

BOARD OF MADISON COUNTY COMMISSIONERS
July 28, 2020, Meeting Minutes

On Tuesday, July 28, 2020, a meeting of the Board of Madison County Commissioners came to order at 9:31 a.m. in the Second Floor Courtroom of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Jim Hart, and Ron Nye present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Joe Brummell, Melissa Brummell, Joe Brummell, Bonnie O'Neill, Alex Hogle, Vicki Tilstra, Jeremiah Theys, James Nickelson, Bob Bates, Tammy Mahlstede, Jani Flinn, Laurie Buyan, and several who participated via phone/Webex. Ryan Wolter, IT Support Specialist, was present to administer the public link to the meeting via Webex.

Approval of Minutes: This topic was continued to Friday, July 31, 2020.

Claims: The Board approved claims.

Public Health Office/DES – COVID-19 Update: Joe Brummell, Director of Emergency Management, and Melissa Brummell, Public Health Nurse, met with the Board to present the COVID-19 update. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Joe noted that tonight's Community Briefing will be held at 6:00 p.m. to discuss quarantine versus isolation. Melissa presented and reviewed COVID cases in the County, with 63 positive so far, and a record number of 19 new cases (a 12.3% positive rate) in the past week, which she said is not good. She described the "out of state" cases as people who are seasonally employed or have a second home here, not primarily vacation travelers. Active cases are down to 12 as of today, with no hospitalizations. She said the State cases keep climbing, reporting 61 active hospitalizations, reviewed a map of Montana counties that have enough cases to require masks, and said hopefully cases will level off as a result of people wearing face coverings. In cases per capita, Madison County moved from fourth to third in the state. She pointed out a graph of the County's cases over time, and predicted a spike in cases as schools open. She and Joe briefly discussed aggressive confrontations in Gallatin and Madison Counties. Joe discussed an expansion of testing after the Governor's press conference last week, reviewed recent PPE distribution, and obtained the Board's approval to receive a large shipment of PPE from the National Stockpile, which was applied for early in the year. He reviewed the Incident Command Team's priorities, upcoming meetings, upcoming weather, and fire situations. Jim said people are asking if there is a way to let the community know whether active cases are located in the Madison Valley or Ruby Valley side of the County, and Melissa said they are looking at how to distribute useful information while staying within the law. There was additional discussion about masks, mask alternatives, enforcement, and distancing at large outdoor events.

Sanitarian's Office: Van Puckett, Sanitarian, met with the Board via Webex to discuss the following topics. Alex Hogle, Planning Director, Bonnie O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for all or portions of these topics.

- **COVID Policy & Sanitarian Update:** Van said enforcement of COVID policy is touchy, and it comes down to what the County wants from the Sanitarian and Public Health/Board of Health. He said their intent is to focus on education and getting accurate information out to best serve the public, especially with people doing their own research and sometimes getting bad information, and their jobs are very difficult if businesses don't comply. He noted that the Governor has been working hard to keep businesses open while keeping people safe, and the mask mandate is an attempt to prevent returning to Phase 1 restrictions. Those with medical conditions who can't wear a regular mask have several alternatives, such as shopping curbside, face shields, even pulling a t-shirt over the face. Van has talked with all the school superintendents, who are working on cohesive plans for starting school as well as providing alternatives, and they are dealing with daily updates and directives from DPHHS. Contingency plans will be included, and everything will be reviewed by the Board of Health.

- **Budget Request for Development Coordinator:** Van discussed the Development Coordinator position, said he isn't sure if it's named appropriately, and the job description is not final. He sees situations where boots on the ground would be helpful for several departments, discussed budgets and planning for the position, having a registered Sanitarian in the position, recommended working together to create a more precise job description, and cited several benefits in areas such as public education and compliance. Alex agreed that the current job description needs work, but thinks a joint position would be awkward, and from the Planning Department perspective doesn't see a current need for a joint position when his focus is getting the department fully staffed. He said he already coordinates with the Sanitarian and will do site visits as needed, and the position would be more for the Sanitarian's office. Van noted that the fastest-growing needs are in Big Sky, which needs more attention than can currently be provided, and a full-time person with the right qualifications could take the load off other departments as well even if Planning doesn't need it at this point. Bonnie discussed growing the position in-house, open recruiting, meeting current Sanitarian department demands, assisting Public Health, the increased work load due to COVID, and recommended adding to the Sanitarian's budget for another position.

Great West Engineering: A phone message was left for Craig Erickson, Great West Engineering, to discuss updates on Madison Valley Manor Project.

Cliff and Wade Lakes Road Project: Jim said there are no updates on the Cliff and Wade Lakes road project, but he would like to continue the topic to have Eric Bryson, MACo, included in the discussion. Later in the meeting, the topic was rescheduled for Friday, July 31, 2020, at 10:00 a.m.

Public Discussion and/or Comments on Items Not Listed on the Agenda but Within the Board's Jurisdiction: Vicki asked the Board about submitting a preliminary application with the InterCap loan program for Jack Creek Road repair and Fish Hatchery Road paving, noting that this pre-application shows the County is serious about the project, and the Board directed her to pursue it.

Great West Engineering: Jeremiah Theys, Great West Engineering, met with the Board to discuss the following topic. Vicki Tilstra, Finance Officer, was present for a portion of this topic. Prior to the formal public meeting regarding the bridge, Jeremiah discussed Jack Creek Road with Jim, noting how most of the time during construction buffer areas are created, which seem to make it better overall, and he said the big thing during construction is controlling sediment releases. Jim reviewed information about the amount of sediment decreasing and continuing to get better as you go down Jack Creek from the trailhead. Jeremiah said the roads are not directing sediment into the Creek since they are not graded into it, that most of the runoff is captured by the road, and any road drainage issues are dealt with to prevent runoff flowing directly into the Creek. There are no main tributaries or creek systems coming in along the lower stretch, and although there are springs flowing in, they are not transporting sediment, so the 2.5-mile stretch of canyon is not picking up more sediment. They discussed the fact that, contrary to what may seem logical to people who see a road next to a stream and think the road must contribute a large amount of sediment, that's not what the DEQ has concluded in this area.

- **Jack Creek Road Bridge (JC4) Public Meeting:** At 11:00, Dan formally opened the Jack Creek Road Bridge (JC4) public meeting. Jeremiah explained that the County submitted a TSEP grant application last month, and because of the COVID issue TSEP has extended the public comment period on this bridge replacement. He described the existing bridge known as Jack Creek #4 as an old timber structure built in the 1950s/60s, which is now in relatively poor condition, its foundation the biggest concern because the timber pile are rotted and starting to rotate, it is susceptible to scour, and potential failure on the abutment. It's a single-lane structure that doesn't meet legal highway loading, has no required, proper safety rail, and there are enough significant deficiencies that this is a high priority bridge replacement for the County. Great West looked at replacement alternatives and, due to constrictions in the canyon and the skew of the crossing, they recommended a spill-through bridge which matches the channel, provides for more hydraulic capacity/better function with the channel wall, ties in the bank lines better, and is more economical. They are looking at a fifty-foot span structure and considered several abutment types. He described the two structure types considered, explained the reasons for selecting the concrete tri-deck beam structure, which will last a long time and be low maintenance, as well as reasons for choosing driven pile foundations, and reviewed other details and

items included in the estimate such as miscellaneous roadwork, railings, and a public detour bridge to keep the road open during construction. He estimated the total cost for the project as \$676,000, which includes 3% per year inflation costs on construction, and noted that half of the total is being requested on the TSEP grant application which, if approved, will be announced in the spring of 2021. While it would be possible to do the work in 2021, it would be challenging for several reasons to complete the work by fall, so the work is planned for summer/fall of 2022. An Environmental Assessment was done, responses requested from all State and Federal permitting agencies, and with all bridge replacement structures matching or enhancing the function of Jack Creek, Jeremiah said there are really no environmental impacts from this project – most items on the environmental checklist were seen as beneficial or having no impact to the channel, and enhancement to the Creek is likely. Jeremiah acknowledged written comments from Montana Trout Unlimited expressing concern about increased road capacity accelerating future pressures and sediment erosion along the creek, as well as long-term impacts on the Jack Creek and Madison River fisheries. He responded by discussing the fact that no large-scale negative impacts have been associated with this project, but taking care of this small bridge is a high potential safety issue. He noted that Jack Creek Road is accessed by a private road and is not a continuous public connection, that traffic exists already and will continue, but traffic will always be limited unless the road becomes public. He pointed out that the canyon itself is relatively stable even though confined, contains a lot of vegetation along the banks, and noted that the project will still go through the normal permitting process in preparation for construction. He also referenced the DEQ study that concluded most of the runoff comes in from the upper reaches of the roadway and settles into the ground and becomes cleaner before getting to the lower canyon area, causing the water to have less turbidity in the bottom of the canyon. Dan asked if galvanized angle irons for storm water were figured into the total cost – Jeremiah said they weren't specified but a 10% construction contingency was included, and although storm water control was not commented upon in the EA it is a priority, so integrating some sort of concrete curb or angle iron will be considered in the actual design. Dan asked if there were any additional comments, and there was no response from attendees or online participants. Jeremiah mentioned receiving a lot of letters of support on this project. Additional discussion included the likelihood of TSEP funding, and the overall status of County bridges and culverts. Several minutes later, a call was received from Dr. Sheridan, Jack Creek area resident, who had been trying unsuccessfully to comment online. He said that if the DEQ study showed the greatest amount of water pollution coming into the Creek at the upper gate, the study must have been conducted during a dry spell with no precipitation or snow, because when driving through the area you can see where gullies drop mud directly into the creek during rain events. He also said the idea that there's a good vegetation buffer is incorrect, because there are areas of pure rip-rap and you can see the channels for mud running directly into the Creek. Jim said the County has attempted to address these areas as they were noticed, he appreciated Dr. Sheridan's comments, and in anticipation of work to be done on the road he is confident that most or all of these concerns will be taken care of in the coming months. After the call ended, Jim commented that it is accurate that it wasn't raining when DEQ looked at the stream. Jeremiah noted that stream turbidity needs to be looked at on a macro, not micro, scale – in the larger picture, studies show there is less turbidity downstream, so while small runoff areas may occur here and there, generally the Creek is fairly stable.

Morrison-Maierle: James Nickelson, Morrison-Maierle, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Recommendation for Increase in Annual Assessment for Ousel Falls RID Maintenance:** James said every year they look at costs and then put a budget together, and instead of annual increases recommends an increase that should cover the years between now and 2027, with reviews every year to make sure enough funds are available. Jim discussed the initial RID set up in 2009 and said the road has held up very well, and he thinks the people who use the road are happy with it and wouldn't be opposed to an increase for taking care of it. Based on the recommendation of Morrison-Maierle, the engineers for Ousel Falls Road and the overseers of the Ousel Falls RID, Jim Hart moved to increase the annual assessment by \$117, from \$168 to \$285 per year, for maintenance and overlay costs for the lower and upper sections of Ousel Falls Road. Ron Nye seconded the motion. All voted aye and the motion carried. James said he will provide a short update letter every quarter.

Great West Engineering: Craig Erickson, Great West Engineering, returned the Board's call to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Update on Madison Valley Manor Project:** Craig said the notice of intent to request release of funds was not published in last week's local newspaper as planned, but will be published this week. As a result, the funding will be available a week later in August than anticipated, but by the end of August full access will be available to the \$450,000 grant from the Department of Commerce for lodging-related expenses. He also confirmed that the hard deadline for the next round of CDBG grant applications is October 15, 2020.

Commissioner Ron Nye left the meeting at this point to attend a meeting in Twin Bridges and was not present for the remainder of the meeting.

United States Census: Lily Griego, U.S. Census, and Tylen Newcomb, Montana Nonprofit Association, met with the Board via Webex to discuss the County's participation in the 2020 Census. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **2020 Census Participation:** Lily expressed her concerns that Madison County is lagging in census self-response rates, said the County's current response rate is 29.4%, and she presented comparisons with national and Montana responses as well as the County's response rate of 59.8% in 2010. Door to door work will begin on August 11, 2020, complicated by the pandemic, and she asked for the Board's help in increasing people's responses for a goal of 60%, which will reduce the need for in-person contact. Tylen explained Montana Nonprofit Association's involvement with the census and with MACo, suggested several ways they could assist with the County's efforts, and ideas were discussed. Lily reminded everyone that this census is for the next decade, and said she has spoken with several people who are concerned that a Montana congressional seat is on the line.

Safety Department: Bob Bates, Safety Coordinator, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, was present for a portion of this topic.

- **Museum Air Quality:** Bob outlined options he discussed with Buffalo Restorations for improving the air quality in the Thompson-Hickman Museum, and reviewed ideas for sealing the coal room and providing drainage. He is scheduled to meet with Roger Williams, Virginia City resident, to assess flower bed drainage, and has acquired drawings of the library addition, noting Roger's comment that the plans were not followed. He discussed the storage room and its contents, adding an air purifier, dealing with the alarm, dehumidifier water collection, moisture issues with dirt floors, and limiting dehumidifier use to the bathroom/hallway/stairs area. He said the report was sent out for distribution, and noted that there is no intent to have the Museum open regularly this summer, so he expects the air quality will improve with the treatments that are in place.

Human Resources: Tammy Mahlstedt, Human Resource Generalist, and Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topics.

- **Recommendation to Hire District 3, Mower:** Tammy read a memo outlining the interview committee's recommendation for the District 3 Mower position. Jim said there have been discussions over the last year about possibly combining efforts of mowers and drivers within the district. Based on the recommendation of the hiring committee, Jim Hart moved to approve hiring Paul Wonders for the part-time, short-term, 90-day District 3 Mower position at \$21.02 per hour. Dan Allhands seconded the motion. Paul's experience and abilities were briefly discussed. All voted aye and the motion carried.
- **Recommendation to Hire Public Health Clerk, Short-term, 2 positions:** Tammy reviewed the interviewing committee's recommendation for one of the two short-term Public Health Clerk positions. Based on the recommendation of the hiring committee, Jim Hart moved to approve the hiring of Abigail Lee in the short-term, 90-day, part-time Public Health Clerk position, as a result of COVID-19, in the amount of \$18.42 per hour. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Resolution 22-2020 Authorizing Hazard Pay for COVID Pandemic:** Jim said he would ask MACo where funds might come from for COVID pandemic hazard pay for County employees, as outlined in Resolution 22-2020, but currently there is no assistance within the CARES Act for employees other than Sheriff's office, detention officers, and EMS personnel. Since the County can't afford the extra

pay without additional funding, he and Dan agreed that hazard pay is denied for now, and also agreed that if funding is found they would consider authorizing hazard pay.

Public Discussion and/or Comments on Items Not Listed on the Agenda but Within the Board's

Jurisdiction: Bonnie read a memo acknowledging Tammy's certification with the International Public Management Association for Human Resources, noting achievement and time spent in the effort. Tammy said she's learned a lot and has a lot more to learn.

Airports: Jani Flinn, Airport Board Secretary, met with the Board to discuss the following topics. A call was made to Lance Bowser, Robert Peccia & Associates, who briefly reviewed construction progress at the Ennis Big Sky airport.

- **Resolution to change Twin Bridges Airport to Ruby Valley Field:** Lance said the new three-letter identifier proposed for the Twin Bridges airport is RVF, Ruby Valley Field, and the resolution starts the process with the FAA which will take about six months. He noted the Airport Board is in favor of the change, and the resolution was also reviewed and edited by the Clerk and Recorder. Jim read the resolution. Following discussion, Jim Hart moved to approve Resolution 24-2020, a resolution renaming the Twin Bridges Airport, with corrections. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Ennis Big Sky Airport – Matson Property Line Pit:** A letter was sent regarding the Matson property line pit suggesting that the pit be filled, and Lance reviewed discussions with the FAA regarding the fence line.
- **Ennis Big Sky Airport – NorthWestern Energy Agreement:** Lance outlined progress on the Northwestern Energy agreement at the Ennis Big Sky airport, discussed several details, and said he will have more information next week.

Nursing Homes: Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topic. Vicki Tilstra, Finance Officer, was present for this portion of the meeting.

- **Nursing Home Medicaid Per Diem Rate and Private Pay Daily Rate:** Bonnie outlined a request for establishing new nursing home private resident rates, based on the new Medicaid rates. Based on the recommendation of the Nursing Home Administrator and others, Jim Hart moved to approve the long-term care resident rates for both Tobacco Root and Madison Valley Manor, \$2.98 increase at Tobacco Root Mountain Care Center, and \$1.65 increase at Madison Valley Manor, for the year from September 1, 2020, through June 30, 2021. Dan Allhands seconded and restated the motion, to approve the per diem rates and long term care rates for the Medicaid increase of \$2.98 for Tobacco Root, for a total of \$210.19, and the Madison Valley long term care services and per diem rate goes up from \$209.60 to \$211.25 per day, effective July 1, 2020, with rates being effective from September 1, 2020, to June 30, 2021. All voted aye and the motion carried.

Calendars: The Board reviewed calendars. Laurie Buyan, Executive Assistant, was present for this portion of the meeting.

At 2:50 p.m., the remainder of the meeting was continued to July 31, 2020, at 10:00 a.m.

Friday, July 31, 2020: The meeting reconvened at 10:00 a.m. in the Second Floor Courtroom of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Jim Hart, and Ron Nye present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Cliff and Wade Lakes Road Project (continued): The Board continued its discussion of the Cliff and Wade Lakes road project. Eric Bryson, MACo Executive Director, participated by phone. Jani Flinn, Grant Administrator, Vicki Tilstra, Finance Officer, and Laurie Buyan, Executive Assistant, were present for all or portions of this topic. Jim and Eric reviewed the project, discussed changes to its scope of work since 2015 when Jim first applied for it, the escalation in cost since then, and the decision by Western Federal Land (WFL) to no longer accept a soft match as part of the grant. Discussion included WFL's current allocation of \$692,000 which has been awarded, its project estimate of \$1.8 million and what that might cover, how to fund a match amount of \$250,000, advertising for bids on crushing/hauling/placement of gravel, whether federal specifications are required for gravel, having Great West manage the project, hard outlays to DNRC and DEQ that can be applied to

the match, FLAP program changes, the realities of grant requirements, whether having the grant is a benefit or not, and the investment being worthwhile if matching funds can be found. Eric answered some questions by saying that money is available, that since WFL has offered Madison County a project agreement it will hold the funds in reserve, and the question remains as to whether Great West can manage the local project. He will make some inquiries and get answers back by early next week so the Board can plan accordingly. Although not specifically on the Agenda, Ron asked if MACo would intercede to the Governor for extra assistance, since Madison County is now considered a COVID hot spot. Eric said he has already spoken to the Governor's office about Madison County's needs, especially with its two nursing homes, and will reach out to them for an answer. Situations that caused case increases were discussed, and Eric said the County should count on these situations happening again and prepare resources to deal with it. After the call ended, there was additional discussion about engineering, getting answers from WFL, and project timing.

Approval of Minutes: Following review, Jim Hart moved to approve the July 14, 2020, Board of Commissioners' meeting minutes with corrections. Ron Nye seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the July 14, 2020, Ambulance Financial Meeting minutes as presented. Jim Hart seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the July 23, 2020, Board of Commissioners' Special Meeting minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried.

With no further business, this portion of the meeting was adjourned at 11:55 a.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, August 4, 2020, beginning at 9:30 a.m. in the Second Floor Courtroom of the Administrative Office Building in Virginia City, Montana.

Dan W. Allhands, Chairman
Board of Madison County Commissioners

Date Approved: August 25, 2020

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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