

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**January 19, 2021, Meeting Minutes**

On Tuesday, January 19, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:32 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. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Joe Brummell, Bonnie O'Neill, Paula McKenzie, Jani Flinn, Laurie Buyan, Ellis (Eli) Thompson, Pam Walling, Joanne Romasko, Jayne Forsythe, Tony Forsythe, Vicki Tilstra, Kacey Smart, and Dave Baldwin. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection. Those who attended via Webex or by phone included Melissa Brummell, Abbi Lee, Dale Grose, Janie Alt, Carmin Hill, Kathy Barnes, Keely Larson, Kindra Todd, Levi Simonson, Michelle Schriock, Lynda Holt, Bob Bates, Van Puckett, Craig Erickson, Becky Larson, Gail Nelson, Allison Veland, Britani Allhands, Tommy Luksha, Pam Birkeland, Steve McNeece, Erin Covas, Justin Ekwall, Chad Tree, Jolene Palmer, Jeff LeVeque, Mark Brook, Bill Hansen, and several unidentifiable Webex attendees.

**Approval of Minutes:** Following review, Ron Nye moved to approve the December 15, 2020, Board of Commissioners' meeting minutes as presented. Jim Hart seconded the motion. All voted aye and the motion carried.

**Public Health Office/DES – COVID-19 Update:** Joe Brummell, DES, and Melissa Brummell, Public Health Nurse (via Webex) met with the Board to present a COVID-19 update. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Melissa reviewed the latest COVID figures for the County. There are 607 confirmed positive cases – an increase of 49 since last week – with 66 currently active, 2 active hospitalizations for a total of 37 so far, 538 people have recovered, and fatalities have increased to six. The State has had 89,576 positive cases, 1,093 fatalities, and has 169 active hospitalizations. Confirmed cases for the U.S. are up to 24.1 million, and the death toll is now 399,000. In reviewing Montana's Active Case map by county, Melissa noted that Madison County is one of the lower-density counties with a high active case count. Additional maps by county included cumulative cases, and hospital bed capacity, which is a little better than last week. She reviewed local schools – Sheridan and Harrison have no active cases; Ennis and Twin Bridges do have cases and are working with Public Health. Melissa said she has a meeting today with both hospitals so they can solidify public messaging and plans for the COVID vaccine, they are getting multiple inquiries each day, and she wants to get messages out on Facebook and other information sites. Joe reviewed upcoming meetings and activities and discussed a hazardous materials situation in Jefferson County. The conversation returned to COVID vaccines, Joe said most counties are in a holding pattern waiting to receive more doses, and noted that first responders who were offered vaccines in the first phase all chose to be vaccinated. Melissa discussed hospital vaccine supplies and orders, and said Public Health is assisting with staffing for COVID vaccine clinics. Joe discussed upcoming weather conditions, noted the appearance of the first calf he's seen, and reviewed drought, snowpack, and ice jam conditions.

**Claims:** The Board approved claims.

**Public Administrator Vacancy:** Dan read the notice stating that the Board of Commissioners is accepting applications for the Public Administrator position which administers the estates of decedents in the County for which no administrators are appointed. Interested parties should contact the Commissioner's office for more information.

**Mental Health LAC Appointments:** Following review and based on the recommendation of the Mental Health Local Advisory Council, Jim Hart moved to appoint Debbie Dillard to the Mental Health LAC for the remainder of a four year term that will expire on December 31, 2022, Heidi Wilson for the remainder of a four year term that will expire on December 31, 2023, and Esther Lince for a four year term that will expire

on December 31, 2024. Ron Nye seconded the motion. All voted aye and the motion carried. A fourth application was continued to the next regular Commission meeting pending further review by the Council.

**Advisory Board Renewals Advisory Board Non-Renewals:** There was no discussion on this topic.

**Amendment to 2021 Snow Removal Contract – Ousel Falls RID:** The Board discussed an amendment to the Ousel Falls RID snow removal contract for 2021. Paula McKenzie, Clerk and Recorder, and Bonnie O’Neill, Chief Administrative Officer, were present for this portion of the meeting. Jim reviewed the reasons for the increase, the cost split with Gallatin County, and Madison County’s \$4,600 portion. Following discussion, Jim Hart moved to approve the Amendment to Agreement for Services with MG Contractors LLC, Sam Miller, for snow removal within the Ousel Falls RID in Big Sky for an additional \$10,000, making the total shared amount between Gallatin and Madison Counties \$65,175. Ron Nye seconded the motion. All voted aye and the motion carried. The Board agreed they would like to see an itemization for the additional hours and added cost, and Jim said he would ask.

**Clerk and Recorder:** Paula McKenzie, Clerk and Recorder, met with the Board to discuss the following topics. Bonnie O’Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Notification of Hiring Records Clerk:** Paula informed the Board that the Records Clerk position in the Clerk and Recorder’s office has been offered to Pamela Ward, who is scheduled to start the job on February 1, 2021.
- **Recognition Plaque (not on Agenda):** Paula mentioned the existence of a plaque that was purchased with funds collected after the passing of Peggy Kaatz Stemler, in recognition of her tenure as Madison County’s longest-running Clerk and Recorder. Discussion ensued about the best place to hang the plaque, and all agreed that the Administrative Office Building lobby would be a good location with plenty of public view.

**Grants:** Jani Flinn, Grant Administrator, met with the Board to discuss the following topic.

- **TSEP Planning Grant Draw Request (Bridge PER):** Jani explained that the TSEP Planning Grant draw request is for the first half of the Preliminary Engineering Report (PER) that was done for Jack Creek. Jim noted that the bridge project is scheduled to be heard in the Montana legislative session tomorrow morning, and he will be in on the call with prepared talking points. Discussion included the number of County bridges that have benefitted from the TSEP program over the last 20 years, the Governor’s budget, and Jani said the amount spent for this PER can be reimbursed. Considering the information from the Grant Administrator and Great West Engineering, Jim Hart moved to approve the Treasure State Endowment Program (TSEP) Request for Funds Form for Infrastructure Planning Grants, Jack Creek, in the amount of \$14,998.59. Ron Nye seconded the motion. All voted aye and the motion carried.

**Great West Engineering:** Craig Erickson, Great West Engineering, and Becky Lawson, SMA Architects, met with the Board via Webex to discuss the following topics. Jani Flinn, Grant Administrator, and Bonnie O’Neill, Chief Administrative Officer, were present for this portion of the meeting.

- **CDBG Planning Grant for Tobacco Root Mountains Care Center (TRMCC):** Craig congratulated the County on being awarded a \$25,000 CDBG Planning Grant for TRMCC, and said the next step is to procure a Montana-licensed architect to prepare a Preliminary Architectural Report (PAR) this spring, providing groundwork for a CDBG Construction Grant application in the fall. He offered assistance with the process and the Board encouraged him to work with Jani to get things going as soon as possible. Ron Nye moved to accept the CDBG Planning Grant for TRMCC, to sign the documents electronically when they become available, and to encourage assistance from the Grant Administrator and Great West Engineering in the procurement process to hire a licensed architect to prepare a Preliminary Architectural Report (PAR). Jim Hart seconded the motion. All voted aye and the motion carried.
- **Madison Valley Manor Generator Bids:** Becky reviewed the Madison Valley Manor (MVM) project and said they will be advertising for a general contractor for the entire project, with a goal of opening bids on February 23, 2021. Discussion ensued about acquiring a generator separately from the contracted project to potentially save money and time, but Becky strongly recommended

leaving the generator under the management of the general contractor since they would take responsibility for overseeing the entire installation. She noted the general contractor would still be required to honor the lowest responsible bid, and suggestions can be made about reaching out to known suppliers. Further discussion about the generator included diesel versus propane, CDBG's requirement to bury fuel tanks, potential issues with propane, fuel consumption and the ability to refill during a power outage, and Becky said she will discuss these issues with their engineers and return with answers next week.

**First Reading of Ordinance 1-2021 – Amending Ordinance 1-93 (Removing Garden Creek from Attachment A):** Jim read aloud Ordinance 1-2021, an Ordinance Amending Ordinance 1-93 Which Closes Portions of Enumerated County Roads to Automobile Traffic and Provides for Snowmobile Use. Discussion included wording and descriptions, and correcting Attachment A to reflect a previous resolution that removed "Mill Creek Road from the Tobacco Root Guest Ranch to the forest boundary." Corrections to the document were made and the revised paragraph(s) were read aloud. Following review, Jim Hart moved to approve Ordinance 1-2021, an Ordinance Amending Ordinance 1-93, striking "Garden Creek Road from the Garden Creek Cow Camp to the end of the road" from Attachment A of Ordinance 1-93. Ron Nye seconded the motion. All voted aye and the motion carried. Additional discussion included scheduling the second reading of Ordinance 2-2021 with the public hearing during the regular Commissioner's meeting on February 9, 2021, allowing for two weeks of public notice in the Madisonian.

**Road Review Committee:** Ellis (Eli) Thompson, Road Review Committee, met with the Board to discuss the following topic.

- **Road Review Committee Resignation:** Eli referred to his letter of resignation from the Road Review Committee. Jim and Dan expressed appreciation for Eli's expertise and enthusiasm on the Committee. Discussion ensued about various blocked roads and alternate routes, Eli expressed frustration as to why the Board has allowed locked gates to remain locked, asked if any information could be shared about a case under litigation and was told no, and further discussion ensued about the Bozeman Trail, it being one of the oldest routes from Salt Lake City to either Virginia City or to Bannack, although the exact route is not well documented. Following discussion, Ron Nye moved to accept Ellis (Eli) Thompson's resignation from the Road Review Committee, send him a letter thanking him for his service, and advertise for a replacement. Jim Hart seconded the motion. All voted aye and the motion carried.

**Airports:** Lance Bowser met with the Board by phone to discuss the following topic. Jani Flinn, Airport Board Secretary, was present for this portion of the meeting.

- **Ruby Valley Field – Environmental Categorical Exclusion (CATEX) for proposed Snow Removal Equipment Storage Building:** Lance explained that the Environmental Categorical Exclusion (CATEX) at Ruby Valley Field is to clear the potential environmental effects for future development of a snow removal equipment (SRE) building and specific hangar sites. After review, Ron Nye moved to approve Appendix A Documented CATEX as presented by Robert Peccia & Associates for Ruby Valley Field airport improvements, future hangar and SRE storage building development. Jim Hart seconded the motion. All voted aye and the motion carried.

**MACo Health Care Trust Update:** Pam Walling and Joanne Romasko, MACo Health Care Trust, met with the Board to discuss MACo's Health Care Trust and its potential benefits to the County. Discussion included local insurance personnel changes, the need for family-friendly rates, differences in coverage between Montana counties, average amount of State funding per employee, rate increases, broker commissions, and wellness programs.

**Discussion on Resolution 3-2021 – Setting County Office Hours:** The Board discussed Resolution 3-2021, a resolution setting County office hours. Bonnie O'Neill, Chief Administrative Officer, Jayne Forsythe, HR Assistant, Tony Forsythe, Maintenance Manager, Laurie Buyan, Executive Assistant to the Board of Commissioners, Vicki Tilstra, Finance Officer, Kacey Smart, Sanitarian's Assistant, and Dave Baldwin, Custodial Supervisor, were present for all or a portion of this topic. Dan discussed the resolution and suggested that anyone deviating from having their offices open from 8 to 5 should discuss their hours with the Board of Commissioners. Discussion ensued about the timeclock system used at nursing homes,

department heads keeping track of their own offices, elected officials' hours, exempt versus non-exempt, considerations for working outside normal hours, lunch hour closures, public notification, tracking and justifying overtime, offices not required to be open 8-5, and the language of resolutions versus statues regarding office hours.

**Human Resources:** Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following Human Resource topics. Vicki Tilstra, Finance Officer, Jayne Forsythe, HR Assistant, Tony Forsythe, Maintenance Manager, Dave Baldwin, Custodial Supervisor, and Laurie Buyan, Executive Assistant to the Board of Commissioners, were present for all or portions of these topics. Steve McNeece, Nursing Home Administrator, Erin Covas, Madison Valley Manor Nurse, and Justin Ekwall, Deputy County Attorney, participated in this portion of the meeting by Webex.

- **Bonnie O'Neill, CAO – Resignation:** Several people present expressed regret at Bonnie's resignation, and expressed appreciation for Bonnie's assistance in her role as CAO. After a brief discussion, Ron Nye moved to accept the resignation of Bonnie O'Neill, Chief Administrative Officer, effective May 3, 2021, and thank her for her service. Jim Hart seconded the motion. There was a brief discussion about whether to advertise for a replacement, and it was agreed that discussion should take place prior to any decision. Jim Hart and Ron Nye voted aye. Dan Allhands voted nay, and the motion carried on a majority vote.
- **COVID Quarantine/Isolation (QI) Relief Rate – Nursing Home(s) Application:** Bonnie read a memo outlining DPHHS Quarantine/Isolation (QI) Relief Payments available to nursing facilities for COVID-related quarantines, and asked permission to apply for the funding. Discussion included staff workloads, obtaining detailed information from nursing home staff, and the application timeframe. After review, Ron Nye moved to authorize the application for nursing home funding from the COVID Quarantine/Isolation (QI) Relief Payments, for the period of July 1, 2020 to December 31, 2020. Jim Hart seconded the motion. All voted aye and the motion carried. Later in the meeting, Steve noted that the notice from the State about applying for QI Relief Rate funding had been originally sent to a former nursing home administrator, and by the time it was received by the County there was limited time to respond.
- **Families First Coronavirus Response Act – Extension:** Bonnie read a memo regarding the Families First Coronavirus Response Act that paid sick leave to employees for specific reasons related to COVID-19 from April through December of 2020, and requested that the same benefits be continued during 2021. Discussion included amounts paid during 2020 to a wide variety of employees, limiting the benefit to a specified number of hours per employee, Gallatin County's approval of 120 hours per employee, quarantine requirements, and incentive for employees to stay home when sick. Following discussion, Jim Hart moved to approve the request for an extension of the Families First Coronavirus Response Act for 120 hours per employee of paid sick leave and expanded family and medical leave for specific reasons related to COVID-19, beginning retroactively on January 1, 2021, through a date to be determined. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Employee Pay and Benefits COVID-19:** Bonnie read a memo regarding employee benefits that might be affected by quarantines or COVID illness, for employees that do not have enough paid benefit time accrued to use during their time off, and may lose eligibility for health insurance benefits. She said this becomes a moot point due to the extension of the Families First Coronavirus Response Act and stated that the County has no wish to interrupt employees' benefits.
- **Nursing Home Employee COVID-19 Hazard Pay Change Letter:** Bonnie reminded the Board of a request made for a letter from the Commissioners to nursing home employees regarding the change in hazard pay, and presented a draft letter. Steve McNeece and Erin Covas, via Webex, discussed the irony of reducing hazard pay at this time when COVID cases are increasing at Madison Valley Manor. The Board expressed their support and great appreciation for the nursing home staff.
- **Nursing Home Administrator Interview Committee Assignments:** The timing of interviews and getting nursing home administrators hired and in place was discussed, as well as Steve's departure date, the progress of the two Administrators-in-Training, assigning an interview committee, and the scoring process in place for hiring the best candidates. Following discussion, Jim Hart moved to approve the interview committee for the Nursing Home Administrator positions, consisting of Ron

Nye, Jim Hart, Dan Allhands, Erin Covas, Van Puckett, Joanne Galiger, and Jayne Forsythe, and facilitated by Bonnie O'Neill. Ron Nye seconded the motion. Discussion ensued about posting the position internally and/or externally, the Administrator-in-Training positions and future plans, and the complications of going through this process in the midst of a pandemic. After discussion, all voted aye and the motion carried.

- **Recommendation to Hire 90-day, Short-term Custodian – 2 positions:** Bonnie read a memo recommending the hiring of two applicants, plus one alternate, for the positions of 90-day, short-term custodians. Bonnie and Dave discussed custodial coverage in the event of absences such as illness or vacation, the justification for hiring an alternate, and the current need for help in the department. After review, Ron Nye moved to accept the recommendation of the hiring committee to hire Zachary Hall, Peter Suesserman, and David Bacon as an alternate, for 90-day, short-term custodial positions at \$17.21 per hour. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Overtime Pay Non-Exempt Employees:** Bonnie read a memo regarding overtime pay for non-exempt employees, requesting that the current Overtime and Compensatory Time Policies be clarified. Discussion included counting actual work hours before awarding overtime or compensatory (comp) time, guidelines from the Fair Labor Standards Act, and clarifying the policy with a resolution versus changing the personnel policy handbook. Justin said he doesn't think there is a law requiring one policy or another, but agreed the County's policy should be clarified. Jim said the language will be worked on and the topic will be rescheduled on an upcoming Agenda.
- **Nursing Home Write Off's:** Vicki presented and reviewed a list of nursing home account balances that are considered unrecoverable by the Nursing Home Administrator for various reasons. Following review, Ron Nye moved to approve nursing home write-off's for Fiscal Year 2020/2021 as presented by Steve McNeece, Nursing Home Administrator. Jim Hart seconded the motion. All voted aye and the motion carried.

Bill Hanson, ThinkOne Architects, and Justin Gatewood, Virginia City Mayor, met with the Board via Webex to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, was present for a portion of these topics. Mark Brook, Detention Officer, and Justin Ekwall, Deputy County Attorney, also participated in this portion of the meeting by Webex.

- **Administrative Office Building Canopies:** Bill discussed the latest plans for decorative canopies on the front of the Administrative Office Building that were forwarded to the Board, said he could have bid documents ready in late February, and doesn't know yet what the cost will be. After discussion, Ron Nye moved to authorize ThinkOne Architects to proceed with the Administrative Office Building canopy project. Discussion included engineering details such as fiberglass pediments and load carried by cables attached to building tab attachment points, as well as ensuring that the plan ThinkOne has is the latest plan approved by Virginia City's Historic Preservation Officer, project timelines for installation by the end of June, and finding a contractor with appropriate expertise. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Detention Center:** A possible County detention center in Virginia City was discussed. Justin G. noted the town's high interest level in what a detention center might look like since the County residents have rejected construction of a law and justice center, as well as a vested interest in keeping the original courthouse operating, and asked about bringing the former Sheriff's Office and jail up to code. Mark pointed out via Webex that there are currently eight inmates being housed out of County, which he said is lower than normal, and Dan commented that this number is bound to increase as the population continues to grow. Discussion included the amount of time spent transporting detainees to other counties and how much longer other counties will be willing to offer jail space. Ron invited Bill to come out sometime and brainstorm about Placer Loop, and Bill briefly discussed the high level of code requirements that must be met for detention centers, and said the Courthouse basement will not meet accessibility codes. Jim referred to a determination in 2005 that the old Courthouse could not be used as a jail. Justin E. commented via Webex that the County wasn't able to house long-term prisoners prior to any mold concerns, he would have liability concerns with those cells being used, and there was discussion about the work that has been identified to improve Courthouse moisture issues. Dan asked that the Town not pile snow on the corner at the rear of the Courthouse since that may add to the problem, and Justin G. said he would see to it.

**Calendars:** The Board reviewed calendars

With no further business, the meeting was adjourned at 4:20 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, January 26, 2021, 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: February 16, 2021

Minutes prepared by:

\_\_\_\_\_  
Jane Bacon, Commissioners' Clerk

Attest: \_\_\_\_\_  
Paula McKenzie, Clerk and Recorder, Madison County