

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**March 30, 2021, Meeting Minutes**

On Tuesday, March 30, 2021, 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 Jim Hart present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Joe Brummell, Bonnie O'Neill, Shelly Burke, Dave Baldwin, Tommy Luksha, Brett Schriock, Lois Stephens, Vicki Tilstra, Alex Hogle, Jeremy Norby, Ryan Elliott, Barbara Gillespie, Joe Gillespie, Jani Flinn, Karen Miller, Suzanne Nellen, Chris Christensen, Karen Cucanic, and Alison Elser. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection. Those who attended via Webex or by phone included Gail Nelson, Allison Veland, Courtnie Fisher, Margie Edsall, Laurie Buyan, Carmin Hill, Tammy Mahlstede, JM, Tommy Luksha, Conner Gagnon, Jolene Palmer, Lisa Stapp, Craig Erickson, CUO180, Janie Alt, Jani Flinn, Becky Lawson, Michelle Schriock, Justin Ekwall, Keely Larson, Jackie Lev, Pete Novich, Lynda Holt, Bob Bates, Tyson Irish, Kathy Barnes, Laurie Schmidt, Luke Berger, Gail Nelson, Kindra Todd, Rick Donaldson, and several unidentified Webex/phone attendees.

**Approval of Minutes:** Following review, Ron Nye moved to approve the March 23, 2021, Board of Commissioners' meeting minutes as corrected. Jim Hart seconded the motion. Jim Hart abstained from voting as he was not present for that meeting. The motion carried on a majority vote.

**Public Health Office/DES - COVID-19 Update:** Joe Brummell, Director of Emergency Management, met with the Board to present an update regarding COVID-19 status. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Joe said the County has had only one fatality since January and currently has no hospitalizations, and the State fatalities have decreased to 1 or 2 per day. He reviewed Montana county maps showing active cases, cumulative cases and bed capacity, noting Bozeman and Billings are also seeing improvements. County schools have had no cases reported in the last 14 days. He reviewed the revised Incident Command Team structure, noting that Bonnie has been helping in Public Health. Joe discussed vaccines, noting a continued increase in the number of vaccines administered, and a mandate from the Governor on March 16, 2021, that everyone 16 and older is eligible, and the rollout is affected by the amount of supply coming into the County and State. He reviewed COVID variants showing up in Montana, FEMA's announcement that COVID-19 funerals will be reimbursed retroactively, and a CDC moratorium on evictions through June, 2021. Upcoming meetings and events were reviewed, as well as upcoming weather, drought conditions, and snow water equivalents. Open burning has been temporarily paused due to wind, and Joe briefly discussed the Greenhouse fire which flared up over the weekend but has been 90% contained.

**Nursing Homes COVID Update:** Gail Nelson, TRMCC Administrator, and Allison Veland, MVM Administrator, updated the Board via Webex on COVID status at the nursing homes. Gail said the TRMCC census is 23, no residents or staff members are quarantined or hospitalized, testing is being done two times per week, and visitors are being allowed in the visitors' booth and outdoors. Allison said there are 14 residents at MVM, no staff or residents are quarantined, 10 have recovered, testing is being done two times per week and residents as needed, and compassionate care visits are allowed. Jim asked about new residents and Allison said they are able to be admitted at both facilities.

**Treasurer:** Shelly Burke, Treasurer, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, and Dave Baldwin, Custodial Supervisor, were present for this portion of the meeting.

- **Tax Deed Authorization:** Shelly presented and reviewed a tax-delinquent property in Virginia City, the pending tax lien was advertised in the Madisonian in June, 2018, and asked the Board for authority to proceed with the tax deed if the taxes are not paid by the July 31, 2021 deadline. Based on the recommendation of the County Treasurer, Jim Hart moved to authorize the Treasurer to move forward as

necessary with the tax deed for said property, Tax Payer ID# 1014300. Ron Nye seconded the motion. All voted aye and the motion carried.

**Relocation of GIS Office:** The Board discussed relocating the GIS office out of the Courthouse due to air quality and health concerns. Bonnie O'Neill, Chief Administrative Officer, Tommy Luksha, GIS Coordinator, Lois Stephens, GIS Clerk, Brett Schriock, IT Director, Dave Baldwin, Custodial Supervisor, Vicki Tilstra, Finance Officer, and Alex Hogle, Planning Director, were present for this portion of the meeting. Luke Berger, District Court Judge, Kathy Barnes, Sheriff's Office, Carmin Hill, Deputy Clerk of Court, and several others participated in this topic via Webex/phone. Discussion included moving all employees out of the building, relocation options such as using meeting rooms and empty office space in the Administrative building, jury trial requirements, power supply and logistics of renting trailers, past trailer rentals, file cleaning, and file storage options. Tommy said he and Lois can work remotely while other arrangements are being worked out. Jim Hart moved to approve having Vicki Tilstra, Finance Officer, continue to look into having Geo. R. Pierce Inc. supply at least 2-3 rental trailers as soon as possible, depending on availability. Ron Nye seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve allowing GIS employees to work from home until offices are moved. Jim Hart seconded the motion. All voted aye and the motion carried. Due to a cancellation on today's Agenda, the discussion was continued to noon today, to include Judge Berger, Judge Nellen and other Courthouse employees.

**Seitz Insurance:** Jeremy Norby, Seitz Insurance, and Ryan Elliott, PayneWest Insurance, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting. Pete Novich, Novich Insurance, participated via Webex.

- **MACo Workers Compensation Insurance:** Jeremy reviewed his reasons for recommending that Madison County change its workers compensation insurance agent to Seitz Insurance. He pointed out the benefits of collaboration and shared experience by Montana counties who become members of a risk retention group, discussed rate reduction potential, long term strategies, claims management, building county safety programs, the effect of nursing homes on rates, and the added effect of getting employees back to work as soon as possible. Jeremy said the rate the County would pay is the same whether it joins the risk retention group or not, over time he believes Madison County would get money back, and he went on to explain experience modifiers which determine the rate each county pays after being a member long enough to establish a three-year lookback. Ron pointed out that the County is very happy with its present agent, discussed his involvement in the County's Safety programs, accident prevention and training, his collaboration with the Safety Coordinator, and how together they have helped to significantly reduce the accident rate at the nursing homes. Jeremy said he is not here to take away from the agent or cut them out, but to enhance the County's insurance program, and he discussed potential rate savings. Pete reviewed his commission rate, pointed out that Madison County is the only one in Montana with two nursing homes, and discussed Bob Bates' excellent work as Safety Coordinator. Dan pointed out the benefit of having a local agent, and Jeremy said he works with Boulder and is in the area often and would appreciate the opportunity to work with Madison County.

**Great West Engineering / SMA Architects:** Craig Erickson, Great West Engineering, and Becky Lawson, SMA Architects, met with the Board via Webex to discuss the following topic. Jani Flinn, Grant Administrator, Bonnie O'Neill, Chief Administrative Officer, and Barbara and Joe Gillespie, Pony residents, were present for this portion of the meeting.

- **Contract for Tobacco Root Mountains Care Center Project:** Craig reviewed the TRMCC agreement with SMA Architects, and it was agreed that the County Attorney's office should also review it. Becky reviewed the contract amount which she noted is a fixed \$33,500 and consistent with the CDBG grant application, and reminded the Board of the County's \$8,500 portion and the planning grant. The topic was continued to the next regular Commission meeting. There was brief discussion about advertising for MVM structure improvement project bids.

**Human Resources:** Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following Human Resource topics. Alex Hogle, Planning Director, and Barbara and Joe Gillespie, Pony residents, were present for this portion of the meeting.

- **Authorization to Fill Full-time Planning Technician Position:** Bonnie reviewed the authorization to fill a full-time Planning Technician position. Alex said the Planning Board has been discussing staffing and

work loads for the last few months and he presented their recommendation to hire a Planning Technician that mentions the recent increase in relocations to the County with the trend expected to continue, and the board's statutory deadlines. He also recommends adding the position so the Planning Department can efficiently handle the work load instead of just keeping up and doing damage control, he discussed incoming work and complexities that have increased the department's work load including more new requests than normal, interlocal agreements with local towns, extra assistance in Ennis due to the resignation of their zoning administrator, conditional use permits, and an upcoming large, multi-phase subdivision. Alex outlined his plan for adding another person in the office and reviewed the budget. Dan and Jim expressed support for adding the position, mentioning the importance of not falling behind, additional work coming in from Big Sky, and additional community work. Based on the recommendation of the Planning Director, Jim Hart moved to approve the authorization to fill the full time Planning Technician position as presented, subject to available funding. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Recommendation to Hire Part-time Weed Department Maintenance Position:** There was no discussion on this topic.

**Public Discussion and/or Comments on Items Not Listed on the Agenda but Within the Board's**

**Jurisdiction:** Barbara and Joe Gillespie, Pony residents, came to talk to the Board about a property use situation that developed recently in Pony. Tommy Luksha, GIS Coordinator, was present for this portion of the meeting. Tyson Irish, local resident, participated via Webex. Barbara expressed appreciation that Ron, Tommy and Van Puckett, Sanitarian, came to Pony to look at the property. She explained that the new owner of Lot #1 in Block 19 received authorization to access the property, which is only .011 acres (a little over 400 square feet) and adjoins the road bed of Madison Street. Instead of using the shortest distance for access, he went a couple hundred feet in one direction and the access so far is 375 feet and he isn't finished. She presented photos, and said the neighbors were very surprised that this is happening. No engineering was done with this excavation on a steep grade, all the dirt and rocks being used have come from County property, there is potential liability because in a heavy rain or snow melt materials are likely to be washed downhill, affecting the surrounding property. The access permit references Ordinance 380, and Barbara pointed out that Paragraph F of that ordinance says work is to be supervised by the County, which has not been done. She also pointed out that this small piece of property probably pays only around \$20 per year in real estate taxes while surrounding properties pay much more, some in the thousands of dollars per year, and this new owner is using about ten times more property than what he actually owns and the County is responsible for what is happening on this site. She wanted to make sure the Board is aware of the situation and that neighbors are very concerned, re-emphasized how quickly this happened, and suggested that the County Attorney review it as well. She pointed out that the owner is basically getting a campsite for a very minimal amount and asked the Board to consider the ramifications of allowing Pony to become a weekend campground for anyone who wants to put up a trailer, in addition to ATVs and dirt bikers who park on and use County property. She doesn't think this owner did what he said he would do, and humbly asked that the Board do what is right and fair. Ron said the owner does have insurance, and that the County has engineers coming to look at this property and others and will keep the Gillespies informed. Tyson Irish commented via Webex that he does construction, and his biggest concern is how much material the owner cut out of the hillside, making it unstable and in danger of washing out. He said what was done is excessive on this small piece of property, asked if geological testing is being required, and Ron said the County will look at that. Barbara expressed her appreciation for the cooperation and help they're received from various County offices.

**Relocation of GIS Office (continued):** The Board continued the discussion about relocating GIS office employees due to air quality and health concerns. Bonnie O'Neill, Chief Administrative Officer, Tommy Luksha, GIS Coordinator, Karen Miller, Clerk of Court, Suzanne Nellen, Justice of the Peace, and Chris Christensen, County Attorney, were present for this portion of the meeting. Luke Berger, District Court Judge, Kathy Barnes, Sheriff's Office, and several others participated in this topic via Webex/phone. Discussion resumed about temporarily moving employees and departments out of the Courthouse. Judge Berger said relocating for a month or two could work using Zoom court and other accommodations, but if its more like six months that's a different conversation. Judge Nellen noted that putting a bandage on the mold issue doesn't address the bigger picture of ADA access, attorneys have told her they intend to file a motion regarding access, and she said the County will ultimately need a new building because it's not cost effective to spend a lot of money on a building with no elevator. Chris noted that the mold issue can't really be solved without preventing moisture from entering the building, even then the lack of an elevator remains a problem, it has been discussed for many years but it's a

decision that needs to be made soon since he has also been told that an attorney is going to sue. Karen pointed out that the mold is the immediate issue and everything else is secondary since solving that will take a minimum of six months and probably longer, and coming up with a new building could take years. She recommended getting the State involved and developing a finite timeline. There was discussion about moving court-related departments to the second floor of the Administrative building for courtroom accessibility and moving employees currently housed on that floor to temporary locations. Additional discussion included speculation about elevator and new building costs, courtroom requirements, possible provisions for elected official locations, communication and input from court-related employees in the planning process instead of midway through the process, and developing long term plans. Judge Nellen noted that storage alone is a big issue and any plans need to involve her staff. Judge Berger said short term plans can be accommodated but the State has a say in the matter and could say no to a temporary move, there are more questions than answers at this point, and the Board needs to continue conversations with Courthouse personnel. Judge Nellen said she and her staff will get information from the State and look at previous plans, and Justice court can be held almost anywhere. Karen pointed out that the Courthouse is a historical building, and Tommy added that many people don't want to see it torn down. Jim promised to include everyone in another conversation.

**Northern Rocky Mountain Economic Development District:**

- **Presentation of New Madison County Economic Profile:** This topic was cancelled.

**Clerk and Recorder's Office:** Alison Elser, Deputy, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Quit Claim Deed for Alley in Pony, Montana, Lots 23 through 27, Block 20:** Alison explained that a title company wants to do a quitclaim deed for a lot in Pony. Following discussion, Ron Nye moved to accept the quitclaim deed from Madison County to Robert A. Broyles and Lalla D. Chadwick for "the southerly 7.5 feet portion of the closed alley between Broadway Street and Mood Street, which was vacated at a public hearing on June 16, 2014 with minutes recorded on June 24, 2014 as Document No. 156467 that attaches to the property described as: Lots 23, 24, 25, 26 and 27 in Block 20 of the Original Townsite of Pony, according to the official plat thereof on file and of record in the office of the Madison county Clerk and Recorder, Madison County, Montana, which said land is to become a part of said lots." Jim Hart seconded the motion. All voted aye and the motion carried.

**Robert Peccia and Associates:** A call was made to Rick Donaldson, Robert Peccia and Associates, to participate in the following topic. Jani Flinn, Airport Board Secretary, and Karen Cucancic, Cucancic Construction, were present for this portion of the meeting.

- **Bid Openings for Snowplow Storage Building:** The Board received and opened two bids for the Ruby Valley Field Airport Improvements Schedule II (snowplow storage building) project. Base bids were in the amount of \$978,643 from Cucancic Construction in Billings, and in the amount of \$687,274.76 from J. Fortune Construction in Butte, and each included a 10% bid bond. The bids will be evaluated and checked by Robert Peccia and Associates, and the Board will take the bids under advisement.

**Claims:** The Board approved claims.

**Mental Health Board Appointment:** There was no discussion on this topic.

**Sponsor Buckles for Ranch Rodeo:** After review, Ron Nye moved to approve the Madison County Commissioners' sponsorship of Ranch Rodeo buckle awards for a total amount up to \$1,000. Jim Hart seconded the motion. All voted aye and the motion carried.

**Great West Task Order for Certification of Dyke on Fairgrounds side of Beaverhead River:** There was no discussion on this topic.

**Great West Task Order for Inspection and Rating of two Bridges on South Boulder Road:** Following review, Ron Nye moved to approve Great West Task Order No. 34, South Boulder Bridge inspections and ratings, for an amount not to exceed \$5,500. Jim Hart seconded the motion. All voted aye and the motion carried. Ron explained that these two bridges were not on the MDT list due to confusion about whether the road is a County road, but his information shows it is a County road from the town of Mammoth down to the pavement. The

bridges are older and were put in by the Forest Service so MDT never inspected them, although Ron was told they were inspected about 20 years ago, so after this inspection and rating they will be on the MDT list and may be made eligible for the TSEP plan in the next legislative session.

**DUI Task Force Purchase of Sports Water Bottles:** The Board reviewed the DUI Task Force plans to purchase water bottles printed with the DUITF logo to distribute to 7<sup>th</sup> through 12<sup>th</sup> grade school students attending presentations during April for Alcohol Awareness month, and at other promotional events such as the county fair. Following review, Jim Hart moved to approve the DUI Task Force request to order 500 sports water bottles with the DUITF logo in the amount of \$3,080. 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 2:35 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, April 6, 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 20, 2021

Minutes prepared by:

---

Jane Bacon, Commissioners' Clerk

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