

BOARD OF MADISON COUNTY COMMISSIONERS
March 15, 2022, Meeting Minutes

On Tuesday, March 15, 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 Emilie Saylor, Hannah Brook, Vicki Tilstra, Margaret Stecker, Cody Marxer, Allison Veland, Mike Callahan, Kacey Smart, Wes Collette, Guy Buyan, Dale Olson, Jeremiah Sperry, J.S. Turner, Ray Rowberry, and Justin Ekwall. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Lance Bowser, Bruce Holmes, Debi Randolph, Tammy Mahlstedde, Christine Keltner, Tommy Luksha, Lisa Stapp, Jennifer Martens, Kila Shepherd, Ryam Voltaire, Trever Downton, Jani Flinn, Britani Allhands, Kayla Bean, Karl Yakawich, Kellie Greco, Janie Alt, Abby Thomas, Jackie Lev, Carmin Hill, and unidentified phone attendees.

Approval of Minutes: After review, John Heckler moved to accept the meeting minutes of the Board of Madison County Commissioners dated February 1, 2022, as written. Ron Nye seconded the motion. All voted aye and the motion carried.

Public Health Office: Emilie Saylor, Public Health Director, met with the Board to discuss the following topics.

- **COVID Update including Nursing Homes Status:** Emilie updated the Board regarding COVID status. The County's confirmed positives to date are 1,805 with only two active cases and no active hospitalizations for the past two weeks. The fatality count remains at 20, plus two under investigation. Montana has had 271,774 confirmed positives, there are 655 active cases which is pretty low compared to past cases, fatalities increased slightly to 3,223, and there are 46 active hospitalizations. She reviewed the chart of daily new cases in the County, current active cases Statewide with many counties reporting no cases, and cumulative active cases noting these are totals since March of 2020. She reviewed the vaccine dashboard map showing fully-vaccinated people in Montana and the County, noted a little percentage increase and said a few dozen people per week are still getting vaccinated, and reviewed vaccine uptake by age group. Madison Valley Manor has 21 residents and no staff or residents are isolated or hospitalized. COVID testing is done once weekly for staff not fully vaccinated (boosted), and as needed for anyone presenting symptoms. Visitation is allowed with screening and testing prior to entry. County transmission rate is low. Tobacco Root Mountains Care Center has 25 residents and no staff or residents are isolated or hospitalized. Staff not up to date on vaccinations are tested twice a week, residents are tested as needed, and visitation is allowed following CDC recommendations on testing and screening. The staff vaccination rate is 95%, and 96% of residents are vaccinated. Emilie noted DPHHS is currently in the building for TRMCC's recertification survey. Emilie also pointed out an eight-week Hypertension Control class that begins next week at the library in Virginia City, and she will be starting another class via Webex in two weeks.

Airports: Lance Bowser, Robert Peccia & Associates (via Webex), and Hannah Brook, Grant Writer/Administrator, met with the Board to discuss the following topics.

- **Ennis Big Sky Airport – Land Acquisition Buy-Sell:** Lance discussed a tract of land just west of the Ennis Big Sky Airport that the Airport has been pursuing for several years, and the Airport Board feels this parcel is critical enough to purchase while the buyer is willing. The buyer is asking \$350,000 with the County paying closing costs. Since time is of the essence and appraisals are 60 days out, the Airport Board wants to move forward with the purchase even if the appraisal comes in lower than the purchased price, and Lance will apply to the FAA for reimbursement of 90%. He noted there will be no commissions in the closing costs, only title company costs and the appraisal will cost \$4,250. After discussion, John Heckler moved to accept the buy-sell agreement at the Ennis Big Sky Airport for Lot 22B of Shining Mountains Airpark – Plat 4/92 – a 10.251-acre parcel located in Section 31, Township 06

South, Range 01 East, with the final legal description to be determined by the title company, in the amount of \$350,000 plus closing costs. Ron Nye seconded the motion. Dan pointed out a missing signature page on the printed agreement, and Lance said it is included on the electronic agreement. All voted aye and the motion carried. Lance pointed out a consent form stating that a local real estate broker, Melinda Merrill, is not representing either party and is acting as a statutory broker only. Following review, John Heckler moved to approve the Relationships/Consents form for Real Estate Transactions, dated March 9, 2022. Ron Nye seconded the motion. All voted aye and the motion carried. There was a brief discussion about the upcoming Airport Board meeting agenda.

- **Ennis Big Sky Airport – SF425 & 271 Financial Forms (AIP's -021-2020 & -022-2020):** This topic was continued to the next regular Commission meeting.

Grants: Hannah Brook, Grant Writer/Administrator, met with the Board to discuss the following topic. Vicki Tilstra, Finance Officer, was present for this portion of the meeting.

- **Cliff & Wade Lake Road Indirect Costs:** Hannah said that in finalizing the contract for the Cliff and Wade project the subject of indirect costs came up, and she and Vicki described those costs and discussed options for handling them before leaving the meeting. Karl Yakawich, Great West Engineering, joined the meeting via Webex to answer questions from the Board, and he reviewed the anticipated schedule including bid package reviews by the County and Western Federal Lands (WFL), environmental certification by WFL, and bids possibly going out in June.

Claims: The Board approved claims.

DUI Task Force Appointments: After review, Ron Nye moved to accept Robbie Tipton and Glenn Brook to the Madison County DUI Task Force Committee for the remainders of three-year terms that will expire on December 31, 2023. John Heckler seconded the motion. All voted aye and the motion carried.

Skyline Surveying: Margaret Stecker, Skyline Surveying, met with the Board to discuss the following topic. Cody Marxer, Planner I, and Allison Veland, MVM Administrator, were present for this portion of the meeting.

- **Kay Kent Family Transfer - Exemption Review Board Decision Review:** Margaret supplied background information regarding the Kent family's proposed transfer of property to several children and pointed out that State statute limits transfers to only three children, so for a large family the land cannot be conveyed evenly to all the children. Discussion included the intent of State statutes, the Exemption Review Board's sympathetic but negative ruling based on County sub regulations and due diligence, potential issues with exceptions, and the seemingly sincere intent of the family in this case to allow each child to build on a relatively equal parcel and keep the entire property in the family. Following discussion, John Heckler moved to grant the Kay Kent family transfer exemption as proposed. Ron Nye seconded the motion. All voted aye and the motion carried.

Safety: Mike Callahan, Safety Coordinator, met with the Board to discuss the following topics. Vicki Tilstra, Finance Officer, was present for this portion of the meeting. Bruce Holmes, Montana Administrator, Federal Motor Carrier Safety Administration (FMCSA), participated by Webex. Kacey Smart, Solid Waste Assistant, was present for a portion of these topics.

- **CDL Additional Drivers Training:** Bruce reviewed the additional driver training now required for new CDL licensees noting it was mandated by the Federal Motor Carriers Association, and even though the State of Montana has chosen not to check the completion of this training it does not relieve the driver from having to complete it – the driver, and their employer, are still liable if something were to happen, although there is nothing in the rules indicating liability for a training instructor. Discussion included training options, the requirement to complete the training prior to licensing, trainer qualifications, number of County employees affected, and eliminating the issue in the future by requiring CDL completion prior to hiring as other departments are doing.
- **Clothing and Footwear Policy:** Mike said he met with HR and Finance to work out the policy regarding safety clothing and footwear provided to employees. Discussion included supplying footwear when a new employee starts work and allowing replacement after one year, having foremen keep track of timing, methods of payment or reimbursement, decisions to be made by the Board under the advice of managers/supervisors, expense submittal if included in budget and Board approval of any changes to

budget, approved vendors and procedures, ANSI compliance, allowable and job-specific clothing, and OSHA requirements.

- **Safety Manual Approval:** Mike briefly discussed changes being made to the Safety manual.

Justice of the Peace Position: The Board discussed the Justice of the Peace position. Wes Collette, Alder Resident, was present for this portion of the meeting. Dan noted that Wes Collette, Alder Resident, and Marc Glines, Ennis resident, have applied for the position. Discussion included interview committee members and schedules, and Thursday afternoon, March 17, 2022, was chosen as the interview date. Dan noted that Judge Nellen intends to leave the position by March 21, 2022.

Solid Waste: Guy Buyan, Solid Waste Foreman, met with the Board to discuss the following topic.

- **Purchase of Solid Waste Container Boxes:** Guy said two Solid Waste container boxes are needed this year but has no information about delivery dates. Discussion included budget, increased freight costs, material and labor costs, increase in construction box use, fees for damages, and re-using older construction boxes for ranches and tires. After discussion, John Heckler moved to approve the purchase of (2) 40-yard waste container boxes for the budgeted price of up to \$32,000 (total). Ron Nye seconded the motion. All voted aye and the motion carried.

US Forest Service (USFS): Dale Olson, Madison District Ranger, met with the Board to discuss the following topic. Jeremiah Sperry and J.S. Turner, USFS Dillon, and Ray Rowberry, District 1 Road Foreman, were present for this portion of the meeting.

- **Schedule A Road Maintenance Agreement:** Dale said an approved Schedule A will supplement his request to have the County reimbursed for road work in the Goose Fire area. He recently learned of additional culvert work needed in the same area if the County is willing to add it to the project, and he pointed out the storage location of the two culverts. Various road maintenance locations were discussed, and Dale will amend the Agreement.

Deputy County Attorney: Justin Ekwall, Deputy County Attorney, met with the Board for the following topic.

- **First Reading of Ordinance 1-2022 – Amending Ordinance 3-2021, Commercial Marijuana:** The Board conducted the first reading of Ordinance 1-2022, Madison County Amended Commercial Marijuana Ordinance amending Ordinance 3-2021, which John read aloud. After review, Ron Nye moved to approve the first reading of Ordinance 1-2022, Madison County Amended Commercial Marijuana Ordinance amending Ordinance 3-2021. 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 3:20 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, March 22, 2022, 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 26, 2022

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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