

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**October 27, 2020, Meeting Minutes**

On Tuesday, October 27, 2020, a meeting of the Board of Madison County Commissioners came to order at 10:00 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Chairman, Jim Hart, and Ron Nye present. Laurie Buyan, Executive Assistant to the Board of Commissioners, was present to take minutes.

Those people in attendance at the meeting were Phil Fortner, Craig Schroder, Vicki Tilstra, Bonnie O'Neill, Butch Frediani, Joe Brummell, Andy Thomas, Mike Bias, and Bob Bates. Those who attended via Webex were Jani Flinn, John Malovich, Chris Gentry, Carmin Hill, Janie Alt, Kathy Barnes, Kacey Smart, Lisa Stapp, Margie Edsall, Michelle Schriock, Bob Bates, Kindra Todd, Abby Thomas, Abby Lee, Cindy Gockel, Lynda Holt, Tommy Luksha, and Richard Gockel. Lance Bowser participated in the meeting by telephone. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection.

**Approval of Minutes:** Approval of minutes was continued to Friday, October 30, 2020, at 2:30 p.m.

**Sheriff's Office Staffing:** Phil Fortner, Sheriff, and Craig Schroder, Under-Sheriff, met with the Board to discuss staffing for the Sheriff's Office. Bonnie O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting. Phil stated that the number of calls that the Sheriff's Office has had since spring has been through the roof which has really taxed the department and they are having a hard time meeting the needs of the County. He added that due to COVID, the number of transports has actually gone down but that the number of arrests has been higher than normal. He stated they are having a hard time keeping enough deputies on hand to respond to the number of calls, and at the same time trying to get prisoners to the detention centers. He distributed information showing the increase in calls, increase in arrests, and the resulting increase in overtime hours. He noted that they have had approximately 5900 calls this year, which is already more than last year's total. He added that they have already paid around \$50,000 in overtime in this fiscal year. He stated that they need four deputies on shift per night, two for each side of the County, and additional officers for transporting prisoners. They could easily use 4 more deputies but would like to get at least one or two on board before the end of the fiscal year. There was discussion about this increasing the need for additional vehicles, the current cost of Sheriff vehicles, and the cost of outfitting the vehicle and officers. Phil discussed the training process and how long it takes to get an officer fully trained, noting that it would be at least July before an officer could go out on his own. Dan stated that adding more officers is basically putting a band-aid on the issue and discussed the need for a place to keep prisoners in the County which would quit eating up officer time. He added that it might not be too long before we have no place to put them. Phil agreed noting that we are not prepared for that to happen. There was more discussion about the current number of officers, the cost of adding officers between now and the end of the fiscal year, and where the majority of calls are coming from. Ron Nye stated that it's obvious that more help is needed. Dan Allhands agreed, stating something has to be addressed. Following much discussion, Ron Nye moved to authorize the Sheriff to begin the process of advertising for two new officers. Jim Hart seconded the motion. All voted aye and the motion carried. Bonnie asked if that included completing an Authorization to Fill. The Board indicated that it did. Kathy Barnes, who was participating via Webex, noted that they still have a copy of the original plans for a Law and Justice Center if anyone would like to see them.

**COVID-19 Update:** Joe Brummell, DES, updated the Board on the status of the COVID-19 pandemic. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Joe stated that there's not much good news, adding that last week there were 33 new positive cases in Madison County which bring us up to 165 confirmed positive cases, 22 of which are currently active, 142 have recovered, and there is one current hospitalization. The state hit a few single-week records not only with the number of cases but also with fatalities with 51 in the past week. There are currently 28,501 confirmed positive cases in the state, with 303 fatalities, and 360 active hospitalizations. 18,343 have recovered and a total of

476,325 have been tested. He added that the U.S. and worldwide cases have increased as well. Joe reviewed statistics of other states where new cases are higher, showing new cases per 100,000, and noted that Montana is fourth in the nation right now. He reviewed maps showing current cases, cumulative cases, and hospital bed capacity in the state. He also noted that the state has taken legal action on businesses in several areas that are not enforcing the mask mandate. Yellowstone County has prohibited events of 25 people or more. The Montana National Guard has been deployed to assist at the State Prison in Deer Lodge, and a Whitefish Care and Rehabilitation Center is being sued for negligence in COVID-19 fatalities. Joe reviewed numbers in County schools, statewide testing numbers, and activities of the incident command team. He also reviewed current and predicted weather and stated that there is still a little activity on the Lobo Mesa fire, so that won't be closed yet, and that there was a structure fire in Pony that was a total loss, but that two of the six fire districts opted to open their open burning. Cindy Gockel, who was present via Webex, asked that with cases going up, if there has been any consideration of reducing the size of groups, increasing the restrictions. Joe responded that Madison County is one of the first to take that number down to fifty and as far as reducing it any further, it would be something that Board of Health would need to discuss. It was noted that this is the jurisdiction of the Board of Health.

**Claims:** The Board approved claims.

**Items not Listed on the Agenda but Within the Board's Jurisdiction:** Andy Thomas, Virginia City resident, met with the Board to discuss another run-in he had regarding County Road 71. He stated that Deputy Sheriff Marsh told him that the road is not listed as a County road on the road atlas produced by Madison County. He stated that right now he is invested in the process, adding that the maps are grossly inaccurate and asked who prepares the book of road maps and who reviews and edits it. He asked what it would take to get County Road 71 into the book. Dan Allhands stated that GIS is aware that there are some issues with the road atlas and is behind but working on it. Andy asked if the Board could intervene, stating that this is a situation that will probably come up again. Dan agreed that this type of thing is an issue and that he had received a call about new landowners putting barbwire across a County road. He also discussed the recent relocation of a portion of the Axolotl Lakes Road. Andy stated that he has been unable to find any public records that County Road 71 has been changed except a letter from former Commissioner David Schulz giving his opinion about the status of the road. There was discussion about the process of opening or closing a County road and Andy stated that in this case the landowner continues to harass him and has filed charges for trespassing. He asked if the road could revert back to its original status until this situation is settled, adding that in the meantime he is being denied access to a petitioned, established, public road and that his recourse could be to seek help from a land access group. He stated that he believes the Board of Commissioners has the authority to declare that a road is a County road. It was noted that the Board will have a telephone conference with an attorney who is working with them on road issues. Andy stated he would like to come back and discuss the topic further and asked the Board to use their authority to make an amendment to the County road atlas. There was further discussion about the atlas. Dan Allhands stated that the atlas does show the road but only going to the house.

Bob Bates, Safety Coordinator, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Assistant, was present for this portion of the meeting.

- **Monthly Safety Report:** Bob presented and reviewed the Safety report for the month of September, listing various items he has been involved in and meetings he has attended. He noted that he had to get tested and worked from home for a while. He also discussed duties related to the Coronavirus and noted that he has been assisting in the Finance Office and put in approximately 62 hours in September. He discussed hand sanitizing stations that have been mounted, with more on the way; and that he has had no inspections in September but has 19 of 46 completed, so is 42% complete. He also discussed CPR training that has been completed for fire departments.
- **Automated External Defibrillators:** Bob discussed AEDs and distributed an inventory of what is currently on hand. He noted that Sheriff Fortner got new defibrillators through a grant and gave Bob 10 used ones, including batteries and some spare batteries to go with them. He reviewed the list of where they are currently located and asked where the Board would like him to put these. The Board suggested locations such as the library, road shops, additional locations at the fairgrounds. Ron stated he will suggest it to the Senior Citizens' Advisory Board. There was further discussion

on the lifespan of the batteries and a possible training on how to use them. Tommy Luksha, who was participating in the meeting via Webex, asked the Board to please consider the libraries, townhalls and other government buildings, the senior bus, and senior centers. He also asked for a completed list of the locations for the GIS Department.

**Sand/Salt Agreement with Daems:** Jim Hart presented an agreement for a place to store a sand/salt mixture, noting that he is ready to send a check for \$1,500. Following review, Jim Hart moved to approve the Land Lease Agreement, dated October 15, 2020, between Allen Daems and Madison County for the use of the Daems property to stockpile sand/salt from October 15, 2020, to October 14, 2021, for the amount of \$1,500. Ron Nye seconded the motion. All voted aye and the motion carried.

**Items not Listed on the Agenda but Within the Board's Jurisdiction:** Andy Thomas, Virginia City resident, again met with the Board to continue the discussion about County Road #71. He asked what authority the Board has if a landowner encroaches on a County road. Jim Hart responded that there are statutes that allow the County to remove the encroachments. Andy stated that he feels he has done nothing wrong, that the landowner is encroaching on County property by putting a locked gate on a road that has been there since 1871, and that he (Andy) is the one burdened with criminal trespass and there has been no public process to vacate or abandon the road. He added that both the Sheriff and Fish, Wildlife and Parks were going to issue him a citation before they heard his side of the story. He also added that the landowner knew the road went through the property when he bought it and the gate was never locked until he bought it. He stated that if people like him don't do something about it, we will lose our public access. Following much discussion, Dan stated that until they get legal advice from their attorney, the Board can't answer his questions. In closing, Andy thanked the Board for listening and requested being a part of any public meeting and getting any information that comes from a closed meeting about this road.

Jani Flinn, Airport Board Secretary, met with the Board to discuss the following airport items. Lance Bowser, Robert Peccia and Associates, participated in the meeting by telephone. Bonnie O'Neill, Chief Administrative Assistant, and Bob Bates, Safety Coordinator, were present for this portion of the meeting.

- **Ennis Big Sky Airport-Change Order #2:** Lance explained that Change Order #2 involves the second through the fence agreement. He stated the contractor is requesting \$32,142 for changing the gate from 40' to 60', adding that the landowner, Tony Cruse, would reimburse Madison County for the original unit bid price increase. Lance said that he did not prepare a change order because he would like to check with local contractors to see if there is one that could do it for less. The project would consist of ripping out old posts and concrete, putting up new posts, and mounting the new gates. The rest would be mark up and labor. He reminded the Board that this is not an FAA reimbursable expense. Dan Allhands asked if there would be more of these change orders. Lance replied that there shouldn't be because none of the other locations are being utilized. The Board agreed that Lance should contact local contractors and gave him several names of possible contractors. There was also discussion about the grand opening celebration at the airport.
- **Tisler Lot 22B Through the Fence Agreement:** Lance discussed a request from Joseph W. Tisler for a Through the Fence access agreement. He stated that currently there is no reason for the agreement. There is nothing on the property, no hangar, and no verification that they have an active aircraft. There was discussion about the FAA Through the Fence agreement, which the FAA can discontinue, and the possibility of discussing the agreement with the Airport Board. It was agreed to continue this topic until after the next Airport Board meeting to get their input.

**Request for Additional Hours for Fairgrounds Manger:** Bonnie O'Neill, Human Resources, met with the Board to discuss additional hours for the Fairgrounds Manager. Vicki Tilstra, Finance Officer, and Bob Bates, Safety Coordinator, were present for this portion of the meeting. Dana Escott, Fairgrounds Manager, participated in this portion of the meeting via telephone. Bonnie distributed and reviewed information related to Dana's request to work an additional 5 hours per week, for a total of 30 hours per week, during the months of October 2020 through March 2021, to clean fairgrounds buildings and bathrooms after public events. The additional cost for these hours would be approximately \$6,216 for wages, and an additional \$8,700 in benefits, for an approximate total of \$14,900. Bonnie also provided a list of events that are scheduled in the fairgrounds buildings in 2020 and 2021. There was discussion about the amount of deposit required to use a building. Dana indicated that the amount is \$500 but that the deposit is very

seldom kept. Dana explained that due to COVID, groups that used to hold meetings in other places such as churches, schools, etc. are now using the fairgrounds to accomplish social distancing. Bob stated that surfaces may stay infected up to seven days and if there are meetings more often than that, the surfaces need to be disinfected. There was discussion about giving people the disinfectant and asking them to use it. Bob noted that it is the responsibility of the owner to make sure disinfecting is done properly. Dana agreed. There was discussion about having a department head do this type of work rather than hiring a contractor and where the amount of five hours comes from. Dana stated that it could be less than five, depending on the event. After much discussion, it was decided to put the topic back on the next regular Commission Meeting agenda to give the Board more time to look over the information.

**Letter of Support for Madison River Regulations:** The Board discussed proposed Madison River regulations that are being considered by the Department of Fish, Wildlife, and Parks (FWP). Mike Bias, Executive Director of the Fishing Outfitters Association of Montana, was present for this portion of the meeting. Jim Hart stated that he has talked with Chris Gentry, Ennis Merchant, about a FWP plan to regulate guides on the Madison River, adding that so far this is the only group that is to be regulated. He noted that about 15% of the traffic on the river is guided trips, the other is general public. A local group has encouraged FWP not to concentrate on guides, that there are other possible options for regulations. Most generally agree that there should be regulations on the river but not only on fishing guides. He added that the Board was asked to write a letter in favor of regulations but not limited to guides. He discussed a draft letter that was provided to the Board and whether or not it was something the Board wants to step into. He added that he felt it was something that is important to the Madison Valley and the entire County and feels comfortable stepping into it and to encourage FWP to re-evaluate what they might be regulating. Dan Allhands agreed, noting that he has concerns about the FWP process, feels that this could set a precedence, and has concerns about singling out one group. Mike Bias introduced himself, stating that his group offered the draft plan to FWP and has been working with FWP for several years. He stated that they represent over 800 members, representing 350 outfitters and 500 guides across Montana, and also representing 75% of the special permit holders on the Madison River. He gave a background of the group's activities on helping to develop a recreational use management plan rather than having one implemented, and discussed the possibility of using a river use stamp to help garner data on the non-commercial use on the river. He asked that if the Commissioners weigh in, to support the process and allow public comment to proceed and encourage FWP to create a responsible recreation use plan. He added that the comment period closes on Friday, October 30, 2020. Dan Allhands noted that due to the election, there could be a change in the administration. He urged them not to get in a hurry to complete the process. Mike responded that the process has been in the works since 2017. There was further discussion about the approval process and how to find information on the plan. Chris Gentry, who was participating via Webex, stated that they are in favor of regulating the river to protect it, and they are not asking FWP to completely stop, noting that there are problems with the current proposal because it only regulates 15% of the users that are a strong economic driver in the area and they need to capture the other 85% of the users. She stated there are things that need to be done before the process is completed and asked the Board to look at the greater good of what's being done here. She added that this plan would be used as a format for all rivers across the state and it has to be done right and asked the Board to help support the outfitters and the way of life in the Madison Valley. There was discussion about the specific group that is proposing the regulations. It was noted that their stance is not in line with state and national Trout Unlimited. After much discussion, the topic was continued to Friday, October 30, 2020.

At this point, this discussion was continued to Friday, October 30, 2020, at 2:00 p.m.

**Acceptance of Intercap Loan Funds.** Vicki Tilstra, Finance Officer, met with the Board to discuss the approval of an Intercap loan that was applied for by the County to make repairs to the Jack Creek Road and the Fish Hatchery Road. Vicki stated there is nothing to sign and that we need to let them know when we want the money, adding that we don't want to pay interest until we have to. There was discussion about paving or millings on Fish Hatchery Road and the possibility of piggy-backing with a contractor when the Montana Department of Transportation has a project in this area. Vicki asked about the Jack Creek Road project. Jim stated that it could start as early as May. There was discussion about the term of the loan. The loan is approved for up to \$1,500,000 for 7 years. The term sheet was issued on October 13, 2020, and is valid through October 13, 2021.

**Letter of Support for Tourism Infrastructure Grant Application for Madison Meadows Golf Course:**

Jim Hart presented a letter in support of a grant for the golf course. Following discussion, Jim Hart moved to approve the letter of support for a tourism grant to renovate a damaged fairway at the Madison Meadows Golf Course in Ennis. Ron Nye seconded the motion. All voted aye and the motion carried.

**Montana Engineering Excellence Award Nomination:** Following review, Jim Hart moved to approve the Official Entry form for 2021 ACEC-Montana Engineering Excellence Award, entering Great West Engineering for their work on Madison Valley Bridges – Blaine Spring Creek and Varney Bridges. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart also moved to approve a letter of support to the ACEC-Montana Engineering Excellence Committee supporting the Great West Engineering nomination. Ron Nye seconded the motion. All voted aye and the motion carried.

**Plan of Operations for Four Opencut Mining Sites (Great West Engineering):** The Board reviewed Opencut Mining Plan of Operations applications for four gravel pits in Madison County. Following review and discussion, Ron Nye moved to approve applications for the Guinnane Pit, the Sauerbier Pit, the Oxbow Pit, and the Boyd Pit as prepared by Great West Engineering for Road District #1. Jim Hart seconded the motion. All voted aye and the motion carried.

**Cliff and Wade Lake Road Gravel Surface Preservation Project – Draft MOA:** The Board reviewed and discussed a memorandum of agreement for the Cliff and Wade Lakes Road project. Jani Flinn, Grant Administrator, participated in this portion of the meeting by Webex. Jani pointed out that on page 6, the road design standards called for asphalt and suggested that portion of the agreement be corrected. Jeremiah Theys, Great West Engineering, participated in the meeting via telephone. He stated that he went through the agreement in detail and made several changes. He also took a shot at filling in the highlighted areas. There was also discussion about the correct mileage of the road. Jeremiah stated he will re-check the mileage and get the information to Jim Hart. He suggested accepting the changes in the current draft and approve the official MOA when it’s returned to the County. Following discussion, Jim Hart moved to accept the current corrections in the Federal Lands Access Program Project Memorandum of Agreement for the Cliff and Wade Lake Road project. Ron Nye seconded the motion. All voted aye and the motion carried.

**Calendars:** The Board reviewed calendars.

With no further business, the meeting was adjourned at 3:52 p.m.

**Next meeting:** Because Tuesday, November 3, 2020, is Election Day and the Courthouse is closed, the next regular Commission meeting will be held on Tuesday, November 10, 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: November 17, 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