

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**March 8, 2022, Meeting Minutes**

On Tuesday, March 8, 2022, 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 Dan Allhands, Ron Nye, and John Heckler present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Shelly Burke, Tony Forsythe, Cody Marxer, Tommy Luksha, Janet Doornbos, Vicki Tilstra, Chris Christensen, Steve Janzen, Tamara Millican-Wood, Britani Allhands, Joe Brummell, Guy Buyan, David Laufenberg, Kila Shepherd, Jennifer Westfall, David Buchler, and Justin Ekwall. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Julie Blockey, Jeff Swingley, Kyle Sturgill-Simon, Courtnie Fisher, Justin Gatewood, Laurie Buyan, Janie Alt, Jennifer Martens, Gail Nelson, Kevin Germain, Cody Marxer, Laurie Schmidt, Tammy Mahlstedt, Jeff Swingley, Antoinette Bloem, Lynn Foreman, John Deuchendorf, Trever Dowton, Abby Thomas, Jackie Lev, and Beth Famiglietti.

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

**Treasurer:** Shelly Burke, Treasurer, met with the Board to discuss the following topic.

- **Authorize Tax Deeds to be Issued to the County:** Shelly presented and reviewed five properties with delinquent taxes. She explained that two owners have been in contact and are likely to pay the overdue amounts before tax deed procedures take place, and reviewed the process. After review, Ron Nye moved to proceed with the tax deed on those properties whose taxes are not paid and/or are four years delinquent, as presented. John Heckler seconded the motion. All voted aye and the motion carried.

**Maintenance:** Tony Forsythe, Maintenance Manager, met with the Board to discuss the following topics.

- **Emergency Leaks in the Courthouse (not on Agenda):** Tony reviewed water leaks that were discovered in the Courthouse and described some of the damage. Emergency steps and recovery procedures were discussed.
- **Bid for Gutters on Courthouse:** Tony presented a bid for installing rain gutters on the Courthouse and discussed rising prices. Discussion included sources of water getting into the building, contract contents, and notice to proceed. After discussion, Ron Nye moved to approve rain gutters for the Courthouse at a cost of \$14,093.40. John Heckler seconded the motion. There was discussion about defining a start date, and the cost of a lift vehicle, after which Ron Nye amended his motion to approve rain gutters for the Courthouse at a cost not to exceed \$15,000. John Heckler seconded the amended motion. All voted aye and the motion carried.

**Claims:** The Board approved claims.

**Alder Fire District Board Appointment:** After review, Ron Nye moved to elect William Tate by acclamation as a trustee on the Alder Fire District Board for a three year term that will expire in May of 2025. John Heckler seconded the motion. All voted aye and the motion carried.

**Agreement with MDT for Millings on Varney Road:** John explained MDT's offer to provide millings from Varney Road work as long as they are used on County roads only. He noted the locations planned for use, and said any excess is to be stockpiled. Following review, John Heckler moved to approve the agreement with MDT for asphalt millings from Varney Road as outlined in the February 25, 2022, letter:

STPX 249-1(14)3  
Varney Rd – South of Ennis  
CN 9665001

Ron Nye seconded the motion. All voted aye and the motion carried.

**Planning Office:** Cody Marxer, Planner I, met with the Board to discuss the following topics. Tommy Luksha, GIS Coordinator, was present for this portion of the meeting.

- **Amended Plat of Stone Ridge Views Lot 9:** Cody discussed the amended plat of Stone Ridge Views, Lot 9, which the Board reviewed previously. After review, John Heckler moved to approve the amended plat of Stone Ridge Views Lot 9. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Amended Plat of Spanish Peaks Resort Phase 2, Lot 18:** Cody described the amended plat of Lot 18 in Spanish Peaks Resort Phase 2 Subdivision and recommended its approval, for removal of the 35 foot structural setback on the western portion of the property. Following review, John Heckler moved to approve the amended plat of Spanish Peaks Phase 2, Lot 18, as amended. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Resolution 11-2022 - Naming Back Country Ranch Road:** Cody discussed the location of the proposed Back Country Road, its proximity to the Norris dump/composting site, and MDOT approval. After discussion, Ron Nye moved to approve Resolution 11-2022, a resolution of road name change in Madison County, and the road name is Backcountry Ranch Road. John Heckler seconded the motion. All voted aye and the motion carried.
- **Resolution 12-2022 - Naming Butcher Gulch Road:** This road naming request was withdrawn.
- **Resolution 24-2022 - Naming Rolly Road:** Cody discussed the location of proposed Rolly Road and presented a map of the Shining Mountains area. The owner lives out of state and the process of getting agreement and signatures from the other ten owners was discussed, as well as the importance of getting the road into the 911 system. Following discussion, John Heckler moved to approve Resolution 24-2022, a resolution of road name change in Madison County, naming an unnamed easement Rolly Road. Ron Nye seconded the motion. Tommy noted that the GIS Department supports this motion. All voted aye and the motion carried.

**Finance:** Vicki Tilstra, Finance Officer, and Janet Doornbos, Senior Citizen's Advisory Board, met with the Board to discuss the following topic. Lynn Foreman, Senior Citizen's Advisory Board, participated by Webex

- **Resolution 25-2022 Budget Amendment to Increase Allocations for Senior Centers:** John noted the discussion about the budget amendment to increase allocations for the County's senior centers is a continuation of a previous discussion about whether the funds should be divided equally or proportionately based on the number of meals served. Janet explained that the amendment could have been worded differently and why the increase should be divided equally. Discussion included Virginia City senior meals, how to cover extra expenses, and mills approved by voters. After discussion, Ron Nye moved to approve Resolution 25-2022, a resolution of budget amendment for Fiscal Year 2021-2022 for the Senior Citizens Fund 2280, increasing the budgets of each of four senior centers by \$10,000. John Heckler seconded the motion. All voted aye and the motion carried. Janet relayed a request from a local group to use the bus for transport to Sunday church services, and there was a brief discussion about appropriate use of the service, setting precedent, agreed-upon procedures, and consistency.

**Emergency Leaks in the Courthouse, continued (not on Agenda):** Chris Christensen, County Attorney, met with the Board to discuss recent water leakage in the County Courthouse. He stated that many boxes of documents are ruined, the damage was discovered this morning but has obviously been happening for some time, and the upper floor restrooms seem to be the source of the water and have been closed. Discussion included possible causes, visible signs of leakage in areas of the building such as water stains and dripping, and possible solutions including shutting off water sources, moving files to dry locations, dehumidifying, cleanup, hiring Buffalo Restorations, notifying the insurance carrier, and alternate locations for upcoming Court sessions. Later in the meeting the Board discussed the possibility of relocating Courthouse employees.

**Southwest Montana Insurance:** Julie Blockey, Southwest Montana Insurance, and Jeff Swingley, Montana Health Coop, met with the Board via Webex to discuss the following topic. Britani Allhands and Vicki Tilstra, Finance Office, were present for this portion of the meeting.

- **Request to Present a Proposal for Health Insurance:** Julie and Jeff briefly reviewed their backgrounds, Jeff reviewed Montana Health Coop's benefits and offerings, and discussion included the

importance of providing high quality and affordable health care, the County's efforts to help families with costs, and working with the insurance committee which will begin meeting tomorrow.

**Petition for Road Closure – Pearl Street in Pony:** Ron noted that the petition for road closure of Pearl Street in Pony was reviewed by the GIS Coordinator and owner signatures were certified by the Clerk & Recorder. After review, Ron Nye moved to approve the petition for road closure for part of Pearl Street as defined in the legal description, in Pony, Montana, and set the date for the public hearing of April 12, 2022, at 1:00 p.m. John Heckler seconded the motion. Ron will take viewing committee to Pony and said he and Tommy have looked at Pearl Street many times and this portion of it serves no purpose. John asked if there is an overall plan for Pony and if these requests flow through the Planning Board, and Dan noted an existing set of guidelines for town road closures in the Clerk and Recorder's office. All voted aye and the motion carried.

**Planning Board Update:** Steve Janzen and Tamara Millican-Wood, Madison County Planning Board members, met with the Board to introduce themselves and discuss the Planning Department. Steve reviewed the Department's workload history for the past few years and discussed the work level anticipated based on information gained from the staff. He noted that he is representing himself, not the Planning Board, and Tamara added that while the Planning Board has discussed staffing and other members are supportive nothing has been formalized, so the two of them will relay this discussion to the Planning Board for their own discussion. Steve reviewed legal and statutory timeframes for various Planning tasks and the consequences for not meeting them, Planning positions currently filled and unfilled, and the unsustainability of the workload with current staff in place, including a contracted Planner. Further discussion included burnout, advertising for a Planning Director, time anticipated for hiring and learning the job, hiring/training effects on department productivity, and time-consuming phone calls. Modifying the Planning Director job description was brought up to ensure experience in urban planning is not suggested, but the ability to handle the County's unique variety of rapid growth, rural areas, fishing, commercial entities, historic sections, tourist considerations, and ski resorts are emphasized. Alternatives were suggested for helping the department quickly, including additional contract people, prioritizing Planner 2 hiring, temporary or short-term help, or shifting current staff if an entry-level position would be easier to fill.

**US Forest Service:** The Board briefly discussed County participation in road work in the Forest Service Goose Fire area. Joe Brummell, Director of Emergency Management, was present for this portion of the meeting.

- **Goose Fire Road Work:** John pointed out that an interested contractor has been found and informed about doing road improvement work in the Goose Fire area. Known details and remaining questions were discussed and John suggested monitoring progress and budget weekly until the budget is reached.

**DES:** Joe Brummell, Director of Emergency Management, met with the Board to discuss the following topics. Kyle Sturgill-Simon, Montana Disaster & Emergency Services, participated via Webex.

- **DES Update:** Joe presented an update on Department of Emergency Services (DES) activities. His review included 2022 fires to date (2 structures, 3 chimney, 3 grass/wildland, and 3 dumpster fires), the start of open burning season, production of a Big Sky community evacuation flyer, Madison River ice jam damages and recovery, staff completion of ICS 300 training, incident commander and resource training, several meetings and trainings attended and scheduled, drought and weather conditions, statistics of livestock loss from apex predators, how to request a livestock loss investigation, working with IT to update and streamline the DES web page, volunteer recruitment for fire districts, and conducting a community Firesafe/Firewise training sometime in May. Joe discussed restocking sandbags and specialized HAZMAT supplies using funds already designated in his budget. He also discussed the County's community wildfire protection plan which is reviewed annually prior to the fire season by all local fire chiefs and the DNRC, described it as a tool to proactively recognize and manage the County's wildfire and fire risk, and pointed out that it spells out how the community works with partners such as the Forest Service and DNRC. There was also a brief discussion about a County-wide propane tank ordinance.
- **Emergency Management Performance Grant (EMPG):** Joe reviewed the Emergency Management Performance Grant application for the coming year noting it is a grant funded by Federal Homeland Security with a 50% local match. He reviewed EMPG requests and funding over the last four years, said this year's application is for \$46,200, reviewed the match from the County and the planned

expense budget, and noted there are three documents needed to accompany the application. After review, John Heckler moved to approve the Emergency Management Performance Grant (EMPG) application for fiscal year 2022-2023. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Procurement Policy:** Joe stated that he reports to the State every quarter regarding the status of a County procurement policy, so it would be very helpful to have the policy approved. He presented the latest draft including the Deputy County Attorney's comments and asked the Board to review and suggest any changes, emphasizing the importance of adopting a policy because if a disaster occurs FEMA and Federal recovery funding will be greatly delayed or unavailable if a County policy is not in place. In the past it was acceptable for counties to adopt the State's procurement policy, but Federal agencies now want to see policies at the county level. Kyle commented that State policies are quite complex and involve more than Counties need to do during a disaster when a lot of emergency purchases are taking place, and he and Joe reviewed additional benefits of having a local policy. There was discussion about streamlining procedures, the bidding process and qualified bidders, obsolete staffing references in the document, and FEMA requirements for emergency purchase reimbursements.
- **Predisaster Mitigation Plan (not on Agenda):** The County's current pre-disaster mitigation plan was developed in conjunction with Beaverhead County using grant funds to work with a contractor and is effective until 2023. These plans allow counties to be eligible for mitigation funding and are updated every five years. The State is proposing that they be responsible for working with contractors to update the plans and for all financial costs including grant management and matching funds for any counties willing to accept their help, leaving the counties to do local jurisdictional work and assist with coordination. Discussion included several disaster types that are included in the plan, other states that help counties with these plans, pandemic information likely to be updated since the last plan was adopted in 2018, and Joe recommended signing on to allow the State's assistance. After discussion, John Heckler moved to approve the Department of Military Affairs Disaster and Emergency Services Division Notice of Intent for Regional Multi-Hazard Mitigation Plans dated March 8, 2022, for the jurisdictional area of Madison County, designating Joseph Brummell as the point of contact. Ron Nye seconded the motion. All voted aye and the motion carried.

**Madison Conservation District:** David Laufenberg, Madison Conservation District, met with the Board to discuss the following topic. Guy Buyan, Solid Waste Foreman, was present for this portion of the meeting.

- **Letter of Support for Madison Watershed Restoration Plan:** David explained that the completion of a Watershed Restoration Plan (WRP) is required prior to any application for grant funding under Section 319 of the Federal Clean Water Act (administered by the State) and gave examples of projects and portions of projects that might qualify for this funding, noting they must first be recognized in the WRP. The Conservation District started work on Madison Watershed WRP in 2015 and is applying for grant funding to complete it by the end of 2022. Discussion included information sources including total maximum daily load (TMDL) data, which has just been completed by the State, and input from stakeholders and the public. Following discussion, Ron Nye moved to approve the letter of support for the Madison Conservation District's Watershed Management Grant (WMG) as presented. John Heckler seconded the motion. All voted aye and the motion carried. David stated he will keep the Board informed, noting that the Jefferson is also on the list for a future WRP.

**Human Resources:** Kila Shepherd, HR Director, and Jennifer Westfall, Human Resources, met with the Board to discuss the following topics. Guy Buyan, Solid Waste Foreman, was present for this portion of the meeting.

- **New Hire, Lilly Grabil, Fair Crew Assistant, starting May 16, at \$11.47 per hour:** Jennifer requested hiring a full-time, temporary Fair Crew Assistant who also worked on the crew last summer. Following review, Ron Nye moved to approve hiring Lilly Grabil as a Fair Crew Assistant starting on May 16, 2022, at \$11.47 per hour. John Heckler seconded the motion. All voted aye and the motion carried.
- **Request to Hire Full-Time Solid Waste Position:** Kila stated that a full-time, temporary position is currently being advertised, and Guy is requesting to change the position to full-time, permanent. Guy explained that there has been no response to the ad for a temporary employee and people with a CDL license are likely looking for permanent work. Discussion included budget, pay scale, increased workload, additional Solid Waste services being offered, status of current staff, and the need to have

someone trained for the upcoming summer season. After discussion, John Heckler moved to approve modifying the open full-time, temporary position to a full-time, permanent position in Solid Waste. Ron Nye seconded the motion. Discussion included providing documentation to the Board for future hiring decisions. After discussion, all voted aye and the motion carried.

**Resolution 28-2022 Increasing the Gravel Pit Review Fees for Noxious Weed Control Management**

**Plans:** The Board reviewed Resolution 28-2022. David Buchler, Candidate for County Attorney, was present for this portion of the meeting. Following review, Ron Nye moved to approve Resolution 28-2022, a resolution to increase the gravel pit review fee that is collected by the Madison County Weed Board for applications submitted to mine gravel with the County. John Heckler seconded the motion. All voted aye and the motion carried.

**Administrative Building Façade Improvements:** The Board discussed façade improvements to the Administrative Building. David Buchler, Candidate for County Attorney, was present for this portion of the meeting. Documents and drawings from September of 2019 were reviewed and discussion included costs, connection integrity and structural capability, architect recommendation for reinforcement, materials, and life expectancy/planned replacement. All agreed that the improvements should be done, the estimate seems high, questions remain about structural integrity/reinforcement, and about how to proceed.

**Deputy County Attorney:** Justin Ekwall, Deputy County Attorney, met with the Board to discuss the following topics. David Buchler, Candidate for County Attorney, was present for this portion of the meeting.

- **Proposed Amendment to Ordinance 3-2021:** Justin presented 4-5 proposed amendments to Ordinance 3-2021, the County's Commercial Marijuana Ordinance. He reviewed background information and feedback received from local businesses. Discussion included the effects of the amendments, the various steps in opening a business and selling products, advertising and proximity to entities noted in the Ordinance, signage compliance within towns, odors and complaints about discernable smells, clarification that the Ordinance's restrictions set a minimum and towns can add more restrictions but not less, potential litigation, and having the final version ready for next week.
- **Nursing Home Termination Grievances:** Dan stated that the Board's decision regarding Nursing Home termination grievances is to reinstate the two terminated employees to their former positions with back pay to January 28, 2022. Gail Nelson, TRMCC Administrator, confirmed via Webex that both employees sent emails rescinding their grievances if they are to be reinstated. John Heckler commented that the Board's decision was to correct what was done and carried no conditions, and he then made a motion that the two employees with religious exceptions that were laid off for COVID-related items be reinstated in their positions and compensation be made to make up for their back pay from the date they were laid off. Ron Nye seconded the motion. Kila Shepherd, HR Director, returned to the meeting at this point and expressed disappointment that HR was not interviewed in the grievance process since she has emails from the TRMCC Administrator that neither of the individuals intended to file a religious or medical ADA exception or challenge it; all due process meetings took place in Kila's office; she sent all the emails regarding due process, termination, and information regarding the grievance procedure to the employees; no religious exceptions were filed to her knowledge even after her request that they be sent to her. She acknowledged that the decision is up to the Board but stated that HR and TRMCC must live with this decision and it may impact TRMCC's ability to receive Medicaid and Medicare funding. There was discussion between Kila and Dan about timing of events and policy decisions over the last several months. She noted that she sent termination documents to MACo for review and received their approval, and further stated that not involving HR is a violation of the grievance policy. Dan thanked Kila for her comments and called for the question. All voted aye and the motion carried.

**Gas Tax Maps:** Tommy Luksha, GIS Coordinator, met with the Board to review the County's gas tax maps. There was discussion about town limits and where the money goes, and Tommy recommended that the maps be approved as is. After discussion, Ron Nye moved to approve the fuel tax maps as presented. John Heckler seconded the motion. All voted aye and the motion carried.

**Calendars:** There was no discussion on this topic.

With no further business, the meeting was adjourned at 3:45 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, March 15, 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: April 26, 2022

Minutes prepared by:

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

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