

BOARD OF MADISON COUNTY COMMISSIONERS
May 11, 2021, Meeting Minutes

On Tuesday, May 11, 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, Emilie Saylor, Jennifer Martens, David Kack, Dale Olson, Don Copple, David Marx, Jon Olsen, Alex Hogle, Jani Flinn, Kila Shepard, Vicki Tilstra, Laurie Buyan, Van Puckett, and those on the attached list. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection. Those who attended via Webex or by phone included Becky Lawson, Craig Erickson, Tommy Luksha, Stephen Hunts, Drewry Hanes, Bernard Lea, K. Doud, Kaitlin Macdonald, Dick Fast, Abby Thomas, Kevin Anders, Pete Novich, Chad Tree, Lauren Waterton, Schernau, Lynda Holt, Paul Roose, Samira, Beth Famiglietti, Rob Wallingford, Janie Alt, Keely Larson, Michelle Schriock, and several unidentified Webex/phone attendees.

Approval of Minutes: No minutes were available for approval.

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. Emilie Saylor, Public Health Director, and Jennifer Martens, Public Health, were present for this portion of the meeting. Joe reported that Madison County's active cases are down to four with no hospitalizations, there have been 786 positive cases and 774 people have recovered, and 8 have died. Montana currently has 1,101 active cases and 71 active hospitalizations. Joe reviewed Montana county maps showing active cases, cumulative cases, and hospital bed capacity. He noted that India is experiencing 410,000 cases per day. The only County schools with cases reported in the last 14 days are in Twin Bridges. As of today, 351,189 Montanans are fully immunized. He reviewed Incident Command Team operations, upcoming meetings and events, as well as weather, red flag/fire watch/drought conditions, and snow water equivalents. A recent structure fire in Ennis was the second one this year.

Claims: The Board approved claims.

Journal Vouchers: Ron Nye moved to approve Journal Vouchers for the 4/21 accounting period. Jim Hart seconded the motion. All voted aye and the motion carried.

DUI Task Force Appointment: The Board discussed an application for the DUI Task force, including residency requirements because the applicant owns property in the County but does not reside here all year, and Dan pointed out that no such requirement has been found so far. Following discussion, Jim Hart moved to approve appointing Conner Gagnon to the Madison County DUI Task Force for a term to be determined, pending any adverse negative information regarding the need to live in Madison County or not. Ron Nye seconded the motion. All voted aye and the motion carried.

Virginia City Planning Board Member: After review, Ron Nye moved to approve David Laufenberg for the Virginia City Planning Board. Jim Hart seconded the motion. All voted aye and the motion carried.

Skyline Budget Request: David Kack, Big Sky Transportation District (dba Skyline), met with the Board to request financial support from Madison County, and thanked the Board for their past and ongoing support. He noted the Transportation District's expanded boundaries, briefly reviewed Skyline's history leading up to the current 15-year anniversary, discussed fares and ridership, most of which are Big Sky employees, and reviewed the past years' ridership losses due to pandemic resort closures and Yellowstone Club's implementation of their own employee bus service. Discussion also included district growth, resort taxes, Gallatin County's support, working with employers, funding sources and budgets, future route and bus storage plans, and how the service benefits Madison County. After discussion, Jim Hart moved to approve the Skyline budget request of \$80,000

from Madison County toward Skyline “Link to the Peak!” for FY22. Ron Nye seconded the motion. All voted aye and the motion carried.

Madison Valley Rural Fire District Board Appointment: Following a brief discussion, Jim Hart moved to reappoint John Lounsbury as a trustee on the Madison Valley Rural Fire District Board for another three year term that will expire in May of 2024. Ron Nye seconded the motion. All voted aye and the motion carried.

Formal Response to Ennis South Speed Study: After discussion, Jim Hart moved to approve writing a letter to the Montana Department of Transportation in support of their recommendation of no change in speed limit on U.S. 287 south of Ennis toward West Yellowstone. Ron Nye seconded the motion. All voted aye and the motion carried.

DES, Forest Service, and DNRC: Joe Brummell, Director of Emergency Management, Dale Olson, Madison District Ranger, Don Copple, DNRC, and David Marx, DNRC, met with the Board to discuss the following topic.

- **2021 Wildfire Season:** Dale reviewed Forest Service staffing - all positions are covered after some internal shuffling, and they have a full crew with plenty of knowledge and experience. Don reviewed staffing noting the DNRC is shorthanded particularly in leadership positions at this point, they will use other resources as needed, and his role will be primarily as a fire advisor. He discussed helicopter resources, last year's fire season, communication with landowners, current and forecasted drought conditions, retardant/tanker resources, and DNRC's fire truck co-op program with local fire districts. He pointed out the benefits of having a paid fire crew standing by in Virginia City last year due to early severity, and if crews are available the program will be continued in other districts as well this year. Further discussion included fire investigations, interagency teams, the Sheriff's Office role and what they investigate, determining financial liability and recovering costs, people new to the area who don't understand fire conditions, fire crew training, and extra funding in dry conditions to bring in more resources.

Planning: Alex Hogle, Planning Director, met with the Board to discuss the following topic. Jon Olsen, Lone Mountain Land, was present for this portion of the meeting.

- **Spanish Peaks Overall Development Plan Update:** Alex discussed some of the history of the Spanish Peaks Overall Development Plan (ODP), including submission in 2019, being put on hold since spring of 2019, the Big Sky Fire Chief's comments regarding fire station proximity, an amended plat, and extensions. The current request to reactivate the plan includes mostly minor changes, and a more substantial change is the 2021 fire protection plan which has been agreed to by both parties. Alex said the current staff report includes background history and a new supplement dated April of 2021, a public hearing was held on April 26, 2021, and he reviewed public comments received prior to the hearing expressing concerns about impacts to transportation and wildlife assessments. Jon stated the density plan is for 290 units, which it has been from the beginning. The master plan is primarily for residential use and spans the county line, with some commercial development planned for the Gallatin County side and some amenity services for residential units on the Madison County side. Alex reported that the Planning Board's recommended changes included the addition of a wildlife statement recognizing threatened and endangered species existing on site, and specifying that the plan is valid for ten years after approval rather than specifying a fixed date. Other changes and amendments were discussed, including traffic count data sources for subsequent subdivisions, consideration of Gallatin County's Capital Improvement Plan, geotechnical analysis, and wording. Jon and Alex discussed an agreement between Spanish Peaks and local fire officials that an RID will be established to fund a fire station as development progresses, and implemented as a condition of final plat. Based on the Planning Board's recommendation and their basis for the Findings of Fact, Jim Hart moved to approve and accept the proposed, updated Spanish Peaks Overall Development Plan. Ron Nye 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 topic. Jani Flinn, Grant Administrator, was present for this portion of the meeting.

- **Madison Valley Manor Project:** Becky reviewed subcontractor responses after advertising for bids on the project at Madison Valley Manor (MVM), said she is still working on having a general contractor instead of hiring various subcontractors, and either way she will help with the process as much as possible. There was discussion about the lack of bids, such as an abundance of available work and paperwork requirements for grant-funded projects, and how to make projects more attractive to local contractors.

Further discussion included project funding sources, project details and timelines, CDBG grant requirements, and obtaining generators.

Human Resources: Kila Shepard, HR Officer, met with the Board to discuss the following topic. Vicki Tilstra, Finance Officer, was present for this portion of the meeting, and Pete Novich, Novich Insurance Agency, participated by Webex.

- **Recommendation to Hire Safety Coordinator:** Kila reviewed the three candidates interviewed for the Safety Coordinator position and potential start date(s). There was discussion about safety inspections that should be conducted prior to the position being filled, Pete pointed out he is qualified to do them, and Vicki noted the former Safety Coordinator is still on the payroll because he is willing to help with the transition. The candidates' job qualifications and start date accommodations were discussed, the Board encouraged Kila to make a conditional offer to one of the candidates, and Pete will work with Kila to help with safety inspections in the interim.

Letter of Support for Ag Extension Agent Retention Process: Following review, Ron Nye moved to approve a letter of support for Kaleena Miller as the Agriculture and Natural Resources Extension Agent for Madison and Jefferson Counties. Jim Hart seconded the motion. All voted aye and the motion carried.

Southwest Prevention Lease for Office Space: After a brief discussion, Ron Nye moved to approve the lease agreement between the Ruby Valley Search and Rescue unit and the Madison County Southwest Montana Prevention unit as presented, for approximately 300 square feet of office space. Jim Hart seconded the motion. All voted aye and the motion carried.

Airports: Jani Flinn, Airport Board Secretary, met with the Board to discuss the following topics. Lance Bowser, Robert Peccia & Associates, participated by phone for a portion of these topics.

- **Ruby Valley Field – Recommendation of Award – I-State Truck Center:** Jani pointed out that the recommendation of award for the snowplow truck confirms to the FAA that the County is moving forward with that portion of the grant. Following review, Ron Nye moved to approve the recommendation of award for a 14' high-speed, power reversible snowplow for Ruby Valley Field from I-State Truck Center in Missoula, Montana in the amount of \$219,989. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Ruby Valley Field – Master Plan Financial Reporting:** Jani said the following financial reporting documents finalize the master plan for Ruby Valley Field, showing that all monies have been paid out in full including the final 10% on the grant, and closing out the whole thing. Lance briefly discussed the construction timeline for the SRE building.
 - **SF 271 Outlay Report and Request for Reimbursement for Construction Programs:** After review, Ron Nye moved to approve the SF 271 Outlay Report and Request for Reimbursement for Construction Programs as presented. Jim Hart seconded the motion. All voted aye and the motion carried.
 - **SF 425 Federal Financial Report:** Following review, Ron Nye moved to approve the SF 425 Federal Financial Report as presented. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Airport Liability Insurance Renewal:** Jani explained that the airport liability documents are renewal applications to send to the County's insurance agent, who will submit them to the carrier for a quote. After review, Ron Nye moved to approve aviation insurance policy applications as presented for Ruby Valley Field and Ennis Big Sky Airport. Jim Hart seconded the motion. All voted aye and the motion carried.

On-Call Engineer Firm Schedule Interviews: Laurie Buyan, Executive Assistant to the Board of Commissioners, met with the Board to schedule interviews for contracting an on-call engineering firm. Bids from two firms were received and there was discussion about non-exclusive contracts, interview questions, and available dates.

Sanitarian: Van Puckett, Sanitarian, met with the Board to discuss the following topic. Kila Shepard, HR Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **Sanitarian-in-Training – Part-Time Permanent Hire:** Van discussed hiring a part-time, permanent Sanitarian-in-Training in his department, noting that he checked with Vicki and Kila to make sure the department's budget will cover the expense. Discussion included timelines for advertising internally and

externally, the selection process, hiring as soon as possible, informing DEQ, licensing, and salary. Following discussion, Jim Hart moved to approve advertising for a permanent, part-time, Sanitarian-in-Training. Ron Nye seconded the motion. All voted aye and the motion carried.

Schedule Date for Public Hearing and Second Reading of Ordinance 2-2021, Amending Ordinance 1-93 by Removing a portion of Axolotl Lakes Road: June 8, 2021, at 1:00 p.m. was scheduled for the public hearing/second reading of Ordinance 2-2021, Amending Ordinance 1-93 by Removing a Portion of Axolotl Lakes Road.

Calendars: The Board reviewed calendars.

Adobe Town Road Issues: The Board met with a large group of community members listed on the attached sign-in sheet, to discuss Adobe Town road issues. Dan noted that Heroes and Horses personnel recently met with the Bureau of Land Management (BLM) about the road, and BLM personnel need some time, possibly several months until hunting season, to conduct their due diligence and internal review. Jim read an email from Heroes and Horses stating they wouldn't be attending today's meeting, explaining how they are approaching the petition regarding the road, and where they are in the process. Andy Thomas discussed his experiences and frustration with trying to use the road, reviewed the road's status over the last decade, locations of fences and locked/unlocked gates, communication with Commissioners, lack of satisfactory response, and re-asserted that according to Montana Code Annotated (MCA) once the County is notified of a road encroachment it is to remove the obstruction immediately. Discussion included Commissioner districts, fulfilling the obligations of office, legal ramifications, alternate route possibilities, private and public ownership along the road, continued loss of public access due to inaction, giving power to those closing the roads by not acting immediately, the obligation of the County to keep its roads open and the need for changes to be petitioned, and the irrelevance of alternate access routes to a surveyed and cornerstone-petitioned County road. Ed Osborn discussed the historical significance of the road and its original route. Further discussion included roads not being abandoned until other rights-of-way provide substantially the same access, 60-foot right-of-way on roads included in RS 2477 provisions unless otherwise petitioned, attendee support for immediate action and enforcement of keeping County roads open, following due process, road work and expenses, and honoring the original route. Bernard Lea, Public Land Water Access Association (PLWA), commented via Webex that the Board is not being asked to create a public road but to open one that already exists, and suggested that the gate be taken down tomorrow and then negotiate with the landowner whether they want the public to use the original road or the landowner wants to petition for, and pay for, using an alternate route. He pointed out that this would be the easiest way to go and will gain backing from the very-involved people in the room who want this to be resolved. Several attendees expressed support for keeping the original road as is and not considering any petition for a reroute. There was discussion about removing locks but keeping the gate, appropriate signage instructing the public to close the gate for livestock control and to stay on the public road through private property, and the point was made that the the BLM has no involvement if the original route is kept. Dan stated that as far as he is aware the road is currently open, and the Board agreed unanimously that the road should be kept open.

With no further business, the meeting was adjourned at 6:55 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, May 18, 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: June 15, 2021

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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