

BOARD OF MADISON COUNTY COMMISSIONERS
September 25, 2018, Meeting Minutes

On Tuesday, September 25, 2018, a meeting of the Board of Madison County Commissioners came to order at 9:30 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. Laurie Buyan, Executive Assistant to the Madison County Board of Commissioners, and Jane Bacon, Commissioners' Clerk, were present to take minutes.

Those people in attendance at the meeting were Tammy Mahlstedde, Bonnie O'Neill, Vicki Tilstra, Van Puckett, Jani Flinn, Justin Houser, Leona Stredwick, Melissa Brummell, Chris Hunt, Dale Olson, and Dana Escott.

Randy Lowder, District 2 Commissioner Candidate, was present to observe the meeting.

Approval of Minutes: Dan Allhands moved to approve the September 11, 2018, Board of Commissioners' meeting minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried.

Human Resources: Tammy Mahlstedde, Human Resource Generalist, and Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topics. Van Puckett, Sanitarian, Chris Hunt, IT, and Vicki Tilstra, Finance, were also present for this portion of the meeting.

- **Recommendation to Hire Short-term, Full-time Records Clerk-Clerk and Recorder's Office:** Tammy presented and reviewed a memorandum regarding the clerk position in the Clerk and Recorder's Office. Based on the recommendation of the hiring committee, Dan Allhands moved to hire Ms. Elizabeth Barnett for the 90-day, short-term, full-time clerk position in the Clerk and Recorder's Office starting at 80% of the clerk pay scale. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Social Media Survey Update:** Tammy discussed an online survey that was sent to 31 people in the County, mostly department heads, and stated that they received 11 responses. She reviewed the list of questions that were sent and said they are still collecting data at this time. Additional information will be provided as they get it. There was also discussion regarding social media archiving which is scheduled to be discussed later in the meeting.
- **Authorization to Fill 90-Day, Short-term Custodian Position:** Tammy reviewed an authorization to fill form for a short-term custodial position. There was discussion regarding if there was a need to fill this position and if the authorization form could be approved in case there is a need. Following discussion, Dan Allhands moved to approve the Authorization to Fill for a 90 day, part-time, short-term custodial position pending the outcome of meeting to determine the need. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Request to Hire Sanitarian in Training:** Van Puckett, Sanitarian, presented a recommendation to hire a graduate from University of Montana-Western and former employee of the Tobacco Root Mountains Care Center, to address the unlicensed public accommodations in Madison County, initially focusing on the Big Sky area. Van stated that the proposed candidate meets the requirements for a Sanitarian-in-Training and has submitted an SIT application to the Department of Labor and Industry and that he (Van) would be the mentor for this person during the 90 day period that he would be working for Madison County. He noted that applications are typically approved in approximately 30 days and requested an October 15, 2018, hire date to allow time to prepare the necessary paperwork and schedule appointments. He added that the position would require the use of a County vehicle. Van stated that this is an opportunistic grab and discussed a possible rate of pay and the potential income for completing these inspections. There was discussion about the time involved in driving from Dillon to Big Sky and if a County car would be used for the entire trip. It was noted that the person, if selected, would be responsible to get himself to Virginia City and take a County car from there to Big Sky. It was also suggested that the position work four 10 hour

shifts and/or stay in Big Sky for a couple nights each week to minimize driving time. Jim Hart asked about the hiring process and discussed other possible options for the position. Bonnie stressed that the hiring process needs to be kept consistent and suggested that the position be advertised in the same manner as other positions. After much discussion, Jim Hart moved to approve the Authorization to Fill for a short-term, full-time Sanitarian-in-Training position and to advertise the position internally and externally. Dan Allhands seconded the motion. All voted aye and the motion carried. Dan Allhands suggested that when the new person is on board, they should stay overnight when inspecting in Big Sky to get as many as they can in one stay.

- **Employee Flu Shot County Contribution:** Bonnie discussed a proposal from the Public Health Department requesting that the County contribute to the out-of-pocket cost for flu shots for County employees. The full cost of immunizing all County employees would be approximately \$9,800. It was noted that most employees have insurance that will cover the full cost of the immunizations but they are trying to motivate those who don't have coverage. In order to offer immunizations to these individuals, the proposal would need to be offered to all employees. There was discussion regarding where the funds would come from and approximately how many employees would be affected. After much discussion, it was determined that more research would be conducted and the topic would be added to the next regular Commission meeting agenda.
- **Montana Department of Transportation 5311 and 5310 Application for Federal Transit Administration (FTA) Assistance:** Bonnie discussed a proposal to explore the options of applying for Federal Transit Administration funding to help provide transportation to Madison County residents, including the elderly and disabled. Jani Flinn, Grant Administrator, was present for this portion of the meeting. Jim Hart stated that this option has been discussed before and there was thought to be too much paperwork involved but now it seems like the only option. Tammy stated that the current quote for a bus with requested options is \$76,197 compared to around \$64,000 without the options. Bonnie stated that they had the transmission tested in the current bus and it showed no problems, so they should have time to submit a grant. She added that the county match would be approximately \$8,000 to \$10,000. Dan suggested that Jani could submit the grant and Bonnie volunteered to administer it. Jani agreed to complete the grant stating she has contacted the Department of Transportation and was told that is very easy. Tammy stated that a two-day seminar is being offered in October on the program. Following discussion, Jim Hart moved to authorize the exploration and submission of a grant application for Section 5311 and/or Section 5310 funding administered by the Montana Department of Transportation for the purchase of a Madison County transit bus; and to authorize a person to attend the two-day seminar that will provide information on the two programs, requirements, and funding availability. Dan Allhands seconded the motion. All voted aye and the motion carried.

Planning Office: Leona Stredwick, Planner I, met with the Board to discuss the following topics.

- **Loneview III (YMC) Final Plat:** Leona reviewed the Planning Staff Report for the final plat of Loneview III Subdivision. Justin Houser, Houser Engineering, was present for this portion of the meeting. The proposal is to reconfigure 165.24 acres and reduce the number of residential lots from 14 to 10 lots and reduce the number of open space lots from 7 to 6 while maintaining the same acreage of residential lot area and the same acreage of open space. The proposed subdivision is located at the end of Foxtail Pine Road and the south end of Cassiopeia Way in Yellowstone Mountain Club. A subdivision improvements agreement with a letter of credit as the financial security was also included in the proposal. There was discussion regarding the use of a bond for the financial security rather than a letter of credit. Based on the recommendation of the Planner I, Jim Hart moved to approve the subdivision improvements agreement for the road, water, sewer, demolition, dry utilities, ski bridge excavation, and construction BMP's and accept Letter of Credit #814031582-L001 from Morgan Stanley Bank for the amount of \$3,645,384.38 as the financial guarantee for the \$2,916,307.50 in improvements; and to approve the final plat of Lone View III Subdivision, Yellowstone Mountain Club, Phase 3A, in the South half of Section 36, Township 6 South, Range 2 East, PMM. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Request from Lone Mountain Land to Allow Temporary Operation of Upper Gate:** Leona discussed a request from Lone Mountain Land to extend the deadline on moving the gate at Strawberry Ridge. Leona gave a brief history on the requirement to relocate the gate, noting that a

new gate has been installed in an acceptable location and Lone Mountain Land is waiting for the power company to get power to the new gate. Lone Mountain Land is asking permission to leave the old gate in place until they get power to the new gate. There was discussion about giving them a deadline and also about the possibility of using a generator to operate the new gate until permanent power is installed. Following discussion, Dan Allhands moved to authorize a 30-day extension to Lone Mountain Land Company to get power to the new gate, or to leave the original gate open if power is not installed within 30 days, or the County will remove the original gate at Lone Mountain Land Company's expense. Jim Hart seconded the motion. All voted aye and the motion carried.

Public Health Update: This topic was moved to the next regular Commission meeting.

Chris Hunt, IT Director, met with the Board to discuss the following topics. Tammy Mahlstedt, Human Resource Generalist, was present for this portion of the meeting.

- **Security Awareness Training:** Chris discussed the recent online security training that he distributed to County employees, noting that after conducting a compliance check only about 25% were compliant. He noted that less than 25% took the password security training and that he would like to implement new rules for passwords so he can extend the timeframe for having to change passwords. He added that the biggest security risk is have people using computers without taking the classes. Laurie suggested sending out shorter trainings at closer intervals. Tammy suggested having the classes at a staff meeting and quizzing employees after the presentation. Chris stated that this idea has been tried unsuccessfully at one of the nursing homes. Dan suggested computer classes. Chris will send out surveys and work on a resolution to this issue.
- **Email Archive Server Warranty and Backup Services:** Chris reviewed a quote for the Barracuda back-up contract. He stated that this is the first year of the contract that will be an annual expense going forward. He added that the contract has three parts that are being renewed. Based on the recommendation of the IT Director, Jim Hart moved to approve the Quote Confirmation from CDWG for Barracuda Archiving for the amount of \$3,500. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Social Media:** Chris discussed a quote from Archive Social to archive anything that comes to the County via social media. This program will save everything on social media pages whether someone commented on a County page or if it was put there by someone from the County. He discussed the annual cost stating that other entities such as Search and Rescue or the Schools may want to use the service and share the cost. After much discussion, it was determined that Chris would gather more information and bring this proposal back to the Board at a later date.

Road Maintenance Agreement with Schedule A Attachment: Dale Olson, Madison District Ranger, met with the Board to discuss the Forest Service road maintenance agreement. Jim Hart stated that he reviewed the agreement and didn't notice any changes. Dale responded that there are no changes to this agreement except new dates; that it merely expired. Following discussion, Jim Hart moved to approve the Cooperative Forest Road Agreement between Madison County and the USDA Forest Service, Beaverhead-Deerlodge National Forest, dated September 25, 2018, to set forth the general terms and conditions for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain Forest Roads in Madison County, commencing as of the date of the last signature and effective through December 31, 2022, as presented. Dan Allhands seconded the motion. All voted aye and the motion carried. Dale and the Board reviewed and discussed the annual Schedule A agreement. Ron noted that he gained one road but is still missing two. He discussed Potosi Road, Hells Canyon, Boulder Lakes Road, and South Boulder. Dale stated he will look back to see what was on the old agreements. He discussed the structure of the Forest Service road crews, noting that they currently have three positions open. Dan asked about Rams Horn Road and Jim asked about South Meadow Creek Road. Dale stated that changes could be incorporated into next year's agreement if needed. Dale also noted that they are trying to get the Forest Service RAC back together so Title II money can be distributed. Dan Allhands volunteered to serve on the RAC. Following discussion, Jim Hart moved to approve Cooperative Forest Road Agreement, Schedule A, between Madison County and the Beaverhead-Deerlodge National Forest, effective for the 2018-2019 Field Season, to be revised annually. Dan Allhands seconded the motion. All voted aye and the motion carried. Dale updated the Board on other items including Kelly Ranch access across the game range; personnel changes; and feedback from the Ruby side regarding grazing. Dale

stated that he is very much in favor of grazing and is going to work to keep all those guys grazing. Before leaving Dale thanked the Board for all the help from the County, both equipment and personnel, during the fires.

RFQs for Madison Valley Manor Renovation Project: Jani Flinn, Grant Administrator, met with the Board in the place of Darcel Vaughn, Madison Valley Manor Administrator, to administer the completion of RFQ scoring worksheets for the Madison Valley Manor Renovation Project. Dana Escott, Fair Manager, and Tammy Mahlstedte, Human Resource Generalist, were present for this portion of the meeting. According to an email from Darcel, there were a total of four architectural firms that requested the complete RFQ for this project, but only one firm, SMA Architects, made a submission, and she recommends them for the job after working with SMA on a previous project. A public hearing will be held on October 24, 2018, at 6:00 p.m. in the public meeting room of the Administrative Office Building to receive public comment and create a needs assessment in line with the Community Development Block Grant (CDBG) process. After review of SMA Architect's proposal, Jim Hart moved to accept the qualifications of SMA Architects and to approve SMA's RFQ for the renovation of Madison Valley Manor, Phase 2. Dan Allhands seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

Motor Grader Repair Claim: This topic was continued to Thursday, September 27, 2018 at 10:00 a.m.

Fair Update: Dana Escott, Fair Manager, met with the Board to give an update on the Madison County Fair. Tammy Mahlstedte, Human Resource Generalist, and Jani Flinn, Grant Administrator, were present for this portion of the meeting. Items discussed included a draft profit and loss statement (the fair has grown from losing money in 2015 to making a profit), being chosen as 2018 Gold NRA Rodeo of the Year, upcoming presentation of saddle certificate to Junior Breakaway winner, NRA Bonus Bucks awarded to rodeo contestants, open class awards, restroom status, sound system/speaker repair, letters from the public, Aubrey Broksle memorial playground completion, Dana's appreciation of IT Training, security cameras, oiling of buildings, 2018-2020 event schedules, fair success indicators, and Dana's attendance at an upcoming fair conference in Billings.

Airports: Jani Flinn, Airport Board Secretary, met with the Board to discuss the following topics. Tammy Mahlstedte, Human Resource Generalist, was present for this portion of the meeting.

- **FAA Final Financial Reporting (AIP -017):** After review, Jim Hart moved to approve the FAA final Federal financial reports for the Ennis Big Sky Airport Master Plan Update AIP-017, for the period of 8/29/2016-8/22/2018. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Ennis Big Sky Airport Recommendation of Award/Action for Rebid:** Jani reviewed an email from Lance Bowser, Robert Peccia & Associates, outlining bids received for Ennis Big Sky Airport improvements. Due to what he felt were unreasonably high bid prices, he recommends not awarding the project at this time, and instead re-bidding the project after making attempts to entice new bidders. A call was made to Lance to discuss his views and how to proceed. After discussion, Jim Hart moved to reject the bids received on September 19, 2018, and to re-advertise bidding for the Ennis Big Sky improvement project, AIP 3-30-0090-020-2018. Dan Allhands seconded the motion. All voted aye and the motion carried. Lance also mentioned that the paving, maintenance and electrical work at the Twin Bridges airport is going well, and that AM Welles is a good company to work with. He also confirmed that the snowplow at Ennis airport must be housed in a shed per FAA regulations.

Grants: Jani Flinn, Grant Administrator, met with the Board to discuss the following topics. Tammy Mahlstedte, Human Resource Generalist, was present for this portion of the meeting.

- **MDT Adopt a Bridge Program – Varney Bridge:** A call came in from Lisa Roberts, Ennis Town Commissioner, regarding the proposed Varney Bridge application to the Montana Department of Transportation's Adopt a Bridge Program. After a meeting with the community and MDT, it was concluded that funding \$2.7 million is out of reach at this time, and waiting until 2019 would allow more time to develop ideas and funding for saving the bridge. After review, Jim Hart moved to approve waiting until January 1, 2019, to put the Varney Bridge on the MDT Adopt a Bridge program. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **North Willow Creek Reclamation Project Agreement:** Jani noted that the North Willow Creek Reclamation Project agreement has been signed by all other parties involved. Grizzly bear restrictions in the area will affect when the work can be done. After review, Dan Allhands moved to approve the

Agreement Regarding Remining Revenue dated September 25, 2018, between Madison County, Moen Builders, Gene Nellis and Marlene Moen. Jim Hart seconded the motion. All voted aye and the motion carried.

- **Fairgrounds Water Main Extension Project Documents:** After review, Dan Allhands moved to approve the Contract Documents for the Madison County Fairground Water Main Extension project between Madison County and Missouri River Contractors. Jim Hart seconded the motion. All voted aye and the motion carried. Dan Allhands moved to approve Change Order #1 for the Madison County Fairgrounds Water Main Extension project, reducing material costs for a reduction of \$20,295.60 from the original contract price. Jim Hart seconded the motion. All voted aye and the motion carried.
- **MDT Off-System Bridge Program Acceptance:** A notice from Montana Department of Transportation (MDT) was received stating that the Ruby River Bridge, also known as the Seyler Lane Bridge, is in the MDT Off-System funding program, and asking for a response to indicate acceptance. After review, Dan Allhands moved to approve moving forward with the MDT Off-System Bridge Program for the L29144011+00001 Ruby River bridge. Jim Hart seconded the motion. All voted aye and the motion carried.

Public Discussion on Items Not Listed on the Agenda but Within the Board's Jurisdiction:

- **Montana Department of Commerce Tourism Grant Support Letter:** A letter of support was requested by Jim Jarvis, Town of Virginia City, and is needed prior to the next regular commission meeting, for Virginia City's purchase of the parking lot in the center of town. After discussion, Dan Allhands moved to approve sending a letter to the Montana Department of Commerce supporting the grant application for the Virginia City parking lot purchase. Jim Hart seconded the motion. All voted aye and the motion carried.

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

Harrison Fire District Board Appointment: This topic was continued to the next regular Commission meeting.

Public Health Board Resignation: After review, Jim Hart moved to accept Fred Hofman's resignation from the Madison County Board of Health, and to thank him for his years of service. Dan Allhands seconded the motion. All voted aye and the motion carried.

Motor Vehicle Graveyard Grant Invoice: Following review, Dan Allhands moved to approve the FY2019 County Motor Vehicle Graveyard Grant for Madison County JV Graveyard Alder (JVCG-0030) invoice for payment to Madison County from the Department of Environmental Quality, Motor Vehicle Recycling and Disposal, in the amount of \$23,464.00. Jim Hart seconded the motion. All voted aye and the motion carried.

Consideration of Settlement Agreement with Marvin and Gladys Hansen: This topic was continued to Thursday, September 27, 2018 at 10:15 a.m.

Letter of Support for Forest Service Grazing Permitting: Following review, Dan Allhands moved to approve sending a letter of support to Sonny Perdue, Secretary of Agriculture expressing Madison County's support for the long standing grazing program on Forest Service allotments throughout Madison County. Jim Hart seconded the motion. All voted aye and the motion carried.

Public Discussion on Items Not Listed on the Agenda but Within the Board's Jurisdiction:

- **Consideration of a helipad in Virginia City:** A call was made to Jeff Ebert, Montana Department of Transportation, regarding a local fire fighter/resident's suggestion to locate a helipad in Virginia City. In light of the recent runaway truck incident, it was felt that establishing a helipad would be safer than trying to land a helicopter on a road or parking lot, should an emergency transport be needed in the future. After discussing clearance, lighting and wind, Jeff agreed to do more checking about what can be done, and to return the resident's call.

Administrative Building Canopies: The Board discussed alternatives and preferences for the Administrative Building canopies, and a call was made to Bill Hanson, ThinkOne Architects, to ask about estimates for various versions that have been presented. Bill agreed to send several renderings to Jim Jarvis, Virginia City HPAC, to see which one is most acceptable to the preservation committee, and the Board will consider proceeding with their suggested choice, as budget allows.

Courthouse Elevator Project: The Board reviewed the latest Courthouse elevator project estimate while continuing the phone call with Bill Hanson, ThinkOne Architects. Bill is ready to give pricing documents to the contractor so they can develop details, and brought up scheduling the work in order to have the least amount of impact on the court schedule.

Calendars: The Board reviewed calendars.

At 4:55 p.m., the remainder of the meeting was continued to Thursday, September 25, 2018, at 10:00 a.m.

Thursday, September 27, 2018: The meeting was reconvened on Thursday, September 27, 2018, at 10:00 a.m. in the Commissioner’s Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Ron Nye, Chairman, Jim Hart, and Dan Allhands present. Laurie Buyan, Executive Assistant to the Madison County Board of Commissioners, was present to take minutes.

Motor Grader Repair Claim: The Board contacted David Payne, Claims Administrator, and Debbie K. Messerli, Claims Adjuster, MACo Property & Casualty Trust (PCT), to discuss an insurance claim for a motor grader previously owned by Madison County. David stated that they have created a liability file and will investigate a claim that the grader was damaged between the time it was inspected and the time it was traded, noting that if a lawsuit is filed they will defend the County and cover the claim. Debbie stated that she will work with the claimant and asked the Board to send any further information they might have on the claim. She added that the bid documents will also be considered. On another note, Ron Nye asked about the claim with Mossop. David stated that he is aware of the claim but that it is being handled by another adjuster.

Consideration of Settlement Agreement with Marvin and Gladys Hansen: The Board contacted Susan Swimley, Attorney at Law, regarding a settlement agreement for property in Alder, Montana. Chris Christensen, County Attorney, was present for this portion of the meeting. Susan reviewed the agreement and discussed how the settlement will be handled. Following discussion, Dan Allhands moved to accept the Settlement Agreement and Mutual Release between Marvin F. and Gladys Hansen and Madison County, dated September 27, 2018. Jim Hart seconded the motion. All voted aye and the motion carried.

With no further business, this portion of the meeting was adjourned at 10:35 a.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, October 2, 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: October 2, 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