

BOARD OF MADISON COUNTY COMMISSIONERS
April 26, 2022, Meeting Minutes

On Tuesday, April 26, 2022, a meeting of the Board of Madison County Commissioners came to order at 10:00 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 Phil Fortner, Duncan Hedges, Kila Shepherd, Hannah Brook, Britani Allhands, Mark Savinski, Jeremiah Theys, Tommy Luksha, Paula McKenzie, Barbara Gillespie, Steve Dobbs, Steve Garback, Justin Ekwall, Gary Hilliker, and those on the attached list. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Craig Erickson, Becky Lawson, Kristina Kilts, Cody Marxer, Tim Jurgonski, Emilie Saylor, Kellie Greco, Karen Ketchu, Elizabeth McCambridge, Jennifer Martens, Karen Chang, Beth Famiglietti, Tanya Sullivan, Jackie Lev, Janie Alt, Abby Thomas, Courtnie Fisher, Jason Monroe, Fritz Tantrum, Lynda Holt, Christine Keltner, Carmin Hill, Mike Callahan, and unidentified attendees.

Bill Todd, District 3 Commissioner Candidate, was present for portions of the meeting.

Approval of Minutes: Following review, Ron Nye moved to approve the March 8, 2022, Board of Commissioners' meeting minutes with corrections. John Heckler seconded the motion. All voted aye and the motion carried. After review, Ron Nye moved to approve the March 15, 2022, Board of Commissioners' meeting minutes with corrections. John Heckler seconded the motion. All voted aye and the motion carried.

Sheriff: Phil Fortner, Sheriff, met with the Board to discuss the following topics. Duncan Hedges, Detention Officer, Bill Todd, District 3 Commissioner Candidate, and Kila Shepherd, HR Director, were present for this portion of the meeting.

- **Letter of Retirement:** After review, Ron Nye moved to accept Sheriff Phil Fortner's letter of resignation to retire as of May 1, 2022. John Heckler seconded the motion. The Madison/Gallatin agreement for deputy services in Big Sky was discussed, and Phil said the Sheriff's Office should receive an agreement within the next couple of months for review. After discussion, all voted aye and the motion carried.
- **Appointment of Interim Sheriff:** There was discussion about making sure the Sheriff's office is being covered, and Phil noted that Undersheriff Craig Schroeder is willing to serve as interim Sheriff until there is an election or appointment of a Sheriff. Dan stated the Board will consult with the County Attorney and until then the Undersheriff will assume the Sheriff's duties.

Claims: The Board approved claims.

Planning Board Resignation: The Board considered a Planning Board resignation. After review, Ron Nye moved to accept April Gerth's letter of resignation from the Madison County Planning Board as presented, thank her for her service, and advertise for a replacement. John Heckler seconded the motion. All voted aye and the motion carried.

Action Inc. County Representative: The Board reviewed a letter to Action Inc. Following review, Ron Nye moved to approve the letter to reappoint Marilyn Ross as the Action Inc. representative for Madison County, effective immediately. John Heckler seconded the motion. All voted aye and the motion carried.

2022 Noxious Weed Trust Fund Agreements: The Board reviewed three Noxious Weed Trust Fund agreements. After review, Ron Nye moved to approve the Noxious Weed Trust Fund Project grant agreements for Madison County Biocontrol Project 2022, Upper Ruby Revisited V, and North/South Meadow Creek CWM, as presented. John Heckler seconded the motion. All voted aye and the motion carried.

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 topics. Hannah Brook, Grant Writer/Administrator, and Britani Allhands, Finance Administrative Assistant, were present for this portion of the meeting.

- **Madison Valley Manor Update (CDBG Project):** Craig discussed Johnson Control invoices, thermostat function, and grant-reimbursable costs. Becky reviewed substantial completion of the boiler system, scheduling a site visit, electrical work associated with the generators, and CDBG review of RFP's for advertising next week.

Letter of Support for Headwaters Micro Loan Program: The Board reviewed a letter of support for the Headwaters micro loan program. Mark Savinski, County resident, and Jeremiah Theys, Great West Engineering, were present for this portion of the meeting. After discussion, Ron Nye moved to approve the letter of support for the recertification of Headwaters RC&D Area, Inc. as a Microbusiness Development Corporation. John Heckler seconded the motion. All voted aye and the motion carried.

Corrected Resolution 29-2022 – Pony Road Closure: The Board reviewed the corrected version of Resolution 29-2022. Tommy Luksha, GIS Coordinator, Mark Savinski, County resident, and Jeremiah Theys, Great West Engineering, were present for this portion of the meeting. Tommy confirmed that the legal description for the portion of Pearl Street being closed was corrected from the previous version of the resolution. Following review, Ron Nye moved to approve Resolution 29-2022 as presented. John Heckler seconded the motion. All voted aye and the motion carried.

Public Hearing on Seyler Lane Bridge Replacement: The Board conducted a public hearing on the Seyler Lane Bridge replacement. Jeremiah Theys, Great West Engineering, Mark Savinski, County resident, and Hannah Brook, Grant Writer/Administrator, were present for this portion of the meeting. Jeremiah described the preliminary work that has been done to prepare the Seyler Lane Bridge replacement project including updating a 2020 preliminary engineering report and preparing an environmental checklist. The bridge, which crosses the Ruby River south of Twin Bridges, is a main thoroughfare and the big issues are its age and poor condition. A recent structural evaluation scored 4 out of 10, rehabilitation is not a viable option, and there is currently a posted load limit. Jeremiah described the recommended replacement as an approximately 94-foot span, 24 feet wide, legally rated for heavy loads, and the road approaches will be cleaned up for better alignment. The cost is estimated at just under \$1 million with a large contingency for construction inflation due to current price volatility. At 11:10 a.m., Commissioner Allhands opened the public hearing and asked for public comment. Mark stated he is in favor of replacing the bridge but expressed concerns about public access to the river which he described as an ongoing battle at this bridge. He suggested including access points in the planning stage, noting there are two now, and also requested including a small (3-4 car) recreational parking area around the bridge to minimize public confusion. Jeremiah discussed installing a detour bridge during construction, and discussed the timeline for the replacement which would likely be mid to late summer of 2024 after pursuing an MCEP grant. With no additional public comment, Chairman Allhands closed the public hearing at 11:15 a.m. Jeremiah noted the grant applications are due in May and suggested that those in favor of the bridge project could help by writing letters of support for the MCEP grant.

Grants: Jeremiah Theys, Great West Engineering, met with the Board to discuss the following topics. Hannah Brook, Grant Writer/Administrator, and Mark Savinski, County resident, were present for this portion of the meeting.

- **Big Hole River Restoration, DNRC-RRGL Application:** Jeremiah discussed a project to stabilize the river banks around the Pennington Bridge, which was discussed in the past but received no funding and didn't move forward. Recently the Big Hole Watershed Committee hired Great West Engineering to do a restoration plan for the area ½ mile downstream and 1 mile upstream of the bridge, which ended up as a combination of several subprojects. Because only government entities can apply for DNRC Renewable Resource grant programs, they are asking the County to be the applicant for DNRC funding for the first step estimated at \$125,000, which is to start the design, negotiate with landowners, and get the project shovel ready. After design permitting there will be seven more phases to the overall project with additional funding required. There was discussion about the DNRC grant, matching, administration and management, defining responsibilities and roles, and landowner support. Jeremiah pointed out that a decision about the County being the grant applicant is not required today but the topic will come up again.

- **Amendment #1 to Task Order #6 - Planning Services:** Jeremiah reviewed Great West's planning assistance with the County's understaffed Planning Department and pointed out that there has been more assistance than anticipated. There was discussion about reducing County planning services for local towns until staffing levels improve and amending those agreements as needed. Following discussion, Ron Nye moved to approve Amendment No. 1 to Task Order No. 6, County general planning department assistance for the amount of \$61,419, not to be exceeded without approval by the Board of Commissioners. John Heckler seconded the motion. All voted aye and the motion carried.

Clerk and Recorder: Paula McKenzie, Clerk and Recorder, met with the Board to discuss the following topic.

- **Appointment of Elections Judges and Designation of Madison County Polling Places:** Paula discussed the general election calendar, the list of polling places, and the list of judges that have completed their training and been certified. After discussion, John Heckler moved to appoint all the election judges and designation of polling places as provided by the Clerk and Recorder's office. Ron Nye seconded the motion. All voted aye and the motion carried.

Troutdale Subdivision: Barbara Gillespie, County resident, and several residents of Troutdale Subdivision in McAllister, Montana, met with the Board to discuss the following topic. Those on the attached list were present for this portion of the meeting. Kristina Kelts, Department of Transportation Traffic Engineer, and several other McAllister residents participated by Webex.

- **Response to MDT Speed Studies:** Barbara and several McAllister residents voiced concerns and frustrations about what they feel are inappropriate posted speeds through McAllister and the area through Troutdale I and II subdivisions along Highway 287. They compared the area with less populated areas in the County that have lower posted speeds, discussed public safety, local knowledge of the situation versus a one-day traffic counter, current speeds and vehicle frequency, types of vehicles, incidents and near-misses, and dangerous passing and driving behaviors. Kristina Kelts briefly explained MDT's 85-percentile policy and recommended attending the next Highway Commission meeting in Helena. Other attendees recommended contacting State and/or Federal officials and suggested solutions such as reducing posted speeds as a two-year trial, researching rural and remote regulations, finding out how other communities acquired flashing signs and reduced speed limits, and other activities the community can pursue. It was noted that Highway 287 is due for resurfacing this summer. The Board's support was requested by asking the MDT to reduce the speed limits around McAllister. This topic was continued later in the meeting.

Human Resources: Kila Shepherd, HR Director, and Jennifer Westfall, Human Resources, met with the Board to discuss the following topics.

- **New Hire Tarah Redfield Justice Court Clerk at \$18.97 effective 4/25/22:** Following Jennifer's review, John Heckler moved to hire Tarah Redfield as Justice Court Clerk at \$18.97 per hour, effective April 25, 2022. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Transferring Brooke Schandelmeier to Deputy Clerk of District Court Starting 4/25/22 at \$23.42:** Jennifer reviewed the successful internal candidate for a District Court position. After review, Ron Nye moved to approve the transfer of Brooke Schandelmeier to Deputy Clerk of Court starting April 25, 2022, at \$23.42 per hour. John Heckler seconded the motion. All voted aye and the motion carried.

Response to MDT Speed Studies (continued): The Board discussed sending response letters to the Montana Department of Transportation (MDT) regarding speed studies. Concerns were discussed about the speed studies including the area north of Madison Foods in Ennis, noting the growth of businesses in the area, and requesting that MDT slows the traffic to a further milepost than is currently designated. After discussion, John Heckler moved to write a letter of concern to MDT that the current speed limit study of January 25, 2022, needs to be rewritten in response to citizens of the McAllister area to slow traffic down. Ron Nye seconded the motion. All voted aye and the motion carried. John Heckler moved to write a letter to MDT with concerns regarding the January 26, 2022 speed study for Ennis North, with full anticipation of reducing the speed. Ron Nye seconded the motion. All voted aye and the motion carried. John Heckler moved to accept the January 26, 2022, speed limit recommendation for Montana Highway 287 (P-29) Virginia City, as written. Ron Nye seconded the motion. All voted aye and the motion carried. John Heckler moved to accept the recommendation for MT-287 (P-29) Ennis West. Ron Nye seconded the motion. All voted aye and the motion carried. John Heckler moved to

accept the speed study for US Hwy 287 – Cameron, dated June 13, 2019, as written. Ron Nye seconded the motion. All voted aye and the motion carried.

Resolution 30-2022 - Presenting to Qualified Electors of Madison County the Question of a 3% Local-Option Marijuana Excise Tax Pursuant to HB701: The Board considered a resolution regarding a 3% local-option marijuana excise tax. Paula McKenzie, Clerk and Recorder, was present for this portion of the meeting. After discussion about the general election, revenue distribution, and comparisons with surrounding counties, this topic was continued to a later date.

Request for Clarification for Pony Road Closure (Madison Street, West of Block 6, Lot 1): Steve Garback, Pony resident, met with the Board to discuss clarification of road closures in Pony, Montana, that were approved from 2014 through late 2021. Paula McKenzie, Clerk and Recorder, Justin Ekwall, Deputy County Attorney, and Tommy Luksha, GIS Coordinator, were present for this portion of the meeting. Steve presented and reviewed a summary of several Pony road and alley closures approved by the Board since 2014, including maps, aerial photos, and a letter from his surveyor. He pointed out inconsistencies and resulting ownership issues that need to be corrected, suggested solutions, and apologized for any inadvertent errors on his part. Ron agreed to meet with him to get the situation resolved.

Planning Board Resignation (continued): Gary Hilliker and Steve Dobbs, Sheridan residents, met with the Board to discuss the Planning Board resignation of April Gerth. They both expressed regret over the resignation, which was accepted earlier in the meeting, and discussed conflicts of interest.

Calendars: The Board reviewed calendars in the Commissioner’s office.

With no further business, the meeting was adjourned at 2:55 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, May 3, 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: June 14, 2022

Minutes prepared by:

Jane Bacon, Commissioners’ Clerk

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