

BOARD OF MADISON COUNTY COMMISSIONERS
October 29, 2019, Meeting Minutes

On Tuesday, October 29, 2019, a meeting of the Board of Madison County Commissioners came to order at 9:45 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands and Jim Hart present. Chairman Ron Nye was absent for personal reasons. Dan Allhands conducted the meeting as Vice-Chair. Laurie Buyan, Executive Assistant to the Madison County Board of Commissioners, was present to take minutes.

Those people in attendance at the meeting were Cody Marxer, Dale Olson, Vicki Tilstra, Bonnie O'Neill, Kathleen Mumme, Tammy Mahlstede, Bob Bates, Phil Fortner, Mark Brooks, Ellis Thompson, Kathy Stone, and Tommy Luksha.

Approval of Minutes: Jim Hart moved to approve the October 15, 2019, Board of Commissioners meeting minutes as presented. Dan Allhands seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve the December 5, 2018, Madison-Gallatin Joint Commission meeting minutes as presented. Dan Allhands seconded the motion. All voted aye and the motion carried.

Resolution of Road Naming – Dead Gopher Drive: Cody Marxer, Planning Technician, presented the Board with a proposed resolution to name an unnamed driveway in Madison County. Cody stated that the owner is adding four fuselage cabins on the property and that the driveway will be entirely on the property. He submitted three choices and both GIS and Dispatch were okay with the first choice. Based on the recommendation of the Planning Technician, Jim Hart moved to approve Resolution 53-2019, a resolution naming an unnamed driveway Dead Gopher Lane. Dan Allhands seconded the motion. All voted aye and the motion carried.

Land and Water Conservation Support Letter for West Fork Property: Dale Olson, Madison Ranger, US Forest Service, met with the Board to discuss a letter of support for the potential purchase of West Fork Stock Association In-Holdings. Dale explained the purchase would involve the Nature Conservancy, the Greater Yellowstone Coalition, and the National Wildlife Association, who would request funds from the Land and Water Conservation Fund (LWCF) for the purchase. He noted that if the purchase is successful, the property would become Federal Land. He added that a support letter is an important part of the process. Dan Allhands stated that he hates seeing the Federal Government end up with private land, noting that currently there is access to the property by side-by-sides and SUVs, and questioned if that access would remain. He also asked what would happen to the grazing permits. There was discussion regarding retiring the permit or letting the permit out to someone else. Dale stated that wildlife organizations have purchased permits in the past with the intent of retiring them, but added that they would be required to manage the permit in the same manner as any other permittee giving details on these requirements. Dale stated that this is good grazing land, that there is no logical reason to retire the permit, and that he fully anticipates that cattle grazing would still be permitted there. Dan noted that for this type of purchase, there must be a willing seller and that because of an over-zealous judge leaving grizzlies on the endangered species list, the bears are over aggressive and can't be managed. He added that losing 1,300 head of cattle on this permit would have an effect on the local economy, with the potential of that income rolling over seven times in the local communities. He asked for guarantees that the permits won't go away, noting that the Forest Service's record on management hasn't been too great in the recent past. Dale discussed the Forest Service Travel Plan that is currently in place and the process that would have to take place before it could be changed, adding that he would be real surprised if the Travel Plan were changed. He discussed the need for more presence from Wildlife Services and stated that they need the flexibility/authority to quickly remove problem bears that are threatening people and wildlife. After much discussion, this topic was continued to Wednesday, October 30, 2019, when Jim Hart and Dan Allhands would travel to Ennis to meet with Dale Olson at the Madison Ranger Station.

Finance Office: Vicki Tilstra, Finance Officer, and Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topics. Kathleen Mumme, Clerk and Recorder, was present for this portion of the meeting.

- **Financial Status of Nursing Homes and Fund Raising:** Vicki presented the Board with the current budget status for the nursing homes, noting that the Madison Valley Manor is up approximately \$100,000 and that the Tobacco Root Mountains Care Center is down about \$78,000 compared to this time last year. She stated that the Nursing Homes Foundation was going to hire a grant writer to help with fundraising for the CDBG project but has decided that they would purchase one piece of equipment in lieu of hiring a fundraiser. Vicki suggested that the County hire the fundraiser on a short-term basis, noting that she has talked to the potential candidate who feels it would be easier to generate funds for remodeling the kitchen than it would be to generate funds for a generator or boiler. There was discussion about staff input on the kitchen remodel and the possibility of changing the scope of work for the CDBG Grant. Following discussion, Jim Hart moved to contract with Nondi Harrington to assist in fundraising for the kitchen remodel at the Madison Valley Manor in Ennis, Montana, for an amount up to \$25,000. Dan Allhands seconded the motion. All voted aye and the motion carried. Bonnie stated that she has talked to Craig Erickson, Great West Engineering, who was fairly positive that the scope of the CDBG grant could be changed.
- **Scope Modification Request CDBG Grant:** This topic was continued to the next regular Commission meeting.

Tammy Mahlstedde, Human Resource Generalist, and Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topics. Vicki Tilstra, Finance Officer, and Kathleen Mumme, Clerk and Recorder were present for this portion of the meeting.

- **Interim Nursing Home Administrator:** Bonnie presented and read a memorandum advising the Board that Mr. Kent Hanawalt has been employed as the Interim Nursing Home Administrator for both County nursing homes beginning on October 28, 2019. It was noted that he has more than 20 years' experience working as an administrator in long-term care and has a termination clause of one-week notice in his employment agreement with Madison County. When asked, Bonnie stated that he is a traveler and will be paid \$75.00 per hour, plus housing, travel, and meals.
- **Exempt Employee Work Hours:** Bonnie presented and read a memorandum related to exempt employee work hours. She stated that a request is being made for consideration to allow current exempt employees to: 1) accrue compensatory time for hours worked in excess of 40 hours during a work week; or 2) have hours that fluctuate from week to week with the understanding that he will receive a fixed amount as straight time pay for whatever hours he is called upon to work. Bonnie stated that the County currently has eight exempt employees, whom she listed, and that she contacted McKenzie McCarthy, MACo General Council, who advised her that it's up to the Commissioners how they want to handle it. She provided a copy of MCA 7-5-2108 which states: all full-time salaried county employees shall work a minimum of 40 hours per week; and a copy of 24.16.2512 ARM, which gives the latitude to fluctuate hours from week to week. She also noted that the two employees that who were recently made exempt both received letters saying they are expected to work a minimum of 40 hours per week. Vicki stated that she doesn't keep track of her hours and didn't feel the intent was to work more hours one week and less the next. Bonnie added that she knows Vicki works a minimum of 50 hours per week. Considering the request of the two possibilities, Jim Hart moved to remain with the current practice of giving exempt employees no added compensation for hours worked over 40 hours per week. Dan Allhands seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

Tax Appeal Board Appointment: Following discussion, Jim Hart moved to appoint Kristi Millhouse of Twin Bridges to the County Tax Appeal Board to fulfill a three year term that will expire on December 31, 2021. Dan Allhands seconded the motion. All voted aye and the motion carried.

Inmate Excess Medical Insurance Program Renewal: The Board reviewed the renewal for the Inmate Excess Medical Insurance Program. Phil Fortner, Sheriff, was present for this portion of the meeting and

indicated that he would like the program renewed in the capacity as previous years. Following review, Jim Hart moved to approve the 2019-2020 Agreement for Inmate Excess Medical Insurance and/or Claims Administration Management to include the basic coverage and coverage for treatment of mental or nervous disorders. Dan Allhands seconded the motion. All voted aye and the motion carried.

Sheriff's Office Remediation: Bob Bates, Safety Coordinator, met with the Board to discuss mold remediation in the Sheriff's Office. Bonnie O'Neill, Chief Administrative Officer, Phil Fortner, Sheriff, Mark Brooks, Detention Officer, Vicki Tilstra, Finance Officer, and Tammy Mahlstede, Human Resource Generalist, were present for this portion of the meeting. Because there were references to personal information, this portion of the meeting was closed to the public. After the meeting was re-opened, there was discussion regarding computer issues in the Sheriff's Department.

Public Discussion and/or Comments on Items Not Listed on the Agenda but Within the Board's Jurisdiction: Ellis Thompson, Virginia City Resident, met with the Board to discuss road issues. Kathy Stone, Alder Resident, and Tommy Luksha, GIS, were present for this portion of the meeting. Eli discussed membership on the Road Review Committee and asked if any applications have been received. It was noted that there have not been any. Eli discussed the Adobe Town Road, the Granite Creek Road, and the Bertha-Kennett Road, noting that he has not seen anything in the minutes showing that the Board accepted the Road Review Committee's recommendation for the Bertha-Kennett Road. There was discussion about the petition process when roads are moved or changed and the fact that there is again a lock on the Bertha-Kennett Road but that it is farther down this time. He stated that the Board needs to follow up on the Bertha-Kennett Road, the Adobe Town Road, and the Mammoth Road. He added that if you stop them now, you'll have less problems in the long run. Eli will schedule an appointment for the next Commission meeting to further discuss these road issues.

The Board discussed the following Airport topics.

- **Ennis Big Sky Airport AIP 3-30-0090-019-2017 – Task Order #1A – Environmental Assessment (Amended):** Following review, Jim Hart moved to approve Task Order Number One (Amended) Agreement to Furnish Engineering Services to Madison County for the Ennis-Big Sky Airport Environmental Assessment – Amended, from Robert Peccia and Associates, amending the Ennis Big Sky Airport Improvements Environmental Assessment, dated October 3, 2017. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Ennis Big Sky Airport AIP 3-30-0090-019-2017 – Record of Engineering Selection and Contract Negotiations:** Following discussion, Jim Hart moved to approve the Record of Engineering Selection and Contract Negotiations for the Ennis Big Sky Airport Improvements Project # AIP 3-30-0090-019-2017. Dan Allhands seconded the motion. All voted aye and the motion carried.

Sheridan USDA Service Center Lease – Search and Rescue Building: Following review, Jim Hart moved to approve the General Services Administration Public Buildings Service Lease Agreement, Amendment #5, to Lease Number 57-0325-06-005, between Madison County, for the benefit of Ruby Valley Search and Rescue, and the United States of America, extending the lease period from December 13, 2019, to December 31, 2022, for the annual amount of \$23,888 payable at the rate of \$1,990.67 per month, representing \$16.00 per square foot for 1,493 rentable square feet in arrears. Dan Allhands seconded the motion. All voted aye and the motion carried.

Additional Members to the Madison County Interdisciplinary Child Information and School Safety Team: This item was continued to the next regular Commission meeting.

FLAP Project MOU for Cliff, Wade, and Horn Creek Road: This item was continued to the next regular Commission meeting.

Purchase of Belly Dump and Pup – Road District 1: Dan Allhands, District 1 Road Supervisor, informed the Board that Road District 1 has purchased a used belly-dump trailer and a used pup trailer to be used by the extra person in the road department.

Resolution Adopting Per Diem and Lodging Rates: Jim Hart left the meeting at this point for a short period of time. When he returned, he stated that he had talked to Vicki Tilstra, Finance Officer, about the proposed resolution and had contacted Eric Bryson, MACo Executive Director, about the proposed resolution. Eric will send examples of resolutions from other counties related to per diem meal and lodging rates.

Airports – Tract 4B Land Acquisition Closeout: Per request from Lance Bowser, Robert Peccia and Associates, Jim Hart moved to approve extending the closing date for Lot 4B of Shining Mountains Air Park to on or before December 16, 2019. Dan Allhands seconded the motion. All voted aye and the motion carried.

Calendars: The Board reviewed calendars.

With no further business, the meeting was adjourned at 3:15 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, November 5, 2019, 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: November 5, 2019
Minutes prepared by:

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

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