

BOARD OF MADISON COUNTY COMMISSIONERS
March 9, 2021, Meeting Minutes

On Tuesday, March 9, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:30 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Ron Nye and Jim Hart present. Commission Chair Dan Allhands was absent for personal reasons. Laurie Buyan, Executive Assistant to the Board of Commissioners, was present to take minutes.

Those people in attendance at the meeting were Joe Brummell, Bonnie O'Neill, Alex Hogle, Justin Houser, Jani Flinn, Dale Smail, Tommy Luksha, Lois Stephens, Justin Gatewood, Diane Kaatz, Karen Miller, Suzanne Nellen, Justin Ekwall, Angela Mueller, Ellis Thompson, Scott Kelly, Kaitlin MacDonald, Dana Escott, Denny Lueck, Vicki Tilstra, and Brett Schriock. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection. Those present via Webex were Gail Nelson, Allison Veland, Van Puckett, Jani Flinn, JM, Jolene Palmer, Kathy Barnes, Keeley Larson, Kindra Todd, Lynda Holt, Robert Bates, Rob Wallingford, Tammy Mahlstedt, TL, Town of Virginia City, Laurie Schmidt, and several phone numbers that were not identified.

Approval of Minutes: No minutes were available for approval.

COVID-19 Update: Joe Brummell, DES, met with the Board to give an update on the COVID-19 pandemic. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Gail Nelson, Tobacco Root Mountains Care Center Administrator in Training, Allison Veland, Madison Valley Manor Administrator in Training, and Van Puckett, Sanitarian, participated in this portion of the meeting via Webex. Joe reviewed the status of COVID Cases. Madison County has had 710 confirmed positive cases, currently has 28 active cases, 675 have recovered, and there have been 7 fatalities. There is currently one active hospitalization, with an overall total of 47. The State of Montana has had 100,959 confirmed positive cases, 1,381 fatalities, 97,977 recovered, and 63 current hospitalizations. Total COVID tests in the state are at 1,106,632. The United States has had 29 million confirmed cases and 525,000 fatalities. Worldwide there have been 117 million cases and 2.59 million fatalities. Joe discussed hospital bed capacity and reviewed the current status of school cases, noting that schools have to go 14 days with no new cases. He also discussed the status of vaccinations in the County and throughout the State, stating that vaccinations are still up in the air for kids but that Phase/Tier 1B+ is now in effect which has lowered the requirements to 60 years old or older and prioritizes teachers. Joe stated they are expecting huge reforms in nursing homes and hospitals. He also discussed Incident Command Team activities and meetings, current weather, and proposed legislation that may affect local Board of Health and officers.

- **Nursing Homes COVID Update:** Gail updated the Board on the status at TRMCC. She stated there are currently 23 residents at the facility. Currently there is one in quarantine. There are seven recovered residents. No hospitalizations. There are four staff members out, currently in quarantine. PPE training is conducted daily and is ongoing. County prevalence rate is about 7.5 %. They are testing staff and residents daily and visitation is still not allowed. She added that if they don't get any more positives, they could be over this outbreak by the 18th.
- Allison updated the Board on the status of COVID at the Manor. She stated that the current census is 16. There are zero in quarantine and eleven that have recovered from COVID. There is no one in the hospital and no staff in quarantine. There is on-going monitoring of PPE. County prevalence rate is at 7.5 %. They are testing staff once a week and residents as needed. She added that they have been able to implement the indoor visitation booth. There was a question from the public asking about the vaccination status of the residents at the nursing homes. Alison responded that two Madison Valley Manor residents have completed vaccinations and the rest of those that have chosen to get it are scheduled for their second shot. There are two residents that chose not to get it. Gail stated that 22 have been vaccinated at the Tobacco Root Mountains Care Center. There was discussion about positive cases that the Public Health Department have managed and Board of Health legislation.

Comments on Items Not Listed on the Agenda but Within the Board's Jurisdiction: Ron Nye asked for an update on the email issue. Ryan stated that the company that is going to address it should be here Thursday or Friday and that it should take about 10 hours to get it fixed. He added that there is a good chance that a Microsoft issue is the cause. Van Puckett, Sanitarian, who was participating by Webex, asked if there are other counties who are having the same issue. Jim Hart responded that there was one county he heard about back in February but hesitated to name the county.

Claims: The Board approved claims.

Letter to Property Owners Regarding Snow Removal: Jim Hart presented a letter he prepared requesting property owners to pile snow on their private property rather than in the public road easement. He stated that he is attempting to keep snow from private driveways out of the County right-of-way due to the problem it causes for snowplows. Jim read the proposed letter. Ron Nye agreed, stating that Gallatin County has a road policy and he thinks it would be a good idea for Madison County to have one too. Following discussion, Jim Hart moved to approve the letter for snow removal on private property to be kept off County road easements. Ron Nye seconded the motion. All voted aye and the motion carried.

Solid Waste Ash Signs: Joe Brummell, DES, met with the Board to discuss ashes in Solid Waste sites. Joe stated he has been working with Denny Lueck, Solid Waste Foreman, on getting signage for each site, and that he has had requests from fire chiefs. Joe has been working with the prison for making these signs and stated that he has funds in his budget for the purchase. Following discussion, Jim Hart moved to approve the purchase of 50 signs related to where to dump or not dump ashes at the Solid Waste sites, for the amount of \$34.75 each or a total of \$1,737.50 from the Montana State Prison. Ron Nye seconded the motion. All voted aye and the motion carried.

Amended Plat of Lot 712 and Open Space 704: Alex Hogle, Planning Director, met with the Board to discuss an amended plat of Lot 712 and Open Space 704, Golf Course Subdivision Phase 1, Yellowstone Mountain Club. Alex stated that the proposed amendment would adjust the common boundaries of Lot 712 and Open Space 704 such that the open space would encompass land within a hairpin curve of East Golf Course Road and Lot 712 would have an improved development area by shifting southward into area previously occupied by the open space tract. He added that the adjustment would not change the size of the lots and recommended approval of the amended plat. Based on the recommendation of the Planning Director and the Exemption Review Board, Jim Hart moved to approve the amended plat of Lot 712 and Open Space 704 of Golf Course Subdivision Phase 1, Yellowstone Mountain Club. Ron Nye seconded the motion. All voted aye and the motion carried.

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 Dale Smail, Alder resident, were present for this portion of the meeting.

- **Madison Valley Manor Project:** Craig discussed the Madison Valley Manor project, stating that the County is advertising on bid contract. The bids are due on March 22 and the schedule is to have them read at the Commission meeting on March 23, 2021, at 11:00 a.m. He added that his only concern is the volatility in the building materials market. Plywood that was going for \$8.00 is now going for \$24.00 or \$34.00.
- **CDBG Planning Grant – Tobacco Root Mountains Care Center:** Craig stated that last week he was asked to go through the bid for the Preliminary Architectural Review on the Tobacco Root Mountains Care Center project, which is going to be funded in part by a Community Development Block Grant that Madison County was awarded. One firm, SMA out of Helena, responded to the advertisement. Craig said he read through the proposal and it was very well written and that he gave them top marks all the way through. He noted that they have done several projects in Madison County and listed other projects they have also completed, adding that they have very strong qualifications for working on health care facility projects, they fully understand the CDBG program, and have the ability to complete the PAR by the August 1, 2021, deadline. He added that he gave them 100 points out of a possible 100. There was discussion about the total cost of the proposed construction project, with Craig stating that the PAR would help determine the scope of the project and that Madison County has the final decision on what needs to be addressed and has

always competed well in the CDBG process. Based on the review and recommendation of Craig Erickson from Great West Engineering, Jim Hart moved to accept SMA as the firm to prepare a Preliminary Architectural Report for the Tobacco Root Mountains Care Center project. Ron Nye seconded the motion. All voted aye and the motion carried. Jani Flinn asked about preparing a notice to proceed. Craig agreed that sending a quick letter would be good and would close the loop. Jani offered to prepare the letter and send it to Craig for review.

Open Sealed Bids for Road 3 Snowblower and Road 1 Screener: The Board received and opened six bids for the Kolberg Double Deck Screener that was advertised for sale by the District 1 Road Department. The Board will take these bids under advisement. No bids were received on the 1971 Oshkosh Snowblower owned by District 3 Road Department.

Courthouse Mold (Air Quality Issue): Tommy Luksha, GIS, met with the Board to discuss mold issues in the old Courthouse. Lois Stephens, GIS Assistant, Justin Gatewood, Virginia City Mayor, Diane Kaatz, District Court Administrator, Karen Miller, Clerk of Courts, Suzanne Nellen, Justice of the Peace, and Justin Ekwall, Deputy County Attorney, were present for this portion of the meeting. Tommy provided a memo with information related to the mold issues. He noted that he set it up as a video due to coughing spells and the memo was narrated by Tommy as it was shown on the Webex screen. The memo gave a history on the mold, reviewed air quality tests that were conducted in the courthouse and the results of those tests, discussed weather events, reviewed Commission meeting minutes related to mold, installation of air purifiers, and health issues that are believed to be a result of the mold. The presentation also contained a brief guide to mold, moisture and your home. Tommy stated that the health issues are of significant concern to him and that he is immune compromised. Following the presentation, there was discussion about the affects this mold has had on other employees in the courthouse. Discussion included installation of a door to the Sheriff's Department. Suzanne Nellen stated that employees are being affected in Justice Court and taking time off due to sinus issues. She added that if there is mold in the building, it has to be eradicated; it's a problem and we need to deal with it. Karen Miller stated that she has chronic nasal issues and having worked for the County for 27 years, she has been exposed a lot. Diane Kaatz stated that she is constantly sneezing and has nasal discharge, adding that it is not caused from a cold or sinus infection. Karen Barnes noted that she feels better when she's on vacation and when she gets back to work, her eyes are red, she has sinus issues and sneezes a lot. Justin Ekwall stated that their staff is affected when they have to go down to look at files. There was discussion about remediation, what has been done and what needs to be done, conducting regular testing, and hiring a contractor to get it fixed. After much discussion, Tommy stated that he has made a tentative appointment with Buffalo Restorations and would like a motion to authorize another test. Jim Hart moved to authorize environmental testing by Buffalo Restoration or others in all the areas that are affected. Ron Nye seconded the motion. All voted aye and the motion carried. There was further discussion about Hepa filters and how often they are changed, recognizing the mold species, ventilation issues, and getting diagnosed if you have symptoms.

Administrative Office Building Canopies: This topic was continued to the next regular Commission meeting.

First Reading of Ordinance 2-2021 (Amending Ordinance 1-93 by removing a Portion of Axolotl Lakes Road): The Board discussed a proposed ordinance that would amend Ordinance 1-93 to open a portion of Axolotl Lakes Road to vehicular travel year around. Justin Gatewood, Ellis Thompson, Scott Kelley, Angela Mueller, and Kaitlin MacDonald, Virginia City residents were present for this portion of the meeting. Justin stated that the Town of Virginia City submitted a smattering of comments that came to them and official comments from the Town. He added that under the circumstances, with email still down, with the chairman who is the Commissioner for this district not present, and with people still apprehensive to attend in person due to COVID, he again asked that the first reading again be postponed. Jim Hart suggested two options, doing the first reading to set the process in motion, and delaying the date for the second reading to give more opportunity for public comment. Justin stated that the first reading is what they object to by its very nature, pointing out that people have not had a chance to weigh in because of the email issue and discussed how fast things went with Garden Creek so they can't trust that things won't happen that fast with this one. Ron Nye agreed with delaying the date for a second reading. Laurie Schmidt, who was participating via Webex, stated that she was back to the big picture, if you're strictly looking at this request, whether you can maintain the road, and this coming right after you

took another road out of the initial ordinance; she believes there was a legitimate reason for the original ordinance and that there should be a thorough analysis of all the roads and that all property owners should weigh in. She discussed going from one road to another and then doubting whether the ordinance is valid makes her think that you should weigh in on the ordinance as a whole. Do you believe in this ordinance or don't you? Scott Kelley agreed with Laurie about the big picture, stating that looking at each of these one by one is going to kill us and every time you say yes, it's going to make it that much harder to say no. He added that we need to put some real research into what has changed since the original ordinance was put in place, and that there should be a more comprehensive plan for the County. There was discussion about Alder Gulch Road not being included in this ordinance, the cost of keeping a road open for six people, the capability of the County road crew to take care of all these roads, the ordinance process, whether this ordinance is enforceable, State funding received by the snowmobile club, joint use of the road in question, putting up signage, and developing a list of questions to be answered before a final determination on the ordinance. After much discussion, Jim Hart moved to postpone the first reading of proposed Ordinance 2-2021 until the regular Commission meeting on April 13, 2021. Ron Nye seconded the motion. All voted aye and the motion carried.

Dana Escott, Fair Manager, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Authorization to Hire Summer Help:** Dana stated that the Fair Board would like to hire four part-time grounds keepers. Based on the recommendation of the Fair Manager, Jim Hart moved to approve the Authorization to Fill four part-time grounds keeper positions for the Fair Grounds. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Fair Update:** Dana updated the Board on Fair activities, stating that the Fair dates have been set for August 11-15, 2021. She noted that they have sent out the Fair book advertising and have had approximately \$4,000 come in; sponsorship to date - \$1,900 has come in; arena signs to date - \$4,500 has come in. The special awards contracts have gone out, money is starting to come in for that, and the camping map went out. She stated that she has not sent in the NRA contract with fees yet and asked if she should send it in. There was discussion about the rodeo. Ron asked if that would need to go through the Public Health Board for approval. Bonnie stated that the Board of Health will meet and make a determination on restrictions for gatherings. Ron suggested that she wait on sending it in. Dana noted that she plans to move forward with the Fair and hopes it will happen. Other topics of discussion included the first meeting of the newly created Fair Foundation; the Wyldman Rodeo that is scheduled for July 30-31, 2021; the pavilion roof that is about half done; and purchasing a show ring for dog obedience classes.

Solid Waste Request for Full-Time Solid Waste Employee: Denny Lueck, Solid Waste Foreman, met with the Board to discuss the need to hire an additional full-time truck driver. Denny stated that they had a board meeting and discussed that one person was out for a long period of time last summer. He noted that they suggested turning the seasonal position into a full-time, permanent, driver/site manager position. He stated that the tonnage has gone up and discussed the eventual plan to man the sites. He would like the position in place by mid-April to the first of May. He discussed the need to have someone to work when other employees take vacation. At the request of the Solid Waste Foreman and recommendation of the Solid Waste Board, Jim Hart moved to authorize filling a full-time Solid Waste employee. Ron Nye seconded the motion. All voted aye and the motion carried.

Bonnie O'Neill, Human Resources, met with the Board to discuss the following topics. Vicki Tilstra, Finance Officer, was present for this portion of the meeting.

- **Recommendation to Hire Nursing Home Administrators:** Bonnie read a recommendation to hire Nursing Homes Administrators for both County nursing homes. She noted that the selection committee recommended Gail Nelson and Allison Veland for these positions. There was discussion about the beginning date and the salary for the positions. Bonnie provided a salary survey that she conducted with administrator salaries from the Montana Mental Health Care Center in Lewistown, Montana, the Montana Veterans' Home in Columbia Falls, Montana, and the Gallatin County Rest Home. She also provided information on salaries of past administrators in Madison County and the current Director of Nursing salaries at both facilities. Following discussion, Jim Hart moved to hire Gail Nelson as the Administrator for the Tobacco Root Mountains Care Center and Allison Veland as the Administrator for the Madison

Valley Manor, at a beginning salary of \$87,000, effective March 16, 2021. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Request to Purchase Grill Guard for Senior Citizens' Bus:** Bonnie discussed the need for a grill guard on the Senior Citizens' Bus. She stated that there was an estimate from Sharp Shades for \$1,300 to \$1,500 plus labor. Ron noted that this was discussed at yesterday's Senior meeting. Based on the recommendation of the Senior Board, Jim Hart moved to approve the purchase of a grill guard for the Senior Citizens' Bus. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Authorization to Fill Weed Field Season Personnel and Compliance Tech:** Bonnie reviewed information for a part-time Weed Department Compliance Tech. Following discussion, Jim Hart moved to approve the Authorization to Fill the Weed Department Compliance Mapping Technician position at the rate of \$17.90 per hour. Ron Nye seconded the motion. All voted aye and the motion carried. Bonnie stated that the Board approved hiring eight Weed Department Field Season Personnel at the last meeting and that she has not had time to create the Authorizations to Fill but the positions are being advertised.
- **Resolution 16-2021 Public Health Response Funding Source Redirection:** Jim Hart read a proposed resolution regarding the funding source for the Public Health Department stipends. Corrections to the resolution were discussed. Laurie will make corrections to the resolution. Following discussion, Jim Hart moved to approve Resolution 16-2021, a resolution clarifying the funding source of the COVID-19 Hazard Stipend under Coronavirus relief fund for local and tribal public health response/fund source redirection, with corrections and attachments. Ron Nye seconded the motion. All voted aye and the motion carried. Lisa Stapp asked via Webex if all the people who received the stipend were assisting. Jim Hart responded that in some form or fashion, he would say yes, the Incident Command Team, DES personnel, etc. He stated that its well documented and supported, and it's done. Lisa replied that she disagreed and would like it on the agenda next week. Jim stated he is hesitant to do that and did not see any reason. Ron agreed that we need to put this to rest and move forward.
- **Replacement Postage Machine:** Vicki discussed the postage machine stating that the bottom portion is rotting. The life expectancy is seven years and this machine has made it for ten years. She discussed the option of purchasing or leasing a new machine and recommended leasing. At the request of the Finance Office, Jim Hart moved to approve the Government Product Lease Agreement from Quadiant Leasing for the amount of \$440 per month for the first 60 months. Ron Nye seconded the motion. All voted aye and the motion carried.
- **MACo Dental and Vision Renewal Rates:** The Board reviewed rates for the MACo renewal. Following discussion, Jim Hart moved to approve the Final Renewal Rates for Madison County, July 1, 2021, to June 30, 2022, Group Number: 640-C250. Ron Nye seconded the motion. All voted aye and the motion carried.

Item not Listed on the Agenda but Within the Board's Jurisdiction: Brett Schriock, IT, presented the Board with a memo regarding the email crash, which stated that due to the severity of the email server crash, a specialized technician would be required to work on the server and listed reasons for the crash. Following discussion, Jim Hart moved to approve the request from the IT Director to hire First Call Computer Solutions at the rate of \$165 per hour for approximately 10 to 12 hours to establish a new Exchange Server, mount recovery data, and restore to new exchange server mailbox by mailbox. 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 2:50 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, March 16, 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 13, 2021

Minutes prepared by:

Laurie Buyan, Executive Assistant to the
Board of Commissioners

Attest: _____
Paula McKenzie, Clerk and Recorder, Madison County