

BOARD OF MADISON COUNTY COMMISSIONERS
February 29, 2016, Meeting Minutes

On Monday, February 29, 2016, a meeting of the Board of Madison County Commissioners came to order at 9:45 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners David Schulz, Chairman, Jim Hart, and Ron Nye present. Laurie Buyan, Commissioners' Assistant, was present to take minutes.

Those people in attendance at the meeting were Leona Stredwick, Charity Fechter, Jeremy Olson, Mike DuCuennois, Justin Hauser, Roger Thompson, Tom Shaffer, Saza Lee, Darcel Cook, Billy Brant, Margie Edsall, Christina Koch, and those on the two attached lists.

Approval of Minutes: Jim Hart moved to approve the February 16, 2016, meeting minutes as presented. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve the February 23, 2016, special meeting minutes as presented. Ron Nye seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

Revised EMPG Acceptance Letter: After review, Jim Hart moved to approve the revised FFY 2016-2017 Emergency Management Performance Grant Funding Commitment Letter to Kent Atwood, Montana Disaster and Emergency Services, accepting the FY 2016-2017 EMPG grant in the amount of \$39,861 and committing a local match of \$39,861, for a total amount of \$79,722, noting that the increase in grant funding from the amount of \$71,522 in the letter approved on February 23, 2016, will be used for a mass notification system. Ron Nye seconded the motion. All voted aye and the motion carried.

Langlas-Final Pay Application: Following discussion and review, Jim Hart moved to approve the final pay request to Langlas and Associates for a total amount of \$63,715.94 with the 1% Montana Contractor's Tax of \$637.16 going to the state and the remaining amount of \$63,078.78 to the contractor. Ron Nye seconded the motion. All voted aye and the motion carried.

Charity Fechter, Planning Director, and Leona Stredwick, Planning Technician, met with the Board to discuss the following topics. Jeremy Olson, Gaston Engineering, Mike DuCuennois, Yellowstone Club, and Justin Hauser, Hauser Engineering, were also present for this portion of the meeting.

- **Final Plan of Big Springs Village Phase 1B:** Leona reviewed the Update of Big Springs Village PUD stating that the proposal will create 48 residential units and 7 commercial condominium units on a single 5.09 acre tract of land. Following review, Jim Hart moved to approve the Subdivision Improvements Agreement for the Big Springs Village Phase 1b Subdivision to include sewer construction, water construction, road construction and site grading, storm water construction, and shallow utilities, and to accept Performance Bond #1001006845 from US Bank in an amount up to \$50,000,000 as the financial guarantee for the \$1,288,406.25 of improvements; and to approve the Update to the Big Springs Village Planned Unit Development Overall Development Plan and Big Springs Planned Unit Development, Phase 1B Final Site Plan in the northwest quarter of Section 7, Township 7 South, Range 3 East, PMM, with the Declaration of VC Condos. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Amended Plat of Lot 221A:** Leona reviewed the amended plat of Lot 221A noting that nothing has changed except the shape of the building envelope and that the Exemption Review Board has approved the change. Jeremy Olson stated that this is the tenth amended plat in Cascade Subdivision and he expects to be back for more. Based on the recommendation of the Exemption Review Board and Planning Staff, Jim Hart moved to approve the amended plat of Lot 221A, Block 3, Cascade Subdivision in Section 19, Township 6 South, Range 3 East. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Floodplain Permit – Varney:** Charity presented and reviewed a Floodplain Development Permit for the Varney Bridge Fishing Access Site. Charity stated that the proposed development is in partial conformance with the applicable Floodplain Management Standards and that conditional approval is granted subject to four conditions. Charity reviewed the conditions and findings for the proposal. Following discussion, Jim Hart moved to affirm the Floodplain Administrator's decision to conditionally

approve the Floodplain Development Permit, Varney Bridge Fishing Access Site, Boat Ramp Replacement, Parcel ID: 25033417204010000. Ron Nye seconded the motion. All voted aye and the motion carried.

Townsite Resurveying: Dan Stahly, Stahly Engineering, participated in this portion of the meeting via telephone, to discuss townsite resurveying with the Board. Dan stated that he has been working with other counties that have had complete retracements on entire towns. He stated he has been working on a retracement for the town of Plevna, Montana. Having worked in the town of Pony in the past, he thought this might be a good option for Madison County to clear up title issues in Pony and possibly in Virginia City. David Schulz stated that this type of project had been done in Brandon a few years ago and described issues that came up in the process. Dan explained how the process works, noting that it protects the public rights-of-way, and protects private property by spreading any discrepancies across the entire project rather than having one person lose a large portion of land and gives them insurable property. Dan also stated that the reason he is bringing this topic up at the current time is because the surveyor that has done a lot of work in Pony and has a lot of institutional knowledge of the area is retiring but might be willing to help with this project if the County chooses to pursue it.

County Buildings Security/Surveillance: Roger Thompson, Sheriff, Tom Shaffer, Maintenance, Saza Lee, Tobacco Root Mountains Care Center Administrator, Darcel Cook, Madison Valley Manor Administrator, and Billy Brant, Maintenance, were present for this portion of the meeting. Sheriff Roger Thompson presented bids for panic buttons, cameras, and safety glass. Following discussion, Jim Hart moved to approve the proposal for 10 fobs, five in the Court House and five in the Administrative Office Building, and a second transmitter because of an increased number of zones, from Kenco Security and Technology, for the amount of \$3191.20. Ron Nye seconded the motion. All voted aye and the motion carried. Additional cameras were discussed at length. Roger stated that the current system has capacity for 16 cameras and 12 are currently being used. He recommended four additional cameras for the Administrative Office Building but would like to get one more bid before making a decision on additional cameras. There was much discussion about safety glass. After discussion, Ron Nye moved to approve the bid from Beaverhead Glass for 9 pieces of $\frac{3}{4}$ " lexan cut to size and installed at the Sheriff's Office for the amount of \$12,895, and 12 pieces of lexan cut to size and installed at the Courthouse for the amount of \$6,357. Jim Hart seconded the motion. All voted aye and the motion carried.

- **TRMCC Fire Alarms:** Saza Lee presented a bid he received from Mountain West in Pinedale, WY for a new fire alarm system at TRMCC. David Schulz stated that he contacted his son who lives in Pinedale and asked him to check on the company. The son reported that it was a family business that had split and a former member of company now has an office in Idaho. Because the Idaho office would be much closer for support services, Saza will call that office for a quote.
- **Madison Valley Manor Camera System:** Darcel Cook stated that she has received two bids for a camera system at the Manor and has contacted a third company which hasn't yet responded. She further stated that she wants specs, references, and would like to see an actual video taken by the cameras to check the quality of the video. She will address this topic again at the next regular Commission meeting.

Margie Edsall, Weed Coordinator, met with the Board to discuss the following Weed Control topics:

- **2016 Herbicide:** Margie presented the 2016 herbicide bid, stating that it is basically the same as last year with a few minor adjustments based on what they use and what they sell. Following discussion, Ron Nye moved to approve the Madison County Weed Board Year 2016 Herbicide Contract Advertisement for bids. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Weed Board Update:** Margie updated the Board on several topics. The amount of cost share to landowners last year was approximately \$82,000. They are waiting to hear what the amount of BLM funding will be this year. Dale is scheduled to start tomorrow for the season and will be working on vehicles and equipment. Margie is ready to start advertising for the season and will probably only put four units out to keep costs down. She and Janie will fill in gaps. She intends to hire eight or nine crew members with one part time compliance tech. She has submitted a Trust Fund Grant in the amount of \$22,000 for the Jack Creek area. Coordinator training will be held in Helena on March 23, 2016. There is a private applicator training scheduled in Whitehall on May 3, 2016; and crew training, also in Whitehall has been shortened to two days this year. Margie has been working on Best Management Practices for 4-Wheelers and will submit a draft to MACo for review.

Library Coverage: Christina Koch, Library Assistant, met with the Board to discuss the need for coverage at the library so that she and Jack can attend the Montana Library Association annual conference in Missoula in April. They will be presenting a slide show on the library addition and how to expand library services to other communities. Christina stated that the conference was part of the accreditation process for both she and Jack. David Schulz stated that a third person had been added to the library staff to eliminate the need for a fill-in and that an extra person has not been budgeted for. Christina responded that they will recruit a volunteer to help out during the time they are gone. Laurie suggested that they should request information from the Finance Office to make sure volunteers are covered by Workers' Compensation.

Temporary Maintenance Position: Following discussion and after advertising in-house for the position for a five day period, Jim Hart moved to approve the letter to Mike Losey moving his employment classification from short-term to temporary, with the hourly wage remaining the same. Ron Nye seconded the motion. All voted aye and the motion carried.

Biomass Conference, Laramie, WY: David Schulz requested permission from the Board to travel to Laramie, Wyoming, for two and a half days in March with two Commissioners from other Counties. Following discussion, Jim Hart moved to approve the request. Ron Nye seconded the motion. All voted aye and the motion carried.

Madison Valley Manor Renovation Project: There was no discussion on this topic.

Sheridan Cemetery Board Resignation: Following discussion, Ron Nye moved to accept the verbal resignation of Ted Darby from the Sheridan Cemetery District Board and to advertise the vacancy. Jim Hart seconded the motion. All voted aye and the motion carried.

Schedule A Cooperative Forest Road Agreement: David Schulz gave a brief background of the Schedule A Road Agreement for those in the audience, noting that it had been in place for fifteen to twenty years. Following discussion, Jim Hart moved to approve the Cooperative Forest Road Agreement, Schedule A, between Madison County and the Beaverhead-Deerlodge National Forest, effective for the 2016-2017 Field Season. Ron Nye seconded the motion. All voted aye and the motion carried.

Letter of Signature Authorization for Madison County: Following review, Ron Nye moved to approve a letter to Jefferson/Madison/Silver Bow FSA stating that James P. Hart was the Chairman of the Board of Commissioners from January 1, 2013, until December 31, 2015, and as such was authorized to sign documents on behalf of Madison County during that time frame; and that David Schulz is the current Chairman of the Board of Commissioners and as such is currently authorized to sign documents on behalf of Madison County. Jim Hart seconded the motion. All voted aye and the motion carried.

Madison County Roads: Bob Smith, Madison County resident, met with the Board to discuss County road issues. Those on the first attached list were present for this portion of the meeting. Mr. Smith thanked the County for the work that was done on Burma Road last spring but questioned who would be responsible for on-going maintenance to the road. There was further discussion related to road employee issues, at which point Chairman Schulz stated that it was not acceptable to discuss personnel at a public meeting if they were not in attendance and asked that Mr. Smith discuss road related topics only. Mr. Smith brought up additional topics related to the Burma Road and other roads in the Twin Bridges area stating that there had been discussion of getting someone to oversee those guys and questioned if that was going to happen. Commissioner Nye accepted responsibility for the actions of his road crew and requested that Mr. Smith contact him when there is something that he feels needs attention. Other topics of discussion included gravel crushing and where the gravel is being used; putting up speed limit signs and getting the sheriff to help with speed issues; plans for a Countywide road meeting with all crews attending to encourage cooperation between all crews; what time road crew and solid waste drivers leave work in the afternoon; allowing gates across certain County roads rather than installing cattle guards; and the purchase of a snowblower in the Twin Bridges District and the time it has saved.

At this point, the meeting was moved to the Public Meeting Room on the first floor of the Administrative Office Building.

Ellis Thompson, Virginia City resident, met with the Board to discuss the following topics. Those on the second attached list were present for this portion of the meeting.

- **Follow up on Road Issues:** Ellis discussed road closures that he has been concerned with for several years. He stated his main concern is that certain County roads in District 1 are being gated and locked. He listed six roads that he is concerned with and discussed the issues involved with each of them. The six roads in question are McGovern, Bertha Kennett, Prospect Gulch, Granite Creek, Water Gulch, and VC Hill North. He stated he has been trying to get a chain of command on where to touch base when an issue related to roads comes up and that this is how the idea of a County Road Committee came up. Eli stated that lack of use of a County Road does not close it as a County Road and that he would do more research on the McGovern Road. John Carey spoke about Granite Creek Road, where it went originally and how it has changed over the years. Howard Crest asked if a locked road was determined to be a County road, what would the County do. David Schulz responded that the lock would be removed. There was discussion regarding letters written to the Commissioners and what the proper chain of command would be if no response was received. Dave Albert, Land Surveyor, stated that the courts have been very clear that a road remains a County road until it's been abandoned, not just physically abandoned but legally abandoned through the petition process. He further stated that if a petitioned road has been moved and the first one is not legally abandoned, they both become County roads.
- **Proposed Road Review Committee:** Those present discussed a proposed resolution to create a County Road Review Committee. The proposed committee would be made up of five people who would take the time to review information on the roads in question, meet with people who have historical knowledge of the roads, and bring a recommendation to the Board of Commissioners. Eli stated that he would like to see the make-up of the committee increased from five to seven members. There was discussion about having a surveyor on the committee but it was also noted that such a member would need to be paid which would require a budget for the Committee. It was also suggested that the County Attorney or a member of the County Attorney's Office be a member of the Committee. There was further discussion regarding locked and unlocked gates across County roads. Some questions asked included, if someone owns land on both sides of the road can they put up a gate? Who is responsible for removing locks if it is determined that a locked road is a County road? And, who is liable if someone dies while waiting for an ambulance crew to open a series of closed, but not locked, gates on a County road? It was also asked if there was someone higher than the Commissioners that people could go to if they did not make a determination on these questions. Dave Albert stated that you can't ask the Board of Commissioners to make a decision without putting all the information in front of them so they can analyze it before making a determination. He also offered to write a letter regarding the road through the Bertha Kennett Mines stating that the locked gate is on a County road and submit it to the Board. Chairman Schulz stated that discussion regarding this topic would continue at the regular Commission meeting on March 14, 2016.

The meeting was moved back to the Commissioners' Conference Room at this point.

Fairgrounds Lease Agreement with Twin Bridges School for Educational Purposes: Following review, Ron Nye moved to approve a Lease Agreement between the Twin Bridges School and Madison County for use of a 2.8 acre arena site on the Madison County Fairgrounds in Twin Bridges, Montana, for educational purposes, for the amount of \$1.00 per year. Jim Hart seconded the motion. All voted aye and the motion carried.

Airports: Section 404 and 124 Permits – Joint Application for Proposed Works in Montana's Streams, Wetlands, Floodplains, and other Water Bodies: Following review, Jim Hart moved to approve the Pre-Construction Notification, Section 404 Permit, Joint Application, to the U.S. Army Corps of Engineers, for the Ennis Big Sky Airport Apron and Taxiway Rehabilitation, AIP 013-2014/AIP 015-2015, to relocate and/or extend culverts in Boulder Creek and an unnamed tributary of Boulder Creek. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve the Stream Protection Act 124 Permit Application to the Montana Fish, Wildlife, and Parks, for the Ennis Big Sky Airport Apron and Taxiway Rehabilitation, AIP 013-2014/AIP 015-2015, to relocate and/or extend culverts in Boulder Creek and an unnamed tributary of Boulder Creek. Ron Nye seconded the motion. All voted aye and the motion carried.

Calendars: The Board reviewed calendars.

With no further business, the meeting was adjourned at 5:25 p.m.

Next meeting: The next regular Commission meeting will be held on Monday, March 7, 2016, beginning at 9:30 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana.

David Schulz, Chairman
Board of Madison County Commissioners

Date Approved: March 7, 2016

Minutes prepared by:

Laurie Buyan, Commissioners' Assistant

Attest: _____
Kathleen Mumme, Clerk and Recorder, Madison County