

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**March 2, 2021, Meeting Minutes**

On Tuesday, March 2, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:34 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Jim Hart and Ron Nye present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Melissa Brummell, Joe Brummell, Bonnie O'Neill, Lisa Stapp, Tawnya Clark, Donny Clark, Vicki Tilstra, Ellis (Eli) Thompson, John Roberts, Phil Fortner, Jani Flinn, Christian Wade, Jennifer Wade, Jennifer Kahrl, Scott Kelley, Kaitlin MacDonald, Jon Osborn, and Kacey Smart. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection. Those who attended via Webex or by phone included Van Puckett, Abbi Lee, Amy Kelley, Britani Allhands, Carmin Hill, Cassandra Frye, Craig Erickson, Courtnie Fisher, Charisse Opie, Christina Calabrese, Chad Tree, Craig Brown, Dave Reintsma, Esther Lince, Gail Nelson, Jani Flinn, Janie Alt, Jolene Palmer, Kathy Barnes, Keely Larson, Kendra Horn, Kacey Smart, Laurie Buyan, Laurie Schmidt, Lisa Stapp, Lynda Holt, Margie Edsall, Mariah Oliver, Melinda Tichenor, Mia Bell, Rob Wallingford, Ryan Wolter, Sean Hill, Shylea Wingard, Justin Gatewood, Tommy Luksha, Nancy Stewart, Steve McNeece, and several unidentified Webex/phone attendees.

**Approval of Minutes:** No minutes were available for approval.

**Public Health Office/DES - COVID-19 Update:** Melissa Brummell, Public Health Nurse, and Joe Brummell, Director of Emergency Management, met with the Board to present an update regarding COVID-19 status. Bonnie O'Neill, Chief Administrative Officer, Vicki Tilstra, Finance Officer, Ellis (Eli) Thompson, Virginia City resident, Tawnya and Donny Clark, Madison County residents, and Lisa Stapp, Deputy Treasurer, were present for a portion of the COVID updates. Melissa reported that there have been 696 confirmed cases in the County so far, with 28 currently active. Out of the 47 people who have been hospitalized, 2 are currently being treated in the hospitals, and there have been 7 deaths. The State has had 100,003 cases, 68 are currently hospitalized, and 1,357 people have died from the virus. The U.S. has had 28.6 million confirmed cases and 513,000 fatalities. She reviewed county maps of Montana showing active cases, cumulative cases and hospital bed capacity, and discussed Madison County schools, which currently report cases only in Sheridan and Twin Bridges. Joe briefly discussed how the local hospitals are doing with immunizations, stating they are both doing a phenomenal job with flow and avoiding lines, reviewed Incident Command priorities and structure, and Melissa talked about vaccines administered in the State – as of today, 88,387 Montanans and 474 Madison County residents are fully immunized, meaning they are at least two weeks out from their second dose of a two-part vaccine, and many more have received their first of two doses. Madison Valley Medical Center is working with Big Sky Medical Center to administer vaccines to Big Sky residents. Joe and Melissa discussed the group of people currently eligible to receive vaccinations, described the next tier, and encouraged those in both tiers to call the hospitals to get their name on the list. Joe talked about virus mutations, vaccine jumpers reported in Gallatin County, Johnson & Johnson's single-shot vaccine effectiveness and distribution, and mask mandate status in local counties. He went on to review weather and its bearing on drought and fires, noting the drought situation hasn't changed much but the snow water equivalent in high elevations has increased significantly. Regarding fires, a cabin structure burned down in Cardwell, there have been two local chimney fires, and open burning has just restarted across the State. Because 73 of the 84 fires in the Beaverhead Deerlodge Forest were human-caused, and in Madison County 30 of the 36 fires were traced to human causes, Joe recommended participating in the FireWise USA campaign that helps residents reduce and minimize wildfires, dumpster fires, and residential fires using tools such as public education and signage, and the County's cost to participate in the campaign is \$1,700.

- **Nursing Homes COVID Update:** Allison Veland, MVM Administrator in Training, and Gail Nelson, TRMCC Administrator in Training, updated the Board via Webex on COVID status at the nursing homes. Allison said of the 14 residents at MVM, 12 have recovered from COVID and there are no residents or staff members currently quarantined. Gail reported that of the 23 residents at TRMCC, 5 are currently quarantined, 2 have recovered, and there are no hospitalizations. Six staff members are off work due to illness, and 2 have recovered from the virus since early February. Both facilities

remain closed to visitors and are regularly testing residents and staff as needed for the virus, continuing PPE training, and doing whatever they can to boost staff morale and stay positive. Gail said she is thankful for resident vaccinations, and credited antibody treatments from Ruby Valley hospital for helping people recover.

**Request for Clarification of CARES Act Stipend Distribution / Request for Clarification of Public Health Timesheets During the COVID Pandemic:** Tawnya and Donny Clark, County residents, and Lisa Stapp, Deputy Treasurer, met with the Board to ask for clarification about CARES Act stipend distribution and Public Health timesheets during the COVID pandemic period. Melissa Brummell, Public Health Nurse, Joe Brummell, Director of Emergency Management, Bonnie O'Neill, Chief Administrative Officer, Vicki Tilstra, Finance Officer, Ellis (Eli) Thompson, Virginia City resident, John Roberts, County resident, and Phil Fortner, Sheriff, were present for all or a portion of these topics. Kathy Barnes, Sheriff's Office, participated via Webex. Tawnya read a letter regarding hazard pay with her assertions about improper distribution of funds, the need to rectify the situation and have the money paid back, and she implored the Board to take this seriously. She asked which employees received stipend funds and why, noting that many other employees have made sacrifices during the pandemic. The Commissioners responded that the distribution was to support employees handling hostile calls and facing difficulties due to working during the pandemic, also an effort to not lose employees as has happened in other Public Health departments, and referenced guidance received from DPHHS on November 2, 2020, indicating the stipend was an acceptable use of CARES Act funding. Fifteen days later, on November 17, 2020, that guidance was reversed, and the Board is now looking into what happened and determining how to move forward. Lisa asked questions about process details, DPHHS communications not being included in public meetings, which funds were used, and Vicki reviewed account and fund credits and distributions. Jim said in a recent multi-county conference many county commissioners discussed public health department challenges, citing both successful and unsuccessful methods used to support and retain employees, and said Madison County's process was done legally and fairly and will be reviewed by the auditor. Lisa and Tawnya asked more questions and said even if legal, the extra pay looks bad to taxpayers who are struggling with shutdowns and keeping business running and should have been done more publicly. Jim said the Board will handle this situation as well as they can and expressed appreciation for people taking the time to attend the meeting and make comments. Discussion continued regarding timesheets/work logs and whether these documents are public record, overtime hours, working from home, and reports of bringing a child to work. Dan mentioned possible litigation preventing him from commenting on Melissa's timesheets, but said Jefferson and Beaverhead Counties have also experienced a lot of employee overtime due to additional work burdens with little relief during the pandemic, and noted the additional reporting and deadlines required of the Public Health department. Melissa explained her documentation process, said she has always been in contact with her supervisor, has acted with integrity and honesty and welcomes transparency, has gone above and beyond to serve the County and protect the community, and is not offended by questions but finds it unfortunate that some people believe falsehoods. Phil discussed timesheets and overtime, saying it appears Melissa was paid correctly, and if her timesheets were confusing or done incorrectly they should have been corrected by her supervisor long ago and this controversy could have been avoided. Bonnie noted that when the pandemic started Melissa was helping the nursing homes 20 hours per week with emergency operation plans and infection control, which was reflected in her timesheets. She also discussed inconsistent timesheet procedures, department managers that look at timesheets after overtime has already occurred, the timeclock system in use at the nursing homes, and Dan discussed employee work logs. Lisa asked that the public be informed further about this topic by scheduling it on a future agenda when it's determined which account the stipend gets paid from. Tawnya discussed accountability, saying the objection is not that Melissa put in overtime hours but it's the amount of overtime, and that taxpayers want to know where their money is going. Later in the meeting, Dan responded to Kathy's Webex comment regarding public positions, transparency, and public availability. He also questioned whether employees should have the Board meeting open in Webex for topics that don't apply to their job, unless it's a topic such as the COVID update that would apply to everyone. Several employees responded via Webex during the rest of the meeting about their ability to conduct work with the meeting in the background, and Kathy noted employees are also entitled to breaks during the workday.

**Great West Engineering:** Craig Erickson, Great West Engineering, met with the Board via Webex to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, Jani Flinn, Grant Administrator, and John Roberts, County Resident, were present for this portion of the meeting.

- **Opening of Proposals for Architectural Services for TRMCC Project:** The Board received one proposal, from SMA, for architectural services for the TRMCC project. Craig discussed SMA's

qualifications, due diligence, relationship and experience with Madison County and the nursing homes, reviewed the procedure and timeline for CDBG planning and construction grants, and agreed that he and Jani will review the proposal and inform the Board next week of any issues. Following review, Ron Nye moved to accept SMA's architectural services proposal to complete the Preliminary Architectural Report for the TRMCC project using CDBG planning grant funds in preparation for applying for the CDBG construction grant. Jim Hart seconded the motion. All voted aye and the motion carried.

**DES:** Joe Brummell, Director of Emergency Management, and Esther Lince, SW Montana Prevention (via Webex), met with the Board to present and discuss the following topic. John Roberts, County Resident, was present for this portion of the meeting, and Webex participants included Keely Larson, the Madisonian.

- **Communities that Care Briefing:** Joe introduced the Communities That Care (CTC) program as an opportunity to be proactive rather than reactive regarding youth issues such as substance use, risky behaviors, delinquency and violence. Esther presented and reviewed the program, pointing out bi-annual surveys conducted in school districts for grades 8-12, risk and protective factors, social development strategies for building healthy behavior, and the measured success of the program. She discussed several additional areas covered by the program and some of the statistics and yearly comparisons using 2020 survey results, noting that CTC communities tend to have fewer health and behavior problems. She outlined how CTC is organized, pointing out that she and Taylor Davis are the facilitators for Madison County and currently recruiting community board members that care about making a difference with youth, and have scheduled training for new board members to start on April 22, 2021. Dan expressed interest in being on the board, discussion ensued about the Commissioners helping with funding, posting information on Facebook, and paying for newspaper ads to inform the public about the program.

**Claims:** The Board approved claims.

**Request to Advertise for Summer Fair Employees:** There was no discussion on this topic.

**Request to Advertise for Summer Weed Department Employees:** The Board reviewed a request from Dale Grose, Weed Program Coordinator, to advertise for eight summer employees to help in the Weed Department. Bonnie O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting. After review, Jim Hart moved to approve the request to advertise for summer Weed Department employees. Ron Nye seconded the motion. All voted aye and the motion carried.

**Human Resources:** Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following Human Resource topics. Vicki Tilstra, Finance Officer, and Ellis (Eli) Thompson, Virginia City resident, were present for this portion of the meeting. Steve McNeece, Nursing Home Administrator, participated via phone/Webex.

- **Melissa Brummell, Public Health Director Resignation:** Bonnie read Melissa's letter of resignation. Bonnie discussed Melissa's dedication and willingness to respond at all hours, her assistance with infection control at the nursing homes, and expressed offense at any accusation against Melissa or herself of illegality or fraudulent timesheet reporting. Steve, Vicki and Dan discussed Melissa's effectiveness, integrity and work ethic, and the challenges faced by her department in 2020 with staffing and the pandemic. Following discussion, Ron Nye moved to accept the resignation of Melissa Brummell, Public Health Nurse, effective on March 8, 2021, to write a letter of appreciation for her years of excellent service to Madison County, and advertise for replacement. Jim Hart seconded the motion. All voted aye and the motion carried.
- **January 12<sup>th</sup> Follow-up Discussion Human Resources Director, Generalist or Specialist Position Authorization to Fill:** Bonnie read minutes from the January 12, 2021 Commissioner's meeting regarding the HR position. The Board discussed the open position, the level of HR experience and expertise that is needed, it was agreed that the position should be at the specialist/management level of experience/expertise/education, and there was discussion about adding a generalist later if needed. Further discussion included job descriptions, salary range, department head status, the standard of one HR position for every 100 employees, nursing home workload, and qualities that would be beneficial to the position such as leadership and advocacy.

Later in the meeting Bonnie returned with revised documents, and additional discussion included listing the wage as “to be determined” and using the job description provided by Commissioner Hart. Following discussion, Jim Hart moved to approve the Authorization to Fill for the HR Specialist position using the attached job description dated 1-13-14, unless changes need to be made. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Setting Nursing Home Administrator Interview Date:** Bonnie said the internal posting for the Nursing Home Administrator position(s) will close tomorrow at 5:00 p.m., and she reviewed the current number of applicants. Schedules were discussed, and the interview date was set for Monday, March 8, 2021.
- **Review and/or Amend Interview Committee for Nursing Home Administrator(s):** The interview committee for the Nursing Home Administrator position(s) was reviewed. Following discussion, Jim Hart moved to rescind the previous motion of numbers and individuals recommended for the interview committee. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve the interview committee for the nursing home administrator position(s) consisting of the Board of Commissioners and the Directors of Nursing from MVM and TRMCC, if available. Ron Nye seconded the motion. All voted aye and the motion carried.

**First Reading of Ordinance 2-2021 – Amending Ordinance 1-93 by Removing a Portion of Axolotl Lakes Road:** The Board discussed the first reading of Ordinance 2-2021, amending Ordinance 1-93 by removing a portion of Axolotl Lakes Road. Madison County residents Christian Wade, Jennifer Wade, Jennifer Kahrl, and Virginia City residents Scott Kelley, Kaitlin MacDonald, Jon Osborn, and Ellis (Eli) Thompson were present for this portion of the meeting. Justin Gatewood, Virginia City Mayor, Laurie Schmidt, County resident, and Tommy Luksha, GIS Coordinator, were among those participating via Webex/phone. Dan announced that the Board would like to postpone the first reading of Ordinance 2-2021 because the County’s email system has been inoperable for several days and any comments sent from the public have not been received. Considering the situation with the County’s email being down for a week so far, Jim Hart moved to postpone the first reading of Ordinance 2-2021 until next Tuesday, March 9, 2021, at 1:00 p.m. Ron Nye seconded the motion. All voted aye and the motion carried. Further discussion included the portion of Axolotl Lakes Road under consideration, ordinance process and timing, postponing specific road decisions since roads closed under Ordinance 1-93 will be open until fall, conducting a slower discussion about the broader topic prior to making decisions about specific portions of road, allowing more time and opportunity for public comment, road law and enforceability, properties under RIDs or associations, property buyer awareness/understanding of seasonal road access, property rights, and purchases based on recreational access.

**Planning Office:** Alex Hogle, Planning Director, met with the Board to discuss the following topics. Madison County residents Christian Wade, Jennifer Wade, and Jennifer Kahrl were present for a portion of these topics. Christina Calabrese, Lone Mountain Land, participated via Webex.

- **Road Name Change – Solitude Drive (Resolution 15-2021):** Alex recalled an unresolved discussion about changing previously-named Mylane Road East and said the property owners came to an agreement after more meetings. After the resolution was read aloud, Jim Hart moved to approve Resolution 15-2021, a resolution of road name change in Madison County, naming an unnamed access road Solitude Drive. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Amended Plat of Lot 712 & Open Space 704, Golf Course Subdivision Phase 1:** This topic was continued to the next regular Commission meeting.
- **Wade Minor Subdivision Preliminary Plat:** Alex reviewed the proposed preliminary plat for Wade Minor Subdivision located a few miles east of Harrison and noted this is a single 20-acre parcel being created from a 340-acre tract of Harrison Lake Ranch, owned by the applicant, Jennifer Kahrl. He reviewed a last-minute call received from a nearby property owner who brought up two concerns: covenants regarding structures built in proximity to the lake, which the Planning Department’s research found not applicable in this instance; and a document giving the caller first right of refusal if Harrison Lake Ranch property is sold, which the Department’s research found is pertinent, but in this case there is no financial transaction since the tract is to be gifted, and the Planning Board determined this is a civil matter to be worked out privately by the parties involved if there is a legal claim, rather than list it as a finding of fact. Nothing particularly problematic was noted by the Planning Department or Planning Board with the actual creation of the new parcel, although there

were several findings of fact and conditions of approval, and Alex noted this is the first minor subdivision on this property. He also explained to the Board why this is a subdivision matter rather than a boundary adjustment. Following discussion, Ron Nye moved to adopt the proposed findings of fact as recommended by the Planning Director and the Planning Board, and approve the Wade Minor Subdivision preliminary plat subject to conditions outlined on the Planning Board Addendum. Jim Hart seconded the motion. All voted aye and the motion carried. Alex explained to the applicant the preliminary and final plat process as well as the timing, which is up to three years with allowances for extension.

- **Jack Creek Cabins Subdivision Preliminary Plat:** Alex reviewed the Jack Creek Cabins preliminary plat proposal and location in the Overlook neighborhood within the Moonlight Basin Overall Development Plan (ODP). He pointed out the area on the map, and explained that the project would subdivide 12.91 acres into a residential condominium area of 13 detached residential units with road access, and one open space lot integral to the subdivision. The property is currently undeveloped, accessed from Moonlight Trail and Jack Creek Road, and Alex discussed the to-be-developed road access as well as utilities that will serve the new units. He discussed concerns expressed at the recent Planning Board meeting about stormwater runoff, which will be addressed primarily through absorption by the site's porous soils, and additional road runoff will be channeled to existing detention ponds. Additional items discussed at the Planning Board meeting included the method and extent of forest clearing for the project, water-body setbacks, Moonlight Basin being the builder, and employee housing. Very little public comment was received, Alex said everything seems to be in order, pointed out the findings of fact and the draft conditions of approval noting the Planning Board's vote to approve the project. Christina pointed out a minor mistake in finding #19, which will be corrected. Based on the subdivision application, staff report, February 22, 2021 public hearing, and the Planning Board's recommendation, Jim Hart moved to adopt the proposed findings of fact as outlined and approve the Jack Creek Cabins Subdivision subject to the conditions of approval as outlined in the Planning Board Addendum. Ron Nye seconded the motion. All voted aye and the motion carried.

**Workers' Compensation Forms:** Following review, Jim Hart moved to approve two ERM-6 Forms, Workers Compensation Experience Rating for Non-Affiliate Data for state funds, a 3-year experience rating. Ron Nye seconded the motion. All voted aye and the motion carried.

**Request for DIS Report on Computer Breach Investigation:** Kacey Smart, Sanitarian's Assistant, met with the Board to request a DIS report on the County computer breach investigation. Bonnie O'Neill, Chief Administrative Officer, and Lisa Stapp, Deputy Treasurer, were present for all or a portion of this topic. Van Puckett, Sanitarian, participated via Webex. Kacey asked whether a DIS investigation had actually occurred. Jim said there was no report, only a brief explanation on the DIS bill that necessary corrections had been made. Bonnie said she had only recently seen this bill, and read the explanation outlining a December conversation with Brett regarding DIS work on folder structure, permissions, and data migration. The Commissioners reviewed their intent at the time to look into the security breach but not necessarily to specifically investigate Kacey. Kacey and Van noted they were never asked or informed about an investigation into Kacey's actions, but Kacey found out about the investigation while she was on vacation even though IT shut down her computer weeks prior to that. Jim said he didn't think Kacey ever did anything wrong, but any possible breach should be looked at and the IT Department and DIS did their due diligence in looking into it. Discussion ensued about reporting computer problems to IT, lack of confidence in IT due to past experience, apologies and how badly it feels to be accused, the exact work that was done by DIS, and a timeline of what happened. Kacey said her questions went unanswered until today, and all she was seeking was an answer.

**Journal Vouchers:** After discussion, Ron Nye moved to approve Journal Vouchers for the 2/21 accounting period. Jim Hart seconded the motion. All voted aye and the motion carried.

**Calendars:** The Board reviewed calendars.

With no further business, the meeting was adjourned at 3:13 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, March 9, 2021, beginning at

9:30 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana.

Dan W. Allhands, Chairman  
Board of Madison County Commissioners

Date Approved: April 6, 2021

Minutes prepared by:

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

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