

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**July 14, 2020, Meeting Minutes**

On Tuesday, July 14, 2020, a meeting of the Board of Madison County Commissioners came to order at 9:35 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners 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 Joe Brummell, Bonnie O'Neill, Pat Bradley, Alex Hogle, Jani Flinn, Justin Ekwall, Allen Rohrback, Shelly Burke, Vicki Tilstra, Kathleen Mumme, Tommy Luksha, Gail Hansen, Dave Reintsma, Joanne Galiger, Charisse Opie, Steve McNeece, Tammy Mahlstedt, Allison Veland, Christine Bob Bates, 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 June 9, 2020, Commission meeting minutes as corrected. Ron Nye seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the June 30, 2020, Commission meeting minutes as corrected. Jim Hart 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, was 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, noting that Madison County now has 29 confirmed positive cases of COVID-19, with 12 new in the last week and 21 in the last 2 weeks. He noted there has been 1 death; that there are currently 2 active hospitalizations for a total of 3; and there have been a total of 738 tests. He added that it is taking longer to get test results back due to the large volume of testing. Confirmed cases in the State have jumped significantly and are now at 1843, with 32 fatalities, 28 active hospitalizations, 875 recovered, and a total of 118,695 tests. The United States has 3.43 million confirmed cases with 138,000 fatalities, and 1 million recovered. Worldwide there have been 13.1 million confirmed cases with 573 fatalities, and 7.27 million recoveries. There was discussion regarding drive-through testing and Joe noted that they will be helping Beaverhead County with a community testing on July 24, 2020. Joe reviewed numbers on the Canyon Creek Memory Care facility in Billings, stating that there have been a total of 91 confirmed cases, 36 employees and 55 residents, with 7 fatalities. The National Guard has been called in to assist. He discussed the Incident Command Team, stating that the current operational period will be extended as needed; and reviewed upcoming meetings and opportunities.

Chairman, Dan Allhands joined the meeting at this point and was present for the remainder of the meeting.

Alex Hogle, Planning Director, met with the Board to discuss the following topics. Pat Bradley, Planning Board Member, was present for this portion of the meeting.

- **Lee's Poole Subdivision:** Alex stated that he had sent an email suggesting that this agenda item be postponed due to the fact that he's still working on the documentation and that there is very significant amount of material. He will have it to the Board by the end of the day. Jim Hart asked if a week would be enough time for them to get through it. Alex suggested that the Board take the time needed to review the documentation, understand the comments and the implications of the comments, the dialogue with the Planning Board, and be able to make an informed decision. He added that the applicant waived his statutory right back in February and based on that, he's got a year before the time frame runs out. There was discussion about how soon the topic should go back on the agenda. Alex noted that the he has not sent the staff report yet and that the Planning Board approved the subdivision but made some substantial changes from the original proposal on a

couple topics. Ron Nye suggested putting the topic back on the next regular Commission Meeting agenda, and have a discussion and ask any questions that might come up, but not necessarily to make a decision. He added that there is a lot of information that needs to be reviewed and that they need to take their time and be able to make the right decision. Alex emphasized that there is time so there's no need to rush. Pat Bradley stated that she had not been made aware that the Board of Commissioners would not make a decision today and perhaps her comments are premature but they should still be applicable. She added that this is one of the most complicated proposals they've had in quite some time and it's essential that everyone take time to look at it. She also added that Alex has been working hard on it and so has the Planning Board.

**Claims:** The Board approved claims.

Jani Flinn, Airport Board Secretary, met with the Board to discuss the following topics. Lance Bowser, Robert Peccia and Associates, participated in this portion of the meeting via telephone.

- **Settlement Agreement and Deed in Lieu of Condemnation – Longhorn Ranches/Montana Land Reliance/Madison County – Ennis/Big Sky Airport:** Jani informed the Board that the Longhorn Ranches agreement has been approved and is ready to be signed by the Board. Based on review by the County Attorney's Office and Montana Land Reliance, Jim Hart moved to approve the Settlement Agreement and Deed in Lieu of Condemnation Agreement between Madison County and the Montana Land Reliance as related to the Ennis Big Sky Airport/Longhorn Ranch property. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Northwestern Energy Agreement:** Lance discussed an agreement that he is working on with Northwestern Energy to improve the power lines at the Ennis Airport. The proposed cost for the work is currently \$204,498. Lance feels this amount is unacceptable and suggested the solution would be to lower the line or put it underground. He stated they want to re-route the line through the hangar area which would have to be dealt with each time there are improvements made. He noted the line would be much safer under the runway because no one would be digging or poking around out there. Jim encouraged Lance to continue to negotiate with Northwestern Energy and come back to the Board on another date.

**Resolution 21-2020 Adopting Personnel Policy and Procedures Handbook:** Justin Ekwall, Deputy County Attorney, met the Board to discuss the proposed updated personnel policy handbook. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Justin stated that the policy has been sent out to everyone and he was thanked for doing it, but no substantive changes were recommended. He added that now would be the time to discuss it if anyone wants to. If not, he recommended approval of the handbook, noting that if amendments are necessary they could be made by future resolution after proper notice. Based on the recommendation of the Handbook Committee and the Deputy County Attorney's review and involvement, Ron Nye moved to adopt Resolution 21-2020, adopting the Personnel Policy and Procedures Handbook as presented. Jim Hart seconded the motion. All voted aye and the motion carried.

**Skyline Bus Budget Request:** Following discussion, Jim Hart moved to approve the Skyline Bus request for funds in the amount of \$70,000. Ron Nye seconded the motion. All voted aye and the motion carried.

**Information Gathering for Possible Countywide Ambulance Service:** Allen Rohrback, Madison Valley Medical Center CEO, met with the Board to discuss a proposed County Ambulance service. Justin Ekwall, Deputy County Attorney, Shelly Burke, Treasurer, Vicki Tilstra, Finance Officer, Kathleen Mumme, Clerk and Recorder, Tommy Luksha, GIS, and Bonnie O'Neill, Chief Administrative Officer, were present for this portion of the meeting. Jim Hart stated that there were three questions that Mr. Rohrback came up with after the last meeting. Allen reviewed the three questions.

1. Is it possible to establish an "ambulance district" in Madison County that carves out the resort area of Big Sky and is a funding mechanism only (i.e., there are no elected Ambulance District Trustees). Or, could those "trustees" be appointed from within both the Ruby Valley and Madison Valley Hospital District trustee boards? At this point, neither hospital believes the complexities of working through a separate ambulance district board, with appropriate authority, would be productive.

Jim Hart asked to take each scenario separately, stating that on this question, Brian Hopkins, MACo consultant, responded that he is not aware of any authority for a county without a charter form of government to create an ambulance district. Justin stated it sounded iffy at best to him also and explained why he felt that way.

2. Similar to the EMS mill levy established in Powell County and payable to Dear Lodge Medical Center, can Madison County establish a county-wide mill levy for two ambulance services (Ruby Valley Medical Center and Madison Valley Medical Center) managed within the Commissioners' budget, that carves out the Madison County portion of Big Sky (or perhaps rebates those residents)?

Jim read Brian's answer to this question, which stated the best option presented was Option #2. Under MCA Section 7-34-101 through 104, a county may provide for ambulance services, either by managing the service itself or by contracting for services. Per MCA Section 7-6-2527(16), the service may be either funded within existing tax authority, or under MCA 7-34-102, a mill levy may be passed if the cost to the county will exceed existing budgetary limitations. There does not appear to be any requirement for the service to include the entire county, so it might be appropriate to exclude a portion of the county which would not receive any benefit from the service. Allen stated that was the same thing their attorney came up with and read the third question.

3. Is it possible to create a mill-levy within each separate hospital district that restricts the use of those funds to "ambulance services" only? A concern was presented regarding each hospital's ability to receive additional mill levy funding for ambulance services and then terminate the service at a later date. I'm assuming the natural mechanism is that the additional mill levy (if it were not permanent) would not be successfully voted in when it renewed.

In regard to this question, Brian's response was that he cannot find any authority for a hospital district to create an ambulance service and in particular, has looked at MCA Sections 7-34-2101 and 2122, and didn't see any provision which can be interpreted as allowing for a district to fund ambulance services. There was discussion about how many mills should be put on the ballot, what would be fair and equitable to each hospital district, what would happen if a mill levy was passed and the ambulance service was no longer operating, whether a district needs to be created by election or if it could be done by petition and funded through the general fund, and whether a district would be governed by the hospital boards or would it be governed by an elected board. Vicki stated it would depend on how it is set up. Justin also discussed the structure, stating that if it's not a joint service you don't even need a petition, you can just do it by resolution. There was further discussion about the creation of a joint district if it were in two counties and what would need to be done for the northern end of the county to join the Jefferson County ambulance district. It was noted that the ambulance service in Deer Lodge was not done as a district so the governing body runs the service. Justin stated it might be as easy as giving each hospital district funds to run an ambulance service. There was discussion about how to finance the service. Vicki noted that if you create a district and Big Sky is carved out, you will get a lot less revenue. She also noted that if it was set up as a government fund, the Board of Commissioners would still be the governing body. Allen discussed how ambulance services were done in the past. After much discussion, it was determined that option 2 was probably the best option. Vicki will check what a mill would look like without Big Sky. It was noted that to run an ambulance service on both sides of county the approximate cost would be about \$600,000. Kathleen stated that the ballot deadline to get this on the November election would be August 10<sup>th</sup>, or 85 days before an election. Lisa Roberts, Ennis Town Council, stated that the Town of Ennis is willing to turn over all equipment and negotiate a use agreement for current facilities for transitional use.

**Resolution 20-2020 – Burn Ban:** Joe Brummell, DES Coordinator, met with the Board to review a proposed burn ban. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Joe updated the Board on the current fire situation noting there have been 6 structure fires so far this year. He stated he attended a meeting with the Forest Service and DNRC and they are all on the same page about imposing a ban. He also noted that two-thirds of Madison County is in a severe drought area and there is a strong likelihood of fires in the next two months. Based on the recommendation of the DES Coordinator, Jim Hart moved to adopt Resolution 20-2020 a resolution imposing a burn ban in Madison County. Ron Nye seconded the motion. All voted aye and the motion carried. Dan Allhands asked if the road crews have adequate protective fire gear in the event they are needed to assist with fires. Joe will check on what's needed and what's available.

Vicki Tilstra, Finance Officer, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, Gail Hanson, Tobacco Root Mountains Care Center Administrator-in-Training, Dave Reintsma, Tobacco Root Mountains Care Center Maintenance, Joanne Galiger, Dietary, Charisse Opie, Tobacco Root Mountains Care Center Registered Nurse, Steve McNeece, Nursing Homes Administrator, Kathleen Mumme, Clerk and Recorder, Vicki Tilstra, Finance Officer, and Tammy Mahlstedde, Human Resource Generalist, were present for this portion of the meeting.

- **Salary Resolution 19-2020:** Vicki stated that all the figures are plugged in, noting that there have been changes to Exhibit B per Steve's request. Bonnie stated that he asked her to provide information related to these changes. Bonnie reviewed these changes and Steve gave examples of why he felt certain positions should be increased, noting that RN wages are way under market even in small areas. There was discussion about the need for a separate Human Resource Professional at the nursing homes and why the position hasn't been advertised. There was further discussion about the cost of travelers, the plan to change the direction of the nursing homes, the decrease in workers' compensation rates, and the number of residents in each facility. After much discussion, Jim Hart stated that he was not ready to consider this today. No action was taken on Resolution 19-2020 and the topic will be placed on next week's agenda.
- **Nursing Homes Write-Offs:** Vicki presented the Board with a list of resident account balances at the County nursing homes that have been approved for write off by Steve McNeece, Nursing Homes Administrator. Jim Hart asked if they can still be collected if they have been written off. Vicki replied that they can but that she wants to get them off the books. Based on information provided by the Nursing Homes Administrator, Jim Hart moved to approve write-offs at the Tobacco Root Mountains Care Center in the amount of \$19,198.35 and write-offs at the Madison Valley Manor in the amount of \$12,330.30 as presented. Ron Nye seconded the motion. All voted aye and the motion carried. Dan Allhands asked how to avoid this in the future. Steve McNeece responded that we don't currently follow the policy but that in the future, we will.

Tammy Mahlstedde, Human Resource Generalist, and Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topics. Gail Hanson, Tobacco Root Mountains Care Center Administrator-in-Training, Dave Reintsma, Tobacco Root Mountains Care Center Maintenance, Joanne Galiger, Dietary, Charisse Opie, Tobacco Root Mountains Care Center Registered Nurse, Steve McNeece, Nursing Homes Administrator, Kathleen Mumme, Clerk and Recorder, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **Recommendation to Hire Weed Coordinator:** Tammy read a recommendation to hire a Weed Coordinator. Following discussion, Ron Nye moved to accept the recommendation of the hiring committee to hire Dale Grose as the full-time Weed Program Coordinator beginning August 1, 2020, at \$23.26 per hour. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Resolution 18-2020, Amending Resolution 15-2020 Authorizing Hazard Pay to Nursing Homes:** Bonnie stated this topic is not really a Human Resource item but there was really no place else to put it. Jim Hart discussed a motion that was made at the last meeting to discontinue the hazard pay from the nursing homes. He stated that he thought it was a good decision, knowing what they knew at the time. He discussed the terms essential and non-essential, said that all employees are equally affected, and noted that nursing home employees are fairly sheltered in their environment but offices that serve the public are equally at risk. Steve McNeece stated that he understands what other departments face, but respectfully disagreed with Jim, stating that no other employees brush someone else's teeth or feed someone else, adding that right now there are 15 fatalities in nursing homes and asked if there were any other departments like that. He stated he is not being derogative toward other departments but noted that the risk to nursing home employees is vastly greater, adding that if COVID gets into the facilities the statistics show that 25% of the residents will be lost. Steve also discussed funding for the additional wages, stating that the nursing homes have received about \$382,000 and have spent about \$200,000, and the state just continued the additional \$40 per day Medicaid payment. He noted that if that money is not spent, it will go back. There were many on-line comments which were read to the Board. Several nursing home employees spoke about COVID caused issues at the facilities, such as loneliness of the residents, families that are angry, and the stress and responsibility that goes with it. Steve stated that starting next week, they would be testing all employees weekly, and asked that the Board continue the hazard pay for 90 days or to the end of September and re-evaluate it at that time. After much discussion, Ron Nye moved to accept Steve's proposal to continue the \$2.50 an hour COVID pay for 90 days and to

rescind the motion from last week that terminated the COVID pay. Jim Hart seconded the motion. All voted aye and the motion carried. There was discussion regarding the 90 day employees and if this would also apply to them. It was determined that they were included in the resolution authorizing the COVID pay but not in the motion to rescind it. No action was taken on proposed Resolution 18-2020.

**Monthly Safety Report for June 2020:** Bob Bates, Safety Coordinator, met with the Board to review his monthly activity report for June of 2020. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Bob stated he attended the monthly Workers' Compensation Claims Review telephonically, noting that claims are decreasing. He discussed the Courthouse mold issue, giving a background on the concern and mitigation efforts, stating that a re-sampling was conducted on June 17, 2020, and that no black mold was found, indicating that the mitigation measures must have worked. He added that he has sent the report out and hasn't heard back from anyone. Bob discussed the Coronavirus Pandemic, stating he worked 51.7 hours in June supporting the Incident Management Team and listed meetings he has attended regarding this issue. He also discussed a hard surface cleaner that is being used to disinfect the interiors of vehicles. He can use COVID funds from his budget to purchase the cleaner and has distributed it to the Weed Department, the Sheriff's Department, Road Crews, etc. Tommy Luksha, GIS, joined the meeting at this point. There was further discussion about the mold issue at the Courthouse, including comments from people viewing the meeting by Webex. Bob reviewed the mitigation efforts and the level of mold found by the latest testing. Tommy asked about a long-term remediation plan. Bob responded that gutters will be installed, landscaping will be completed, and carpets will be replaced, noting that the air purifiers are an interim measure. Ron discussed a product that is used for sealing walls for moisture, stating that it is both an insulation and waterproofing material. Bob stated that the water intrusion needs to be taken care of first. Bob discussed appraisals on County buildings, noting that he was designated as the primary contact person for the County and that we should have the information by September. He also noted that there will be a Safety Meeting on Thursday and that he has one driver scheduled for the DRIVE class this summer.

**Madison Valley Manor CDBG Update:** Craig Erickson, Great West Engineering, met with the Board via Webex to update them on the status of the Madison Valley Manor CDBG project. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Craig stated a Notice of Request for Release of Funds was published on June 25, 2020 and the contract between Madison County and the Department of Commerce was signed on July 6, 2020. The Consultant Services Agreement with SMA is on next week's agenda. The bid package for boilers is ready to go. Craig asked the Board if they would like to review and approve it. He stated that the original plan was to replace the boilers in December but that Steve McNeece, Nursing Homes Administrator, was not comfortable with that, so the new plan is to have them in by mid-August. He will get it on the agenda as soon as bids are received. Craig noted that even if it runs later, the boilers will be replaced one at a time so the building will not be without heat. Craig stated they are also working on specs for a freezer/cooler. He stated that they want one larger than what was originally planned for, so SMA has to make sure the electrical is sufficient to handle a larger unit. Dan suggested getting two smaller units in case one goes out. Craig will get Becky Lawson, SMA Architects, involved in the discussion. Craig also discussed a Notice of Intent for Release of Funds, stating that the notice was published but letters that should have gone out at the time of the notice were not sent. Craig will redo the process so that the letters go out at the same time the notice is published. He stated that the project is still on schedule and they hope to have it completed by the end of the year. There was further discussion about the possibility of applying for a planning grant for the Tobacco Root Mountains Care Center.

**Calendars:** The Board reviewed calendars.

With no further business, this portion of the meeting was adjourned at 3:50 p.m. The Board conducted special meeting later in the evening regarding ambulance service in Madison County.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, June 21, 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 31, 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