

BOARD OF MADISON COUNTY COMMISSIONERS
April 21, 2020, Meeting Minutes

On Tuesday, April 21, 2020, a meeting of the Board of Madison County Commissioners came to order at 9:50 a.m. in the Public Meeting Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Chairman, Ron Nye, and Jim Hart present. Laurie Buyan, Executive Assistant to the Board of Commissioners, was present to take minutes.

Those people in attendance at the meeting were Alex Hogle, Bonnie O'Neill, Vicki Tilstra, Jani Flinn, Ellis Thompson, Kathy Barnes, Craig Schroder, Kindra Todd, Shelly Burke, Brett Schriock, and several who participated via Webex. Ryan Wolter, IT Support Specialist, was present to administer the public connection to the meeting via Webex.

Approval of Minutes: Ron Nye moved to approve the March 24, 2020, Commission meeting minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the March 31, 2020, Commission meeting minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve a corrected version of the February 25, 2020, Commission meeting minutes. Jim Hart seconded the motion. All voted aye and the motion carried.

Alex Hogle, Planning Director, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **S. Tilton Minor Subdivision – Amended Plat of Tracts 3C and 3D:** Alex discussed an amended plat of Tract 3C and 3D of the S. Tilton Minor Subdivision, noting that the property is located on the west side of highway 287 approximately ½ mile south of Sheridan. He stated that the plat is to adjust the common lines between the two tracts, adding that there was a 60' easement that wasn't shown on the plat and an irrigation easement that wasn't shown on the plat. Both of these have been added and the taxes have been paid. Following review of the plat, Ron Nye moved to approve the amended plat of Tracts 3C and 3D of the S. Tilton Minor Subdivision in the southwest quarter of Section 35, Township 4 South, Range 5 West, PMM. Jim Hart seconded the motion. All voted aye and the motion carried.
- **MT DNRC Flood Insurance Study and Floodplain Mapping Status:** Alex discussed a meeting he attended with the DNRC regarding the Floodplain Management Program. The discussion included the availability and timing of new floodplain data for Madison County. He noted that there are four components to the ongoing floodplain studies; the Jefferson River, the Ruby-Beaverhead Rivers, Indian Creek/Mill Creek/South Boulder, and the Madison River. Preliminary studies and mapping, except the Madison, have been completed and sent to DNRC, who would like to roll out information this summer. They would like to meet with Madison County and the town councils of Sheridan, Twin Bridges, and Ennis in early June. He stated this process will require public hearings and will take from one to three years to complete. He reviewed maps with the Board and explained various characteristics of each map. After review of the maps, Alex stated that no action is requested at this time but he suggested the Board take time between now and the first part of June to review and become familiar with the maps. Alex will make arrangements for a meeting with the DNRC for a meeting at 10:00 a.m. on June 4, 2020.
- **YMC Phase 3, Lot 311 – Material Change Determination:** Alex stated that this item has been on the radar for a while, that it is a challenging topic, and he does not have an answer. No action was taken and Alex will reschedule this on the next regular Commission meeting agenda.

Margie Edsall, Weed Coordinator, met with the Board via Webex to discuss the following topics. Bonnie, O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **Weed Board Resignation:** Margie discussed a vacancy on the Weed Board due to a member moving out of the County. Following discussion, Ron Nye moved to accept the resignation of Aaron Paulson from the Madison County Weed Board. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Weed Committee Recommendation for 2020 Herbicide Agreement:** Margie stated that a committee of the Weed Board met to review herbicide bids, noting that one of the bids had to be rejected. Based on the recommendation of the herbicide selection committee, Ron Nye moved to accept the bid from Nutriant Ag Solutions as the herbicide supplier for the Weed Department for the 2020 season. Jim Hart seconded the motion. All voted aye and the motion carried.
- **MDA 2020-014 Madison Co. Bio Program Grant:** Margie discussed the Bio-Control Grant stating that this is educational funding and will be used for mapping and monitoring. Vicki asked if it is a state grant. Margie responded that all of her grants this year are state grants. Following discussion, Ron Nye moved to approve the Noxious Weed Trust Fund Project, Grant Agreement, Madison County Bio-Control Project, MDA Number 2020-014, between the Montana Department of Agriculture and the Madison County Weed District, to inform and educate the public about noxious weeds and when appropriate, obtain and release biological control agents beginning in 2020, for the maximum amount of \$10,500, from the date of the agreement to October 31, 2021. Jim Hart seconded the motion. All voted aye and the motion carried.
- **MDA 2020-025 Jack Cr. IV Grant:** Margie stated this grant is a 50/50 matching grant for cost sharing in the Jack Creek area, noting that Jack Creek Preserve spent close to \$10,000 last year in weed control. Following discussion, Jim Hart moved to approve the Noxious Weed Trust Fund Project, Grant Agreement, Jack Creek CWMA IV, MDA Number 2020-025, between the Montana Department of Agriculture and the Madison County Weed District, to perform noxious weed control activities in Madison County beginning in 2020, for the maximum amount of \$25,102, from the date of the agreement to October 31, 2021. Ron Nye seconded the motion. All voted aye and the motion carried.
- **MDA 2020-041 Upper Ruby Coop III Grant:** Margie discussed this grant, stating that it is also a 50/50 matching grant and that they took a hit in funding this year. She added that it partners with a Federal grant in that same area. Following discussion, Jim Hart moved to approve the Noxious Weed Trust Fund Project, Grant Agreement, Upper Ruby Revisited III Continuing, MDA Number 2020-041, between the Montana Department of Agriculture and the Madison County Weed District, to perform noxious weed control activities in Madison County beginning in 2020, for the maximum amount of \$40,941, from the date of the agreement to October 31, 2021. Ron Nye seconded the motion. All voted aye and the motion carried.

Jani Flinn, Grant Administrator, met with the Board to discuss the following Grant related topics. Bonnie O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **MDT Contract for Madison Valley Manor Bus Grant:** Jani presented and reviewed a grant contract for a bus for the Madison Valley Manor. She stated that Justin Ekwall, Deputy County Attorney, has reviewed the contract and found one error that could be corrected when signed. She also noted that the Finance Office has payment ready for the 15% local match. Following discussion, Jim Hart moved to approve Section 5310 Capital Contract #11185, CFDA #20.513 Capital Assistance Program Enhanced Mobility of Older Adults and People with Disabilities, between the Montana Department of Transportation Planning Division and Madison County, for a 12-passenger ADA Cutaway Bus, with 80% Federal and IDC funds at \$56,131.45 and 15% Local Match of \$9,905.55, for a total project amount of \$66,037. Ron Nye seconded the motion. All voted aye and the motion carried. Vicki asked if the grant will go through Madison County. Jani responded that Madison County pays the local match and the grant goes through the Montana Department of Transportation.
- **Budget Resolution for Canty Boots Grant:** Jani reviewed a proposed resolution for the Canty Boots grant, noting that Headwaters RC&D had provided the format for the resolution. After discussion, Jim Hart read the resolution and moved to approve Resolution 12-2020, a resolution creating a new revenue and expenditure fund for the Big Sky Economic Development Trust Fund Grant for Canty Boots, LLC. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Madison Valley Manor CDBG Grant - Updated Management Plan:** Craig Erickson, Great West Engineering, and Becky Lawson, SMA Architects, participated in this portion of the meeting via Webex to discuss the Madison Valley Manor renovation - CDBG management plan. Craig stated that with input from Vicki and Bonnie, they have included Bonnie as the nursing home liaison for the project to be responsible for the general oversight of the project and act as the Nursing Home Administrator's liaison regarding direction of the project. Craig reviewed all the responsibilities of those listed on the management plan for the grant. Jim Hart asked if Jani Flinn, Grant Administrator, would be involved in the administration of the grant. Craig responded that she is not currently listed but that he could add her if so requested. Based on the recommendation of Great West Engineering and SMA Architects, Jim Hart moved to approve the Madison Valley Manor, Phase 2 Renovation Project, Project Management Plan as presented. Ron Nye seconded the motion. All voted aye and the motion carried. Becky then discussed moving forward with the project, noting that the boiler, etc. can be done outside and will have minimal impact on the residents. It was noted that they will be very, very careful and for the project forward as quickly as possible. Craig and Becky will work with Bonnie and Vicki to create a schedule for the project.

Jani Flinn, Airport Board Secretary, met with the Board to discuss the following Airport related topics.

Lance Bowser, Robert Peccia and Associates, participated in the meeting via telephone. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **AIP 3-30-0090-022-2020 Grant Offer:** Lance stated that there has been nothing from the FAA on the Airport grant but it should be in later in the week. Lance asked if the topic could be continued to later in the week so that the grant could be approved when it arrives. Jim Hart suggested approving it contingent upon receipt. It was agreed that this was acceptable. Based on the recommendation of Lance Bowser, Robert Peccia and Associates, Jim Hart moved to approve the grant offer from the Federal Aviation Administration for the Ennis-Big Sky Airport (EKS), Ennis, MT AIP 3-30-0090-022-2020, in the amount of \$9,300,000. Ron Nye seconded the motion. All voted aye and the motion carried.
- **SK Construction – Contract and Notice to Proceed:** Following discussion, Jim Hart moved to approve the Notice to Proceed for SK Construction, upon receipt of the grant offer from the Federal Aviation Administration for the Ennis-Big Sky Airport (EKS), Ennis, MT AIP 3-30-0090-022-2020. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Longhorn Ranches LP Avigational Easement:** Lance discussed the easement with Longhorn Ranches, stating that there are some issues with it and requested that the topic be moved to the next regular Commission meeting agenda.

Lance discussed grant offers for Twin Bridges and Ennis for \$20,000 and \$30,000 respectively, stating they will also need to be on for next week. He also discussed what the contractors are currently doing and that the lack of the grant is holding them up. Ron asked about the SRE building. Lance replied that it is under construction and that the bonding company is paying for his extra work, adding that the County will end up paying only what was in the original bid. Millings from the runway project were discussed. Jim said that he talked to Ray Rowberry, District 1 Road Foreman, about millings for the Fish Hatchery Road, but that he had not talked to Roy Hill, District 3 Road Foreman, about it yet. Lance stated there will be millings but the County will have to haul them.

Tammy Mahlstedde, Human Resource Generalist, met with the Board via Webex to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, Vicki Tilstra, Finance Officer, and Ellis Thompson, District 1 Commissioner Candidate, were present for this portion of the meeting.

- **Recommendation to Hire (2) Nursing Home Administrators-in-Training:** Tammy read the recommendation from the hiring committee for the selection of two full-time nursing home administrator-in-training positions. Based on the recommendation of the hiring committee for both nursing homes, Jim Hart moved to approve hiring Gail Nelson as the administrator-in-training for the Tobacco Root Mountains Care Center and Allison Veland as the administrator-in-training for the Madison Valley Manor, beginning on or about April 21, 2020, at \$65,814.53 or 80% of the administrator wage (\$82,268.16) as listing in Salary Resolution 37-2019, Attachment B. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Recommendation to Hire Weed Field Crew Personnel:** Tammy read the recommendation from the hiring committee for the selection of weed crew positions. Based on the recommendation of the hiring committee, Ron Nye moved to hire Edward Burke, Charles Selby, RaeAnne Bendon, Nikole Stockett, John White, Arthur Johnstone, and Michael Baughn for the short-term, full-time weed field

crew positions, with varying starting wages based on the salary resolution, beginning on or about May 18, 2020,. Jim Hart seconded the motion. All voted aye and the motion carried.

- **Recommendation to Hire Public Health Registered Nurse:** Tammy read the recommendation from the hiring committee for the Public Health Department registered nurse position. Based on the recommendation of the hiring committee, Jim Hart moved to hire Mr. Walker VanWagoner for the full-time, permanent RN position in the Public Health Department, beginning on or about April 29, 2020, at the rate of \$30.00 per hour or 100% of registered nurse top hourly wage. Ron Nye seconded the motion. All voted aye and the motion carried.
- **COVID-19 Emergency Staffing:** Tammy reported that the Tobacco Root Mountains Care Center has five temporary workers, three of which are currently on the County payroll, and two who are new and waiting on background screening. Madison Valley Manor has hire five temporary workers. The Tobacco Root Mountains Care Center has also hired one new Certified Nursing Assistant, has another one in process, and received another application this morning.

Claims: The Board approved claims.

Conservation District Board Appointment: Following discussion, Ron Nye moved to appoint Gary Giem by acclamation to the Ruby Valley Conservation District Board for a four year term that will expire in May of 2024. Jim Hart seconded the motion. All voted aye and the motion carried.

Golf Course Taxes/Exempt Status: The Board discussed forgiveness of taxes for the Madison Meadows Golf Course. Following discussion, Ron Nye moved to forgive the taxes billed to the Madison County Golf Association, Taxpayer #27244260, for 2019, in the amount of \$3,189.42 for golf course improvements. Jim Hart seconded the motion. All voted aye and the motion carried.

Great West Engineering Task Order #29 – Grandstands Stairs: The Board discussed the grandstands stairs at the fairgrounds. Ron stated that he has tried to contact Paul Drake, State Building Inspector, but has not heard back from him yet. Ron also noted that there is a log that has rotted out on the beef breeding barn. Dan McCauley, Great West Engineering, will look at it when he is in town. The Board will talk with the Fair Board about the grandstands stairs at the next Fair Board meeting.

Health Insurance Bid Proposal Recommendation: Craig Schroder, Kathy Barnes, and Kindra Todd, Insurance Committee members, met with the Board to recommend their choice of insurance companies to interview for County employee medical benefits. Shelly Burke, Treasurer, Vicki Tilstra, Finance Officer, Bonnie O'Neill, Chief Administrative Officer, and Ellis Thompson, District 1 Commissioner Candidate, were present for this portion of the meeting. Craig stated that after reviewing the bids, four of them were very similar and that prices were pretty close. He stated that MACo offered something a little different because they are a health trust, adding that the benefit package looked a little better. After discussion, it was decided that MACo would present their proposal at 10:00 a.m. on Monday, April 27, 2020, and that Blue Cross/Blue Shield would present theirs at 1:00 p.m. that same day. Craig discussed tier options from MACo that would give families a better rate. Dan stated that his concern is that one company cannot see the bids and then come back with another rate, that this is not a fair bidding process and that there are laws that have to be followed. Kathy discussed services that MACo is waiving all or a portion of the deductible for and added that even before tiers, MACo was the Committee's first choice. She agreed with Dan that the bidding process has to be fair. Shelly stated that it has been a discussion for years because of the high rate for families and nothing has been done about getting bids with different tiers. Kindra noted that it was in the bid package that we wanted family friendly rates and doesn't know why it came back the way it did. Craig stated that there needs to be a conversation about the County contributing more for family plans, adding that most of the counties contribute more for health insurance. There was discussion about customer service and that most people were happy with the service but that there were concerns about the cost. Kathy stated that they are looking for something that benefits the employee but is also a benefit to the County and a nice benefit package makes people think twice about looking at another job, which saves the County the costs of recruiting and training. Bonnie stated that the bid packets were sent out giving the company's the option to provide the plans they would like to submit. She discussed that it would be unfair to give the two top companies a chance to rebid. She added that Beaverhead County employees actually pay a little over \$350 per month for their own health insurance and part of that is how they're able to offset

the family plan, because the employees do pay a portion of their health insurance. She added that this was discussed once at a Compensation Board meeting and is something we could consider at some point. She stated it might be a difficult discussion to do cost sharing for our employees to offset the family plans. Kindra responded that when she called other counties, they indicated that all their employees are covered by the County and just the families that have to pay a little bit more which is the same as here.

Abby St. Lawrence, Attorney at Law, met with the Board via Webex to discuss the status of the following County roads. Ellis Thompson, District 1 Commissioner Candidate, Bonnie O'Neill, Chief Administrative Officer, and Brett Schriock, IT Manager, were present for this portion of the meeting.

- **Pony-Mammoth Road** (Review of FRTA Application; Update on conversation with surrounding landowners on potential reconstruction; Determination of next decision points): Abby discussed the Pony Mammoth-Mammoth Road, stating that she hasn't been able to reach the landowners but has had a chance to talk to the Forest Service. She said if the County is willing to accept full maintenance of the road or if you're going to try to do a partial split with the Forest Service. If you're willing to do full maintenance, it would be easy to go with the FERTA process. Ron stated that there is a concern with putting the road back in place, that some of it is not real user friendly. Abby stated that getting an easement from the Forest Service would be beneficial and if you do the FERTA, you would not need to go through the RS-2477 process. She added that there would be no risk and if you don't use the easement, it's not a big deal. You would have to fill out a form that includes you accepting maintenance of the road. Eli asked what FERTA stands for. Abby responded that is the Forest Roads and Trails Act and allows the Forest Service to transfer roads to counties as a way of getting around RS-2477, and you don't have to go to court. Eli said that roads can't be moved without a public hearing. Abby disagreed, stating that routes have changed over the years and there is no longer a clear route. That's what FERTA would make quicker and easier. Abby stated that this is what she strongly recommends, that it would be a legal easement, cut and dried. After further discussion, Abby stated she will prepare a formal resolution for presentation to the Forest Service and will continue to try to get in touch with the adjacent landowners.
- **Adobetown Road** (Discussion of current access and options for future action): Abby stated that she does not have mapping on the Adobetown Road. She needs maps so she can determine the lay of the land for the road right now and asked if the Board could describe the current state of the road and if there is public access. Dan Allhands described the route of the road, stating that it comes off Highway 287 at the Adobetown scenic turnout and then goes up to a closed gate that Road Review Committee feels the road went through. He gave a detailed description of the current route of the road, stating that it goes through the garnet mine and corrals at the Ruby Dell Ranch, so it's hard to tell where the road went before. He stated with haul trucks and blasting, going through the mine property is not a viable option unless we could find an alternative route. Abby asked what the goal is for this road. Is the goal to keep the current route or find the historical route? Dan stated that he talked to one of the landowners about an option to move the road a little bit farther to the west for about a mile and then jump back onto the original road. There would also need to be a route established through the garnet mine and through the Ruby Dell Ranch. Tommy will get the information he has to Abby including photos along the current route of the road and a summary conclusion from the Road Review Committee. Abby stated that it sounds like the road has been moved over time and is impassable in certain areas for various reasons. She stated that we need to get the route set to a path that is actually traversable so there is no question to the legal route of the road. Eli discussed issues with the road going through the garnet mine and stated that the access off Highway 287 is locked. Abby asked if the County has discussed this with the property owner. Dan stated that there is access through the property but just not at the original location of the route. After much discussion about the route of the road, Abby stated that she is taking direction from the Board of Commissioners and asked what they would like done. It sounds like you want it cleaned up with a minimal amount of conflict. Dan agreed stating that he would like to see the road as close as possible to the historic route and get it changed where necessary without a lot of litigation. Ron Nye agreed. Eli stated that what has been happening with the Road Review Committee, is that roads have been moved or changed with no paper trail. The Road Review Committee tries to find documentation and it's not there. The Driscoll Ranch was on the call and stated there is documentation from a previous County Commissioner that did move the road so there is a paper trail. He stated that the road is blocked in several locations, not just at the Driscoll Ranch, and that there are inconsistent routes on the road. Abby stated that she doesn't like to go down the path of making demands on landowners or relocating things.

What she needs is the mapping, the Road Review report, and any communication up to this point so we can decide what the next steps are to get a path all the way through and get the path legally recognized.

- **County Road 45** (Review and approval of draft letter regarding blocked access; Discussion of next steps pending response to letter): Abby discussed the Bertha-Kennett Road, stating that she needs current records, recent history on the road, and law enforcement records. She asked if the road is currently locked. There was discussion on gates that have been locked at different locations. Tommy will send Abby a map of the current obstructions on the road. Dan suggested finding a way to go around the gates without a lot of litigation and still be able to access BLM land. Eli stated that he is planning a trip to Helena and could bring the information to her.

Abby and the Board also discussed other items that are in a holding pattern, including Water Gulch Road, Prospect Road, and Jack Creek Road.

Items not Listed on the Agenda but Within the Board's Jurisdiction: Brett Schriock, IT Manager, met with the Board to discuss purchasing equipment for the new Courtroom that is similar to what's in the Public Meeting Room and the current Courtroom. He stated he is proposing to set it up as a Webex meeting room and that some of the components could come out of the current budget and some out of next year's budget. Dan agreed, stating that they could have meetings up there to free the Public Meeting Room up for other uses. He asked in the event of a large meeting, could the overflow come to this room. Brett said yes, they could. Jim Hart asked that Brett put this topic on the agenda for the next regular Commission meeting for a decision from the Board.

Dates for Preliminary Budget Hearings: The Board selected dates for preliminary budget hearings.

Calendars: The Board reviewed calendars.

With no further business, the meeting was adjourned at 3:20 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, April 28, 2020, beginning at 9:30 a.m. in the Public Meeting Room of the Administrative Office Building in Virginia City, Montana.

Dan W. Allhands, Chairman
Board of Madison County Commissioners

Date Approved: May 12, 2020

Minutes prepared by:

Laurie Buyan, Executive Assistant to the
Board of Commissioners

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