

BOARD OF MADISON COUNTY COMMISSIONERS
September 11, 2018, Meeting Minutes

On Tuesday, September 11, 2018, a meeting of the Board of Madison County Commissioners came to order at 9:45 a.m. in the Public Meeting Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Ron Nye, Chairman, Jim Hart, and Dan Allhands present. Jane Bacon, Commissioners' Clerk, and Laurie Buyan, Executive Assistant to the Madison County Board of Commissioners, were present to take minutes.

Those people in attendance at the meeting were Charity Fechter, Leona Stredwick, Nate Good, Kevin Germain, Christina Calabrese, Pat Bradley, Cody Marxer, Trever McSpadden, Al Hendricks, Kathy Stone, Jeff Ebert, Alde Feskanin, Reagan Colyer, Joe Brummell, Dustin Tetrault, Tammy Mahlstede, Bonnie O'Neill, Vicki Tilstra, Jani Flinn, Holly Haithcox, Darcel Vaughn, and those on the attached lists.

Approval of Minutes: Jim Hart moved to approve the August 21, 2018, Board of Commissioners' meeting minutes with corrections. Dan Allhands seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve the August 28, 2018, Board of Commissioners' meeting minutes with corrections. Dan Allhands seconded the motion. All voted aye and the motion carried. Dan Allhands moved to approve the September 4, 2018, Board of Commissioners' meeting minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried.

Planning Office: Charity Fechter, Planning Director, met with the Board to discuss the following topics. Kevin Germain, Lone Mountain Land, Christina Calabrese, Lone Mountain Land, Leona Stredwick, Planner I, Nate Good, Crowley Fleck Attorneys, Cody Marxer, Planning Clerk, Pat Bradley, Planning Board Member, Trever McSpadden, Haystack Development, and Bonnie O'Neill, Chief Administrative Officer, were present for this portion of the meeting.

- **Mountain and Resort Town Planners' Summit:** Charity requested permission for either herself or Leona Stredwick from the Planning Department to attend the Mountain and Resort Town Planners' Summit in Alberta, Canada, explained several benefits of attending, and laid out logistic and financial options. Charity stated that her understanding is that this summit will deal with housing issues and living with wildlife issues and that Maggie Good, Director of the Big Sky Owners' Association, has recommended that a planner from Madison County attend. Following review, Jim Hart moved to approve Charity's request for a Planner to attend the Mountain and Resort Town Planners' Summit in Canmore, Alberta, Canada, from November 28 to December 1, 2018, funded by the Planning Department and/or the Commissioner's Contingency account if needed. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Moonlight ODP:** Charity reviewed the staff report for the third amended application for the Moonlight Basin Overall Development Plan Update located in the Upper Jack Creek drainage north/northwest of Big Sky Mountain Village and Big Sky Resort between Custer Gallatin and Beaverhead Deerlodge National forests, using a map to point out the areas of discussion. She reviewed the background of the project, discussing each proposal and the changes that have occurred during the process, noting that the Planning Board recommendation was different from Planning Staff regarding density in the Moonlight Territory. Topics of discussion included the recommended cap of 1651 lots, affordable employee housing needs, letters received from various individuals and agencies, wildlife connectivity, and a person to monitor wildlife activity. Charity reviewed each proposed finding with recommendations for mitigation if needed. Further discussion included the density of the project, park dedication of ski trails, the dimensions of a proposed two bay storage facility, the possible effect of the Overall Development Plan on rural improvement districts in the area, possible solutions for fixing Jack Creek Road, moving and fencing the solid waste site, and emergency access. Kevin Germain discussed his involvement in the project for the past thirteen years noting that Moonlight is a very special place and expressed appreciation to the Planning Staff, Planning Board, and various agencies for their commitment. He stated that they will retain a wildlife agent to continue the

monitoring. Clarification of conditions were discussed including removing condition number 32 because it became a suggestion to the developer; and adding language to condition number 4 regarding 270,000 square feet of commercial space that is included in the proposal and up to 200 employee housing units exclusive to the cap of 1651 units. Christina asked about the Planning Board determination of 84 lots in Lee's Poole stating that it wasn't in the findings. Charity responded that it is in the conditions. The Board commended both the Planning Department and Lone Mountain Land staff for working together and coming up with something that everyone is agreeable to. Based on the overall development plan, Jim Hart moved to approve the Planning Board's proposed findings of fact for the Moonlight Basin Overall Development Plan 2018 Update; and to approve the Moonlight Basin Overall Development Plan 2018 Update for 1,651 residential units subject to one waiver, thirteen general ODP conditions, twenty site-specific ODP conditions, and one suggestion to the developer, with amendments as discussed. Dan Allhands seconded the motion. All voted aye and the motion carried.

Al Hendricks, Road Review Committee Chairman, met with the Board to discuss the following topics. Kathy Stone, Alder resident, was present for this portion of the meeting.

- **Follow-Up on Bertha Mill Location:** As a follow-up to the discussion in November, 2017 regarding the location of the Bertha Mill, Al presented an Addendum to the previous recommendation by the Road Review Committee regarding the status of County Road 45, commonly known as the Kennett-Bertha Road. The exact historical location of the Bertha Mill was important to pinpoint due to its mention as a reference point in the road description from the 1890's, and because its location has recently been contested by a local property owner, calling into question the ownership of the road. A site visit was conducted in July, led by long time area resident John Carey, resulting in the establishment of a GPS location of the old Bertha Mill, recorded UTM coordinates, and numerous photos of the mill site. Al reviewed maps of the area as well as the background and sequence of events in describing and establishing the road, current issues involved, and how this determination of the Bertha Mill's exact location strengthens the county road location and right-of-way.
- **Ennis/Wall Creek Road and Horse Creek Canyon Road:** Al reported that the Road Review committee was asked to look into portions of the Ennis/Wall Creek and the Horse Creek Canyon Roads after reports of locked gates and lack of access. After a field inspection in May, 2018, including several members of the Road Review Committee and the manager of the Bar 7 Ranch, the committee made a report including recommendations to the county for signs clarifying public and private property, reducing confusion for road users and protecting adjacent property owners. Al reviewed maps and details of the report. Discussion went on to include how the Road Review Committee gets its assignments, with Al pointing out that the Commissioners determine priorities, and stating that the committee can effectively work on about three projects at a time. He then presented a form for the Commissioners to use for requesting Road Review Committee projects. The Board expressed appreciation for Al's and the committee's work on these issues.

Airports: Jani Flinn, Airport Board Secretary, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Ennis Big Sky Airport – Land Acquisition Tract 4B Appraisal/ Review Appraisal:** Based on the recommendation of the Airport Board, Jim Hart moved to approve Lance Bowser, Robert Peccia & Associates, to proceed with appraisal and review appraisal on Parcel 4B adjacent to Ennis Big Sky Airport in the amounts of \$6,500 and \$3,250, respectively. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Ennis Big Sky Airport – FAA Grant Offer (AIP 3-30-0090-0020-2018 SRE/ARFF Building):** Because the agreement for the FAA Grant Offer has not yet been received, this topic was continued to later in the week.

Claims: The Board approved claims.

Bonnie O'Neill, Chief Administrative Officer, and Reagan Colyer, The Madisonian, joined the meeting at this point and were present for the remainder of the meeting.

Virginia City Runaway Truck Solution: The Board met with Jeff Ebert, Montana Department of Transportation, and those on attached list #1 to discuss a runaway truck solution for the Town of Virginia City. Jeff introduced himself and discussed accidents that have occurred in the Virginia City area due to runaway trucks and other vehicles going too fast through town. He asked those present to share their concerns. Elijah Allen, Montana Heritage Commission, stated that he was one of the first to respond to the most recent truck incident in Virginia City, noting that it went by his office at almost 100 miles per hour. He added that Virginia City is so congested, he couldn't believe nobody was hurt, and that the incident could have killed a 100 people. He contributed it, in part, to negligence of the trucking company having a young driver on the second day of the job. He discussed possible solutions such as flashing signs notifying drivers of a 3-mile hill with a 7% grade and making them aware of the run-away truck ramp, adding that drivers sometimes don't know their brakes are gone until after they pass the run-away truck ramp. He also suggested rumble strips and/or a crosswalk like the one in Nevada City and asked that all entities work as a team to prevent this from happening in the future. Roger Williams, former Town Maintenance, stated that there are dozens of incidents such as this one that never get reported to MDOT, therefore not all are being accounted for, noting he has personally witnessed several. He added that he has been a member of the fire department for many years and runaway trucks are literally their biggest concern. He discussed previous truck traps and suggested adding another one. He added that this literally could have killed hundreds of people and that a fire is guaranteed if there is a crash in town. Ray Shaw, State Representative, discussed the number of people who visit Virginia City each year and the increase in both truck traffic and tourist traffic. Elijah stated that they have had a 20% increase in visitors each year and added that the state may have property that could be gifted for use as a runaway truck ramp. Additional discussion included installing signs in a couple different languages, reducing the speed limit sooner, dropping the speed limit to 25 mph for trucks, and adding more signs. Jeff stated that a blend of traffic with two different speed limits typically does not work well and suggested getting emergency management, the Heritage Commission, and others involved. He added that if there are too many signs, people quit watching them. There was further discussion about cross-walks, rumble strips, and flashing lights. Jeff discussed a safety improvements program through his department that could help, adding that they would need the fall to do preliminary traffic counts, install cameras, etc. and that investigations may take longer. He will get started on the project and see what can be done. Roger, Elijah, and Bob Erdall left with Jeff to drive the area and discuss future meetings.

Journal Vouchers: No Journal Vouchers were available for approval.

Commissioner Jim Hart left the meeting at this point to speak with Representative Ray Shaw.

Planning Board Resignation: Following review, Dan Allhands moved to accept John Lounsbury's resignation from the Planning Board, thank him for his years of service, and advertise the vacancy. Ron Nye seconded the motion. All voted aye and the motion carried.

Trust and Agency Budgets: Vicki Tilstra, Finance Manager, presented the Alder Rural Fire Department Trust and Agency Budget to the Board for approval, and explained how the other three outstanding budgets had been resolved. After review, Dan Allhands moved to approve the remaining Trust and Agency Budgets. Ron Nye seconded the motion. All voted aye and the motion carried.

Dust Abatement Agreement: This topic was continued to the next regular Commission meeting.

Commissioner Jim Hart rejoined the meeting at this point and was present for the remainder of the meeting.

Motor Grader Repair Claim: There was no update on this topic.

Motor Grader Bid Selection: After discussion of warranty years and hours, Dan Allhands moved to select the bid for the new 2018 John Deere 772G Motor Grader for Road District 1 for the amount of \$317,065, with a trade in allowance of \$95,000 for a 2012 John Deere 772G Motor Grader, for a total purchase price of \$222,065, which includes a warranty of 7 years and 10,500 hours. Jim Hart seconded the motion. All voted aye and the motion carried.

Letter of Support for Forest Service Grazing Permitting: There was no discussion on this topic.

Property Acquisition: After some discussion regarding offers, counter offers, needs, options and timing, Jim Hart moved to forego the purchase of property until completion of the courthouse remodel project. Dan Allhands seconded the motion. All voted aye and the motion carried.

Courthouse Elevator Project: The Board reviewed the latest Courthouse elevator project estimate. Calls were made to Bill Hanson, ThinkOne Architects, and Loren Cantrell, Langlas & Associates, to discuss next steps. Both were unavailable, so the topic was continued to the next regular Commission meeting.

Administrative Building Canopies: The Board discussed the need for less costly alternatives for the Administrative Building canopies, and the topic was continued to the next regular Commission meeting.

Human Resources: Tammy Mahlstedt, Human Resource Generalist, met with the Board to discuss the following topics.

- **Resignation of Director of Emergency Management/Fire Warden:** The effective date of the resignation of Director of Emergency Management/Fire Warden was moved up to October 26, 2018. Dustin Tetrault, Director of Emergency Management, and Joe Brummell, Deputy Director of Emergency Management, were present for this portion of the meeting. The Board expressed its sincere appreciation to Dustin for his accomplishments, demeanor and abilities during his tenure on the job. Jim Hart moved to accept Dustin Tetrault's resignation as Director of Emergency Management/Fire Warden. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Authorization to Fill Director of Emergency Management/Fire Warden Position:** Tammy reviewed the Authorization to Fill Director of Emergency Management/Fire Warden Position, and Bonnie noted that the normal working hours were changed to reflect 40 hours Monday-Friday, with the exception of additional hours as required. Dustin Tetrault, Director of Emergency Management, and Joe Brummell, Deputy Director of Emergency Management, were present for this portion of the meeting. Dustin estimates field work constitutes 25-30% of this job. Should there be a gap in time after his departure and before the job is filled, Joe's hours can be increased from 24 to 40 hours per week. The Fire Warden position was discussed: it is an unpaid position, appointed by an elected official, and while it is practical to have the two positions linked together, only the Emergency Management position is required to be filled in light of Dustin's resignation. He reviewed some of the Fire Warden's duties, said he can remain the deputy Fire Warden in the county if needed or until another appointment is made, noted that Joe has been getting more familiar with these duties, and it was determined that it be dropped from the Authorization form. After discussion, Dan Allhands moved to approve the Authorization to Fill Director of Emergency Management position as presented, minus the Fire Warden position. Jim Hart seconded the motion. All voted aye and the motion carried. Tammy noted that Dustin had reviewed the job description and hadn't recommend any changes.
- **Board Leadership Training:** Tammy relayed a request to schedule another Board Leadership Training session. Vicki Tilstra, Finance Officer, and Holly Haithcox, TRMCC Interim Administrator, were present for this portion of the meeting. After discussion, Jim Hart moved to approve scheduling a Board Leadership Training class in October, 2018. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Fair Manager County Cell Phone Request:** Bonnie discussed the Fair Manager's request for a county cell phone, as she currently uses a personal cell phone for Fair business. Cost and usage needs were reviewed. After discussion, Jim Hart moved to approve authorization of a County cell phone to be used by the Fair Manager. Dan Allhands seconded the motion. All voted aye and the motion carried.

Tobacco Root Mountains Care Center Update: Holly Haithcox, TRMCC Interim Administrator, met with the Board to give an update on the Tobacco Root Mountains Care Center. Vicki Tilstra, Finance Manager, Bonnie O'Neill, Chief Administrative Officer, Darcel Vaughn, Madison Valley Manor, Reagan Colyer, The Madisonian, and Tammy Mahlstedt, Human Resource Generalist, also attended this portion of the meeting. Holly reviewed TRMCC's Ageing Report, discussing Medicare, Medicaid, VA and private pay income for the care center's

residents, as well as the state of the care center, which she said is generally doing very well and is almost full. Holly stated that TRMCC's wages are competitive and benefits are a big draw, but staffing issues with CNA's and nurses are ongoing, largely stemming from a lack of affordable housing. Further discussion included the sidewalk project and a recent conversation with Jeremiah Theys, Great West Engineering, about the pros and cons of splitting the project over two years.

Madison Valley Manor Update: Darcel Vaughn, MVM Administrator, met with the Board to give an update on the Madison Valley Manor. Vicki Tilstra, Finance Manager, Bonnie O'Neill, Chief Administrative Officer, Holly Haithcox, Tobacco Root Mountains Care Center, Reagan Colyer, The Madisonian, and Tammy Mahlstede, Human Resource Generalist, also attended this portion of the meeting. Darcel's MVM Facility Update included the recent Health Survey with zero deficiencies, current census, Aging Report details and report cleanup goals, staffing, and staff apartment rental. Darcel has been asked by the Montana Association of Counties to conduct a Medicare forum at the upcoming conference.

Consideration of Sheriff's Suspension: Chairman Ron Nye opened this portion of the meeting by reading a written statement related to the charges filed against Sheriff Roger Thompson, which included a reference to the statute regarding the suspension of a public servant; and opened the meeting to public comment. Those on attached list #2 were present for this portion of the meeting. Todd Whipple, Attorney at Law representing Sheriff Thompson, introduced himself and stated that Roger was prepared to read a brief written statement with the understanding that his assumption of innocence still maintains. The request was granted by the Board. Roger stated he has been the duly elected Sheriff in Madison County for the past three years and a sworn law officer for the past 30 years. He expressed pride in his character and sense of integrity and noted that he would like to defend himself against the allegations to the Commissioners but must first address them in a court of law. He added that the allegations, while unresolved, create a distraction in the Sheriff's Office, and therefore accepted suspension pending resolution of the matter. Mr. Whipple stated there is a question as to whether the suspension is with pay or without pay and discussed his background in law enforcement legal issues, adding that Roger is still the elected sheriff and even though he is suspended his obligations won't end. He might still be needed to answer questions, not in an official capacity but with institutional knowledge. He added when officers are suspended or accept suspension, it is customary and ordinary to suspend the officer with pay, and that benefits are also something to consider. He also added that pending the outcome of a trial, Sheriff Thompson should still receive pay. Jim Hart stated that is exactly why we're here, to decide what to do with Sheriff Thompson's pay and benefits. He discussed the obligations of the Board of Commissioners and possible options for pay during the suspension period. Chris Christensen, County Attorney, discussed the process that will be followed and the potential time frame for the case to go to trial. Jim Hart then asked for public comment. Karen McMullin, local attorney in Madison County, recommended a little bit of heart, suggesting that even if six month's pay wouldn't get him to trial, it would certainly lessen the hardship for him and his family. Mr. Whipple stated that he does not like to delay things and felt he could try this case in six months. Tom Hyndman, Mayor of Twin Bridges, stated that Roger has served them very well in Twin Bridges and tries to be as careful as he can. Becky DiGiovanna, local resident, stated that the charges cannot be taken lightly and asked if he was given paid suspension, would the money be paid back if he was found guilty? Hearing no further public comment, and considering Sheriff Thompson's acceptance of suspension, Jim Hart moved to offer three months' worth of pay with benefits. Dan Allhands seconded the motion. After further discussion, all voted aye and the motion carried.

Calendars: This topic was continued to Thursday, September 13, 2018.

At 4:50 p.m. the remainder of the meeting was continued to Thursday, September 13, 2018, at 10:30 a.m.

Thursday, September 13, 2018: The meeting was reconvened at 10:30 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Ron Nye, Chairman, Jim Hart, and Dan Allhands present. Laurie Buyan, Commissioners' Assistant, was present to take minutes. Vicki Tilstra, Finance Officer, was also present for this portion of the meeting.

Consideration of Sheriff's Suspension: The Board discussed the suspension of Sheriff Roger Thompson. After discussion, Jim Hart moved to suspend Roger Thompson pending final judgement on the

charge of official misconduct, relieving him of all duties related to his position. Dan Allhands seconded the motion. All voted aye and the motion carried.

Airport Grant Award: Following discussion and an attempt to contact Lance Bowser of Robert Peccia and Associates, Jim Hart moved to accept the grant award from the Federal Aviation Administration for Airport Improvement Program (AIP) Project Number 3-30-0090-020-2018 at the Ennis Big Sky Airport, to construct a 4000 square-foot building to house snow removal equipment, for a maximum amount of \$400,000 and to authorize signature of the grant offer subject to review by the Board of Commissioners and the County Attorney. Dan Allhands seconded the motion. All voted aye and the motion carried.

Calendars: The Board reviewed calendars.

With no further business, this portion of the meeting was adjourned at 11:00 a.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, September 25, 2018, beginning at 9:30 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana.

Ronald E. Nye, Chairman
Board of Madison County Commissioners

Date Approved: September 25, 2018

Minutes prepared by:

Jane Bacon, Commissioners' Clerk, and

Laurie Buyan, Executive Assistant to the
Madison County Board of Commissioners

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