. Commissioner McLure recommended that the Skate Park Association submit a proposal during budget discussions to request county funding for the skate park. Ruby Kikkertt joined AARP to aid in grant applications, and plans are underway to construct a pavilion near the skate park, providing a comfortable area for grandparents to watch their grandchildren. Additional features like benches and enhancements for the pavilion were suggested. The committee is encouraged to revisit in early June to evaluate the budget and potential county contributions.

#### **RIDDICK FIELD AIRPORT LAYOUT PLAN SIGNATURES;**

Kent Penney and Nathan Schroht of KLJ and Donovan Jones joined the commissioners Kent Penney said they are plans to be approved by the FAA and need signatures. Nathan Schroht said Commissioner Chair to sign/date all 4 copies and then return back to KLJ and they return back to the FAA. County is approving these documents to be carried out in this manner and meet FAA standards. Airport sponsor is Granite County. Donovan Jones joined the commissioners via zoom. Commissioner Kulaski moved to sign the Riddick Field Airport Layout Plan. Commissioner McLure seconded the motion.

Public comment was received from Elena Gagliano said there is nothing online for the public. Donovan said that there is a link on airport board section that needs updated. Elena Gagliano said she notices an email and if they're government should have .gov and something to look into.

Kent Penney said they have a website they maintained for this project and see if it's active still and upload to the website and it's something the FAA maintains as well. Elena said it's not a private airfield that the public should have documents.

Elena Gagliano brought up the hacking potential with emails and they should have one that is dot gov (.gov).

Motion passed unanimously.

The Commissioners then went into a closed session for a personnel matter.

The Session Adjourned at 1:27 p.m.