

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**June 23, 2020, Meeting Minutes**

On Tuesday, June 23, 2020, a meeting of the Board of Madison County Commissioners came to order at 9:34 a.m. in the Second Floor Court 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 Ellis Thompson, Joe Brummell, Bonnie O'Neill, Justin Hauser, Alex Hogle, Jani Flinn, Dana Escott, L.J. Pancost, Chad Armstrong, Christie Todd, Kacey Smart, Tikker Jones, Dale Olson, Jim King, 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:** Jim Hart moved to approve the May 12, 2020, Commission meeting minutes with corrections. Ron Nye seconded the motion. All voted aye and the motion carried.

Joe Brummell, DES, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, and Ellis Thompson, District 1 Commissioner Candidate, were present for this portion of the meeting. Melissa Brummell, Public Health Director, participated in the meeting via Webex.

- **COVID-19 Update:** Joe reviewed the most current COVID-19 statistics for Madison County, the state, and worldwide. He stated that the only thing changed in Madison County is the 344 negative testings, the state has 125 new cases and has lost 2 more people. He noted that there is an upward surge in the United States and specifically in Arizona and Texas. He cautioned, don't become complacent. Joe reported that the National Guard is screening at airports and train stations, supporting State DES jurisdictions, and supporting local testing in conjunction with local jurisdictions. He discussed Governor Bullock's new loan deferment program, No Kid Hungry program, and approval process for events. Melissa discussed the Board of Health's role and process in approving event plans, stating that the Board of Health has received 10 plans and has approved 7 of them. She added that they are doing everything they can to get events approved and as safe as possible. Joe reviewed upcoming activities listing the Board of Health Meeting and the upcoming Ambulance Meeting. Melissa stated that they are in the process of arranging spot testing for Madison County and hope to have test sites in July or possibly August. Joe reviewed weather forecasts, stating that open burning will be shut down Wednesday due to high winds and possible hail. He also reviewed current fire activity, stating they are watching one in Helena and since several fireworks displays have been cancelled, they are anticipating higher activity of private fireworks and therefore higher fire danger. Melissa noted that the Board of Health approved the Virginia City fireworks plan but they couldn't get the volunteers they needed to put it on safely. Joe and Melissa will both be attending a meeting in Dillon with the Forest Service and BLM regarding COVID during the fire season.

Alex Hogle, Planning Director, met with the Board to discuss the following topics. Justin Houser, Houser Engineering, and Ellis Thompson, District 1 Commissioner Candidate, were present for this portion of the meeting.

- **Amended Plat of Lot 311 Yellowstone Mountain Club Phase 3:** Alex reviewed a staff report regarding an amended plat of Lot 311 of Yellowstone Mountain Club Phase 3. He stated that on April 28, 2020, the Board determined that a proposed reduction to the stream setback did not constitute a material change to the plat and that the building envelopes are being adjusted in relation to the amended stream setback. Following discussion, Ron Nye moved to approve the amended plat of Lot 311, Yellowstone Mountain Club, to adjust the stream setback and both building envelopes, as recommended by the Planning Director. Jim Hart seconded the motion. All voted aye and the motion carried. The Board and Justin discussed a bus tour and/or a Planning Board meeting in Big Sky. Justin will check on arrangements for a bus.

- **Request to Remove Name on Private Driveway – My Lane Road East:** Alex discussed a request to remove the name on a private driveway. He stated that Hue and Colleen Croy have made the request because guests and deliveries, etc. are routed a long way around to access their property. He added that My Lane Road East accesses two homes and that a road name on a driveway is only required when three homes are served. He stated this driveway was not intended to be a road and the owners would like it to be an unnamed driveway with their addresses off Tobe Road. Alex stated the addresses would be 130A and 130B, Tobe Road, which is consistent with the current addressing system and much more logical for someone trying to find the property. Following discussion, Jim Hart moved to remove the name “My Lane Road East” and encourage the Planning Department to readdress the properties accordingly. Ron Nye seconded the motion. All voted aye and the motion carried.

Jani Flinn, Grant Administrator, met with the Board to discuss the following topics. Ellis Thompson, District 1 Commissioner Candidate, was present for this portion of the meeting.

- **CDBG Grant Agreement for Madison Valley Manor Project:** Jani informed the Board that the agreement for the CDBG grant for the Madison Valley Manor project is expected any time. They will start routing by DocuSign on Tuesday. Following discussion, Ron Nye moved to approve the Community Development Block Grant agreement for the Madison Valley Manor project pending receipt and review of the DocuSign documents. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Notice of Intent to Release Funds – CDBG Project for MVM:** The Board reviewed the Notice of Intent to Request Release of Funds for the Madison Valley Manor project. Jani pointed out that the documents are still showing Ron Nye as the Environmental Certifying Officer. Following discussion, Jim Hart moved to approve the Notice of Intent to Request Release of Funds for the Madison Valley Manor Phase 2 Rehabilitation project for interior renovation, replacement of boilers and emergency generator for the 32-bed nursing home, for the estimated cost of \$599,855. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Cliff and Wade Lake Road Project – Construction Options:** The Board discussed the Cliff and Wade Lake Road project. Jim Hart reviewed possible options for the project and a letter from Curtis Jorgenson, Project Manager, Western Federal Lands Division. The County match for the project would be 13.42% or approximately \$245,000 depending on the potential match sources that the County could provide. Jani suggested bidding the project in phases with the option to rebid each year to help keep local costs down. Jim noted that this would add to the cost of the project because each phase would include a new mobilization charge. Ron Nye stated that you won't know anything until you put it out to bid. The timing of the project was also discussed. After much discussion, Jim Hart moved to move forward with a Request for bids for the Cliff and Wade Lake Project, including crushing, hauling, and placing. Ron Nye seconded the motion. All voted aye and the motion carried.
- **TSEP Request for Funds #3 – Varney Bridge Replacement:** Jani presented and reviewed a Request for Funds for the Varney Bridge replacement project. She stated that the final request covers everything and would bring us to a zero balance. She added that the only thing left in the project is the permit for stormwater. After review, Jim Hart moved to approve the Treasure State Endowment Program (TSEP) Request for Funds, Drawdown #3, for the Madison County – Varney Bridge Replacement #MT-TSEP-CG-17-865, in the amount of \$93,967.38. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Madison County Capital Improvements Plan:** Jani stated that it's time to renew the County Capital Improvements Plan (CIP) and presented the Board with a copy of the task order from Great West Engineering that was approved the last time a CIP for the County was conducted. She stated a CIP addressed all the improvements planned by the County and that the Planning Office was part of the last CIP process. She added that it doesn't obligate you to complete each item but assists in planning for things that need to be done. Ron stated that this helps when applying for grants. Jani replied that it does and listed other areas where a CIP is helpful. Jim suggested talking to Alex Hogle, Planning Director, before pursuing a task order to complete the CIP. Jani stated that it isn't critical but should be done in 2020. There was discussion about roads and if the road crews could assist in gathering information rather paying a higher rate to engineers. After much discussion, the topic was tabled until the Board has an opportunity to talk to the Planning Director about it.

Dana Escott, Fair Manager, Chad Armstrong, Fair Board Chair, and L.J. Pancost, Fair Board member, met with the Board to discuss the following topics. Christie Todd, Fair Board Applicant, and Ellis Thompson, District 1 Commissioner Candidate, were present for this portion of the meeting.

- **Fair Cancellation:** Dana distributed a copy of Madison County Fair Phase 2 Ranch Rodeo and Arena Plan with COVID 19, which included a concept of operations, general guidelines, contestant registration, parking, ticket sales, fan management and grounds entry and exit, rodeo event operations, hygiene, and attractions. Dana stated that the plan would go to the Board of Health on Tuesday, June 30, 2020, for approval. Van Puckett, Sanitarian, who participated in the meeting via Webex, stated that he had looked at the plan and that there is no need to limit parking, and other than that it looked okay and follows the Governor's guidelines. He did note that the table of contents does not match the actual contents of the document. Dana will rearrange the document to fix that. Dan Allhands discussed a spray disinfectant that covers everything and wondering if that could be used. Chad asked about social distancing and Kacey discussed the Livestock Sales Committee's plan, noting that it was approved by the Fair Board. Following much discussion, Ron Nye moved to approve the Fair Board's recommendation for the 2020 Fair, to move forward with a ranch rodeo, beer gardens, team roping, and barrel racing, but limit outdoor vendors and food vendors, and have no entertainment, no indoor vendors, no open class exhibits, no NRA rodeo, and no parade, subject to final approval by the Board of Health. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Fair Board Member Appointment:** Based on the recommendation of the Fair Board, Jim Hart moved to appoint Christy Todd to the Fair Board to fulfill a two-year term that will expire on December 31, 2020. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Fair Update:** Dana updated the Board on several items including advertisers, arena signs, sponsorship, vendors, the Fair book, entertainment being cancelled and the Ranch Rodeo plan. She stated they have two food vendors, a hat vendor, and one more potential vendor. She stated there will be no indoor vendors. She discussed the grandstand steps, stating that Bob almost has them completed and that she will take pictures and send them up. There was discussion about the roof on the Jeffers Building which is almost done and the gun show. Dana stated that the gun show went well and social distancing recommendations were followed.

Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topics. Ellis Thompson, District 1 Commissioner Candidate, was present for this portion of the meeting.

- **New Building Maintenance Supervisor Job Description:** Because there was no red-lined copy of this job description to show the updates, this topic was continued to the next regular Commission meeting.
- **Revised Building Maintenance Assistant Job Description:** The Board reviewed the revised Assistant Building Maintenance Job Description and suggested two changes. Following review, Jim Hart moved to approve the Assistant Building Maintenance Job Description as corrected. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Recommendation to Hire Short Term COVID-19 Custodial Worker:** Bonnie discussed the Short Term COVID custodial position, noting that they have received no applicants and will put the position back on the agenda if they get one.

**Public Discussion and/or Comments on Items Not Listed on the Agenda but Within the Board's Jurisdiction:** Ellis Thompson, District 1 Commissioner Candidate, met with the Board to discuss County Roads. He stated that it has been brought to his attention that a portion of Axolotl Lakes Road has been moved. Dan Allhands stated that it has been moved and that they are currently in discussion with the landowners about the issue. There was discussion about whether there have been public hearings about relocating the road and if the County Attorney has been notified. Dan stated the landowners have been told that there is a legal process to go through to get a road moved. Ellis also asked about the progress of the Pony/Mammoth Road. It was noted that the Board received an email from the Fischers regarding that road and the email was forwarded to Abby St. Lawrence, Legal Counsel for Madison County related to roads. Ron added that he has tried to contract the Forest Service about this road and has not yet gotten response.

**Public Hearing on Proposed Ordinance 1-2020 – Construction and Demolition Fees:** Chairman Allhands opened a public hearing on proposed Ordinance 1-2020 at 1:03 p.m. Kacey Smart, Sanitarian's Assistant, and Tikker Jones, Solid Waste Board Chairman, were present for the public hearing. Kacey stated that each fee listed in the ordinance has been increased by \$100 and that they don't want the fee to be so high that it will discourage the public from renting boxes. It was noted they rent between 150 and 200 boxes per year. Hearing no opposition from the public, the hearing was closed at 1:15 p.m. Following discussion, Ron Nye moved to approve Ordinance 1-2020, an ordinance repealing Ordinance 2-2006 and raising the fee for construction and demolition projects, requiring a permit for such projects, regulating deposit of waste and providing a penalty. Jim Hart seconded the motion. All voted aye and the motion carried. The ordinance will become effective 30 days from today's date.

**Claims:** The Board approved claims.

**Board of Health Appointment:** After review, Ron Nye moved to appoint Margaret Bortko to the Public Health Board for the remainder of a three year term that will expire on December 31, 2021. Jim Hart seconded the motion. All voted aye and the motion carried.

**Cardwell Container Site Agreement:** Ron Nye moved to approve the Agreement for Cardwell Dump Site Lease between Madison County and Ronald Vern Shaw for the portion of the existing Cardwell Dump Site that is on property owned by Shaw, approximately a half acre parcel of land, for the amount of \$500 per year to be paid before April 1 of each year, and to not assess four (4) solid waste fees on real property tax statements for properties owned by Ronald Vern Shaw and LL Shaw Homestead LLC, for twenty-five (25) years beginning on April 1, 2020 and ending on April 1, 2045, subject to approval by the County Attorney's Office. Jim Hart seconded the motion. All voted aye and the motion carried.

**Jack Creek Road Discussion:** Kevin Germain, Lone Mountain Land, met with the Board via Webex to discuss the County's plans for work on Jack Creek Road. He asked what the County has set aside in the budget for this work. Jim Hart stated that he could not give an amount because the budget has not been finalized yet. Kevin stated that he has talked to Jeremiah Theys, Great West Engineering, about the project and was told the dollar amount would be between half a million to one million dollars to do something meaningful. There was discussion about doing the work in phases, the cost of surveying and design, concerns and challenges of completing the project, DEQ concerns and regulations, adequately protecting Jack Creek, and realizing the need for both safety of the road and protection of the stream. Paul Grigsby, Attorney for a landowner along the creek, joined the meeting via Webex and discussed his client's concerns. Kevin suggested meeting with Mr. Grigsby and his clients to address their concerns and how they could be mitigated, stressing that the goal is to repair the road without impairing the stream. He also stated he was glad to hear that the budget isn't finalized and expressed hope that the engineer will have numbers by then. Van Puckett, Sanitarian, also participated in the meeting via Webex and offered his assistance on the environmental health side for the road.

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.

- **Matson Pit Adjacent to Property Line:** Lance discussed an issue with the Matson property next to the airport, stating that there is a large hole and the existing fenceline has sluffed in. Lance stated that because the property is sluffing, they can't get equipment close enough to the edge of the property to put in a new fence. There was discussion about the legality of digging too close to a property line, checking covenants, requiring a permit to sell gravel, and talking to the County Attorney to see if the County can shore up the property to get equipment in. Lance also suggested moving the fenceline 10 feet in but stated that the FAA might not like this option.
- **Northwestern Energy Agreement:** There was no discussion on this item.
- **Montana Land Reliance / Longhorn Ranches Easement:** Lance stated that the easement for the Longhorn Ranches is still in the process and he is hoping to receive something to sign later in the week. Jim Hart asked about ownership of the land at the airport. Lance responded that the County owns the land but the FAA has authority over what you can do with it, adding that he (Lance) tries to make sure you follow FAA rules. There was discussion about moving a fenceline. Lance stated that he needs to make sure it doesn't conflict with the taxiway before changes are made.

**US Forest Service/Upcoming Fire Season:** Dale Olson and Jim King, US Forest Service, met with the Board to discuss the upcoming fire season. Joe Brummell, DES, and Bonnie O'Neill, Chief Administrative Officer, were present for this portion of the meeting. Dale stated that fires are always a risk but now there's another layer of risk associated with COVID-19 this year. He added they have been working with Joe and other partner agencies on how to coordinate teams and have talked with Melissa Brummell, Public Health Nurse, and the Board of Health. They have also been screening teams on a daily basis. Dale went on to say they do have a crew in Arizona and are monitoring things as best they can. He stated they have a fire plan and the state has a fire plan but they are basically the same on how to mitigate things. There are steps outlined on how to manage if someone has symptoms and how to manage if someone comes down with it. He added they have a module concept to keep crews separate and not let them intermingle, because of this they will need a much larger footprint for a fire camp. He noted that smoke is an issue because it's a respiratory disease and one of the potential resources they have is an air quality resource advisor. Dale distributed and reviewed a memo on Leaders' Intent for the 2020 Fire Season. He stated they will be more aggressive with initial attack and are going to try to get more air resources this year. They will hit it hard and try to get it out, similar to the approach they've had in the past. There was further discussion about being extremely careful with COVID, having out of town firefighters interacting with the rest of the population, such as going to local restaurants and other businesses, not having an operational airport, and the possibility of using the rodeo grounds, which is fairly close to the Forest Service Office. Dale will keep the Board updated on the risks and what's going on out there. There was also discussion about current fires and conditions.

**Fiscal Year 2020-2021 Budget Request Decisions:** The Board took the following actions on requests made at preliminary budget hearings. Vicki Tilstra, Finance Officer, Brett Schriock, IT Manager, Joe Brummell, DES, and Bonnie O'Neill, Chief Administrative Officer, were present for this portion of the meeting. Jim Hart asked Vicki if they said yes to all of these, could they afford it. Vicki responded that some of the decisions need to be made, adding that Solid Waste asked for a \$2.00 per hour increase and she figured it with the 2.8% COLA and added \$2.50. There was discussion resulting from a question from the Webex audience about why these decisions are not made before the Compensation Board meets. Ron brought up other items that need to be considered in the budget such as Jack Creek Road and Cliff and Wade Lakes Road. He added that we are behind in the salary schedule for CDL drivers and need to catch up. Jim agreed that it's time.

1. **Solid Waste/Road Crews:** Following discussion, Ron Nye moved to increase Solid Waste and Road Crews by \$2.50 per hour. Jim Hart seconded the motion. All voted aye and the motion carried.
2. **IT Manager:** Bonnie distributed survey results for IT Director wages and noted that Brett has provided a list of his accomplishments over the past year and reviewed some of those accomplishments. Ron asked what he was requesting and Brett responded that he is looking at \$34.55 which is an increase of approximately \$5.00 per hour. After much discussion, Jim Hart moved to increase the IT Manger's salary by \$2.50 per hour in addition to the 2.8% COLA. Ron Nye seconded the motion. All voted aye and the motion carried.
3. **Safety Intern:** Following discussion, Jim Hart moved to approve adding funds to the budget for a short term Safety Intern position. Ron Nye seconded the motion. All voted aye and the motion carried.
4. **IT Part-Time Position:** Following discussion, Jim Hart moved to approve adding funds to the budget for a part-time position in the IT Department. Ron Nye seconded the motion. Jim Hart and Ron Nye voted aye. Dan Allhands was opposed. The motion carried on a majority vote.
5. **GIS Assistant:** The Board discussed a request to change the GIS temporary, 20 hour position, to a permanent 30 hour position. There was discussion regarding whether this position could be changed to a 30 hour position. Bonnie stated that it would need to be advertised. It was decided to postpone a decision on this request until the short term position has ended.
6. **DES Deputy:** Following discussion, Ron Nye moved to approve the request from the DES Director to increase the DES Deputy's hours to 30 hours per week. Jim Hart seconded the motion. All voted aye and the motion carried.
7. **Communications:** Following discussion, Ron Nye moved to approve an additional \$1.00 per hour to trainers only during the time that they are training. Jim Hart seconded the motion. All voted aye and the motion carried.
8. **Sheriff and Care and Custody of Prisoners:** Following discussion, Jim Hart moved to approve the request from the Sheriff to increase the Sheriff's budget by \$18,300 and the Care and Custody of Prisoners budget by \$7,200. Ron Nye seconded the motion. All voted aye and the motion carried.

9. **County Attorney:** Following discussion, Ron Nye moved to approve the request by the County Attorney to increase the Deputy County Attorney's salary by \$1,718 making it \$85,000 per year. Jim Hart seconded the motion. All voted aye and the motion carried.
10. **Public Health Director:** Following discussion, Jim Hart moved to increase the Public Health Director's wage from \$29.61 to \$32.11 per hour (\$2.50 per hour). Ron Nye seconded the motion. All voted aye and the motion carried.
11. **Shuttle Bus Driver:** Following discussion, Ron Nye moved to increase the Senior Shuttle Bus Driver's wage \$2.50 per hour, from \$13.31 to \$15.81. Jim Hart seconded the motion. All voted aye and the motion carried.
12. **Custodial Supervisor:** Following discussion, Jim Hart moved to move David Baldwin, Custodial Supervisor to a Department Head. Ron Nye seconded the motion. All voted aye and the motion carried.

\*\*It was noted that all increases are in addition to the 2.8% cost of living allowance and that any remaining budget requests will be considered when the budget is finalized.

**2019/2020 Fiscal Year GASB 75 Valuation:** Following review of documentation, Ron Nye moved to approve the 2019/2020 Madison County GASB 75 valuation to be conducted by Actuaries Northwest which will include a full valuation and report for the current year complying with new regulations for GASB 75, and a roll-forward valuation and report in the following year also required by the new regulation, for the proposed fee of \$8,000 for the 2019/2020 valuation and \$3,200 for the 2020/2021 roll-forward. Jim Hart seconded the motion. All voted aye and the motion carried.

**Predator Control Memorandums of Understanding:** Following review, Jim Hart moved to approve the Montana Stockgrowers Association, Predator Control Fund Memorandum of Understanding between the USDA APHIS Wildlife Services Program and the Montana Department of Livestock, and Madison County, to allocate \$13,441 for the protection of cattle from destructive animals; and to approve the Montana Wool Growers Association, Predator Control Fund Memorandum of Understanding between the USDA APHIS Wildlife Services Program and the Montana Department of Livestock, and Madison County, to allocate \$592 for the protection of sheep from destructive animals. 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 4:58 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, June 30, 2020, beginning at 9:30 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana.

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Dan W. Allhands, Chairman  
Board of Madison County Commissioners

Date Approved: July 23, 2020

Minutes prepared by:

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Laurie Buyan, Executive Assistant to the  
Board of Commissioners

Attest: \_\_\_\_\_  
Kathleen Mumme, Clerk and Recorder, Madison County