

BOARD OF MADISON COUNTY COMMISSIONERS
March 29, 2022, Meeting Minutes

On Tuesday, March 29, 2022, 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, 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, Karen Larche, Kila Shepherd, Allison Veland, Laurie Buyan, Jim Kleis, Hannah Brook, Cody Martens, Maggie Good, Britani Allhands, Al Hendricks, and Tommy Luksha. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Jeremiah Theys, Kevin Germain, Danielle Scharf, Jamie Grabinski, Pat Bradley, Kristy Ranson, John Stowe, Chad Tree, Lynda Holt, Jennifer Martens, Jani Flinn, Abby Thomas, Janie Alt, Cody Marxer, Jackie Lev, Mike Callahan, Carmin Hill, and unidentified phone attendees.

Brian Conklin, District 3 Commissioner Candidate, was present to observe portions of the meeting.

Approval of Minutes: After review, Ron Nye moved to accept the meeting minutes of the Board of Madison County Commissioners dated February 15, 2022, as presented. John Heckler seconded the motion. All voted aye and the motion carried. After further review, John Heckler moved to accept the meeting minutes of the Board of Madison County Commissioners dated February 22, 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. Karen Larche, Public Health Disease Interventionist, was present for this portion of the meeting.

- **COVID Update including Nursing Homes Status:** Emilie updated the Board regarding COVID status. The County has had 1,805 confirmed positives to date with 1,784 people reported as recovered, and no active cases or active hospitalizations. The fatality count is still 20, with two more reported cases under investigation. Montana has had 272,397 confirmed positives, active cases are down to 426, fatalities are 3,223, and active hospitalizations decreased to 27. She reviewed the chart of daily new cases in the County (reflecting cases since the start of the pandemic instead of 90 days as was reported in the last update), as well as current active cases across the state and cumulative cases. She noted the vaccine dashboard map has not been updated since the last report and reviewed vaccine uptake by age group, pointing out that the older age groups show a pretty good rate of vaccination in Madison County. Emilie discussed the new Omicron variant now dominant in the U.S. and said another surge is anticipated but severity is expected to be mild/moderate. A second booster has been approved for people over 50, and Emilie will issue a press release when Public Health is able to administer boosters. Madison Valley Manor has 21 residents with one resident in isolation due to admission policy regarding vaccination status. No other residents or staff are isolated or hospitalized. County transmission rate is low so surveillance testing is not recommended due to the low rate, although testing will be done for anyone presenting symptoms. Visitation is allowed with screening prior to entry. Tobacco Root Mountains Care Center has 24 residents with no isolations or hospitalizations. Staff not up to date on vaccinations are tested twice a week, residents as needed, and visitation is allowed following CDC recommendations on testing/screening. The staff vaccination rate is 95%, and 96% for residents.

Claims: The Board approved claims.

MACo Dental and Vision Renewals: The Board discussed renewing the County's MACo dental and vision insurance. Kila Shepherd, HR Director, Allison Veland, MVM Administrator, and Laurie Buyan, Executive Assistant to the Board of Commissioners, were present for this portion of the meeting. Laurie pointed out that these policies are paid for by employees who choose to sign up for them, and the Board's approval would be for

continuing to offer these MACo policies. After review, Ron Nye moved to approve the MACo dental and vision renewal rates for 2022 as presented. John Heckler seconded the motion. All voted aye and the motion carried.

DUI Task Force Member Resignation: The Board considered a resignation from the DUI Task Force. Kila Shepherd, HR Director, Allison Veland, MVM Administrator, and Laurie Buyan, Executive Assistant to the Board of Commissioners, were present for this portion of the meeting. Following review, Ron Nye moved to accept Wes Collette's resignation from the DUI Task Force as presented. John Heckler seconded the motion. All voted aye and the motion carried.

Alder Sewer District Board Member Appointment: The Board considered a reappointment to the Alder Sewer District Board. Kila Shepherd, HR Director, Allison Veland, MVM Administrator, and Laurie Buyan, Executive Assistant to the Board of Commissioners, were present for this portion of the meeting. Laurie noted that the applicant has been on this board since its beginning and is very knowledgeable. After review, Ron Nye moved to reappoint Elizabeth Qualls for four more years on the Alder Water and Sewer District Board for a term that will expire in May of 2026. John Heckler seconded the motion. All voted aye and the motion carried.

Human Resources: Kila Shepherd, HR Director, met with the Board to discuss the following topics. Allison Veland, MVM Administrator, was present for this portion of the meeting.

- **Changes in COVID Policy and ADA Process:** Kila reviewed changes to the County's COVID policy and she and Allison discussed the policy with the Board, including confusion about certain definitions, having the policy refer to a more detailed and changeable exhibit attachment, CMS/CDC recommendations and Federal requirements, Medicare and Medicaid nursing home funding's dependence on mandate compliance, religious exemptions, employee vaccine status tracking and confidentiality issues, and clarification of authority in the policy. After discussion, Ron Nye moved to accept the changes to the COVID-19 policy and ADA requirements for the nursing homes as presented. John Heckler seconded the motion. All voted aye and the motion carried.
- **New Hire: Karen Larche, Public Health Disease Interventionist (RN), starting 03/28 at \$34.50:** Kila noted that Karen Larche started yesterday in Public Health at RN wages of \$34.50 per hour. Following review, Ron Nye moved to approve new hire Karen Larche as the Public Health Disease Interventionist starting on March 28, 2022, at \$34.50 per hour. John Heckler seconded the motion. All voted aye and the motion carried.

Permanent Tax Appeal Board Member Appointment: The Board discussed a permanent appointment to the Tax Appeal Board noting that Tony Treglia was previously approved by the Board as an alternate, and due to a recent vacancy the Tax Appeal Board is recommending he become a permanent member. Following discussion, John Heckler moved to change Anthony (Tony) Treglia's position on the Tax Appeal Board from being an alternate to a permanent member, filling the remainder of a three year term that will expire on December 31, 2023. Ron Nye seconded the motion. All voted aye and the motion carried.

Grants: Hannah Brook, Grant Writer/Administrator, met with the Board to discuss the following topics. Jeremiah Theys, Great West Engineering, participated by Webex. Jim Kleis, Virginia City Elks Lodge, was present for this portion of the meeting.

- **Joint Permit Application for Jack Creek Road Bridge:** Hannah presented the joint permit application for Jack Creek Bridge #4, and there was discussion about widening the bridge to two lanes, scheduling, and Jack Creek Bridge #5 which was built at the same time as #4 but is in better condition. Jeremiah confirmed details, noting that bridge beams and box culverts are on delayed supply so the earliest bridge work will happen this fall after road work is concluded and bids and materials are in place. After review, John Heckler moved to approve the Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains & Other Water Bodies to move forward with work on Bridge #4 on Jack Creek Road. Ron Nye seconded the motion. All voted aye and the motion carried.
- **MCEP Discussion/Decision for Silver Springs and Seyler Lane:** Jeremiah pointed out that in previous discussions about bridge inspection findings no decision was made about which bridge(s) should be repaired first, and since applications for MCEP grants are due in early May a decision should be made about whether to pursue those funds. Discussion ensued about the condition of the Silver Springs and Seyler Lane bridges, commitment of matching funds and timing of payment, pros and cons of submitting one or both bridges, and other funding sources. After discussion, Ron Nye moved to apply

for the Silver Springs Bridge through the MCEP program. John Heckler seconded the motion. Discussion included further comparison of the two bridges including span length, estimated expense, and availability of alternate access in the event of bridge failure, and it was determined that the Seyler Lane bridge is more critical so the motion was changed by Commissioner Nye to apply for the Seyler Lane Bridge through the MCEP program. John Heckler seconded the changed motion. All voted aye and the motion carried. Jeremiah will update the list of County bridges with funding sources and grant opportunities, based on a plan to pursue one bridge per year.

Virginia City Elks Lodge: Jim Kleis, Virginia City Elks Lodge, met with the Board with the following request. Cody Martens, Maintenance Assistant, was present for this portion of the meeting.

- **Request for Short-Term Closure of the Alley Between the Elks Building and the Courthouse in Virginia City:** Jim requested permission to close the alley between the Elks building and the Courthouse on Saturday, July 16, 2022, for the Virginia City brewfest which will include an outdoor live band and vendors, and there was discussion about extending the closure to allow additional time for cleanup. Following discussion, Ron Nye moved to approve the Virginia City Elks Lodge request to close the alleyway between the Elks Building and the Courthouse on July 16-17, 2022, for the Virginia City Brewfest. John Heckler seconded the motion. All voted aye and the motion carried.

Big Sky Planning Board Member Appointments: The Board discussed Planning Board appointments from the Big Sky area. Maggie Good, Big Sky Owners Association, was present for this portion of the meeting. Several qualified applicants were reviewed for the two open positions and it was noted that anyone interested should be aware that Planning board meetings can run long and require late night driving. After discussion, John Heckler moved to fill the two available seats on the Planning Board with Margaret (Maggie) Good and John Stowe, both Big Sky residents in Madison County, for two year terms that will expire on December 31, 2023. Ron Nye seconded the motion. All voted aye and the motion carried.

Big Sky Resort Tax District: Kevin Germain, Big Sky Resort Area District (BSRAD), met with the Board to discuss the following topic. Maggie Good, Big Sky Owners Association, and Britani Allhands, Finance Administrative Assistant, were present for this portion of the meeting. Danielle Scharf, Project Engineer with Sanderson Stewart, and Jamie Grabinski, Gallatin County Grants Coordinator, participated via Webex.

- **Route 64 (Big Sky) TIGER Grant Shortfall:** Kevin reviewed the TIGER grant that was awarded by the Federal government four years ago for work on Route 64 in Big Sky, noting the project is now facing a deficit and shortfall in funding. The project initially received only one bid and because it was over budget the project was tabled. It recently went out for bid again and two bids were received, both over budget. Some of the work has been completed by the Department of Transportation and by Lone Mountain Land using private funding, but project costs still exceed the funds awarded by the TIGER grant. Kevin noted that the full scope of work needs to be completed in order to use the funding, so cutting the project down is not an option. There have been recent discussions involving the State, Madison and Gallatin Counties, and BSRAD (Big Sky Resort Area District) about bridging the gap to complete the full scope of work. The Department of Transportation (DOT) committed \$1.4 million to the project, but a deficit remains. Danielle gave an overview of the 9.5-mile project and its components, including signage upgrades, wildlife crossings, pedestrian tunnels and bridges, multi-use connective pathways, intersection improvements, wildlife viewing and bus pullouts, left-turn lanes, and traffic signals. She discussed scheduling, pointing out the project is expected to last for 2-3 seasons and will optimistically begin in 2022, noted that 11% of the work is within Madison County, and Kevin reminded everyone that these improvements are necessary to get to Madison County from Highway 191. Jamie briefly discussed acceptance of the qualified bids. Her review of funding included the \$9.2 million low bid versus available funding of over \$6.125 million, a difference of \$3,119,989.83, minus a contribution from MDT of \$1.4 million, leaving a \$1.7 million shortfall. If the shortfall were to be split three ways between Gallatin County, Madison County, and BSRAD, it would be \$573,000 from each agency, and there was discussion about establishing MOUs, administering budget seasons, and that any additional funding coming in would be shared pro rata to reduce the amount coming from each agency. Additional discussion included budgeting details, agreement terms, plans for continued dialog with all agencies, accounting methods such as spending grant money first, justifying the expense to Madison County taxpayers, and making a financial commitment as soon as possible to enable the project to move forward.

Road Review Committee: Al Hendricks, Road Review Committee Chairman, met with the Board to discuss the following topic. Tommy Luksha, GIS Coordinator/Road Review Committee Secretary, was present for this portion of the meeting.

- **Report on South Willow Creek Road:** Al presented and reviewed a Road Review Committee (RRC) report on South Willow Creek Road located about five miles south of Pony, Montana, noting their investigation was requested to determine County road status and how far the County designation extends into lands managed by the USDA Forest Service. The report included location maps, history including acceptance as a County Road in 1889, an excerpt from the original viewers report, mineral claim descriptions, and surveys informing historical road location. Al noted it qualifies as an RS-2477 road. The RRC determined that South Willow Creek County Road extends within the boundary of the Beaverhead/Deerlodge National Forest to a specifically-described location based on documented historic records.

Excess Annual Leave Extension Requests: After review of leave extension requests, Ron Nye moved to approve extensions for the following employees to use vacation time up to December 31, 2022:

Suzette Angell, Kathleen Frank, Tai Gronning, Luz Kramer, Carol Larson, Tammy Mahlstede, and Dave Reintsma, TRMCC; Pam Birkeland, Superintendent of Schools; Laurie Buyan, Executive Assistant; Allison Elser, Clerk and Recorder’s Office; Dana Escott, Fairgrounds Manager; Wes Heavrin, Lynda Holt, and Craig Schroeder, Sheriff’s Office; and Vicki Tilstra, Finance Officer.

County policy options for employees using accrued vacation time were briefly discussed. John Heckler seconded the motion. All voted aye and the motion carried.

Big Sky Park District Interlocal Agreement: The Board reviewed the Interlocal Agreement between Gallatin and Madison Counties for administration and management of the Big Sky Parks Special District and discussed history, agreement duration, and annotated changes. Following discussion, John Heckler moved to approve the extension of the Big Sky Park District Interlocal Agreement between Madison County, Montana, and Gallatin County, Montana, as annotated. Ron Nye seconded the motion. All voted aye and the motion carried.

Letter of Support for RVCD Bank Stabilization Project: After a brief discussion, Ron Nye moved to endorse the letter of support for the Ruby Valley Conservation District’s (RVCD) 2022 DNRC 223 Funding Proposal for Lower Ruby River Bank Stabilization, as presented. John Heckler seconded the motion. All voted aye and the motion carried.

Set Date for Public Hearing & Second Reading of Ordinance 1-2022: Following review, Ron Nye moved to set the date of April 19, 2022, at 10:00 a.m. for the public hearing and second reading of Ordinance 1-2022, Madison County Amended Commercial Marijuana Ordinance. 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 1:38 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, April 5, 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: May 10, 2022

Minutes prepared by:

Attest: _____

Jane Bacon, Commissioners' Clerk

Paula McKenzie, Clerk and Recorder, Madison County