

BOARD OF MADISON COUNTY COMMISSIONERS
July 5, 2022, Meeting Minutes

On Tuesday, July 5, 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 Kristy Harper, Michelle Schriock, Danny Bierschwale, Kila Shepherd, Brett Schriock, Joe Brummell, Steve Garback, Laurie Buyan, Carmin Hill, Leona Stredwick, Dan Joseph, Kevin Germain, Allen Rohrback, Jim Hageman, Casey Klasna, and Hannah Brook. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Vicki Tilstra, Kevin Germain, Craig Erickson, Becky Lawson, Jeremiah Theys, Karl Yakawich, Janie Alt, Pam Birkeland, Jani Flinn, Jennifer Westfall, Beth Famiglietti, Jennifer Martens, Mike Callahan, Cori Koenig, and unidentified phone attendees.

Approval of Minutes: Following review, Ron Nye moved to approve the May 10, 2022, Board of Commissioners' meeting minutes as presented. John Heckler seconded the motion. All voted aye and the motion carried.

Danny Bierschwale, Big Sky Resort Area District, joined the meeting at this point and was present for the remainder of the meeting.

Planning Office: Kristy Harper, Planner I, met with the Board to discuss the following topics. Michelle Schriock, Planning Clerk, Joe Brummell, Director of Emergency Management, and Brett Schriock, IT Director, were present for this portion of the meeting.

- **Subdivision Improvement Agreement Releases (Pioneer Point Phase 2, Eglise Village, and Lower Golf Course Village Phase 2):** Kristy read the Planning Department memorandum recommending the partial SIA release of bond for Pioneer Point Subdivision Phase 2. After review, John Heckler moved to approve the SIA partial release of Pioneer Point Subdivision Phase 2 (Yellowstone Mountain Club) for the release of \$617,164.88, keeping a retainage of 10% (\$68,578.88). Ron Nye seconded the motion after verifying the release was reviewed by the County's Contract Planner. All voted aye and the motion carried. The SIA release for Eglise Village was not ready to be discussed. Kristy read the Planning Department memorandum recommending the partial SIA release of bond for Lower Golf Course Village Phase 2. Kristy noted that this 20.4% retainage was always listed at that percentage and the rationale for not retaining the standard 10% was not provided to her. Following review, John Heckler moved to approve the SIA partial release for Lower Golf Course Village Phase 2 (Yellowstone Mountain Club), making a recommendation to release \$52,688.75 of the original \$66,168.75 of Bond #2304411, leaving \$13,500 or 20.4% of the bond to be retained. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Condo Lot D, Moonlight Basin, Condominium Declaration:** This topic was approved at last week's meeting.

Planning Office: Michelle Schriock, Planning Clerk, met with the Board to discuss the following topic. Kristy Harper, Planner I, Brett Schriock, IT Director, and Joe Brummell, Director of Emergency Management, were present for this portion of the meeting.

- **Request to go from Planning Clerk to Administrative Assistant:** Michelle requested that her title be changed from planning clerk to administrative assistant, that she be placed at the appropriate rate on the administrative assistant pay scale, and she provided the Board with a written request and updated job description. Michelle pointed out that things have changed significantly since she was hired. She stated that on October 27, 2021, the Planning Office became just her and she discussed a number of things that she began doing in addition to her previous workload, noting that Cody Marxer came on board for a

short time and then left, and she again assumed the role of being the Planning Department. She reviewed a list of tasks she is now doing, including addressing, mapping, pre-construction safety reviews, addressing, site plans, and pre-applications, noting these duties can be very time-consuming and have caused 51% of her job to change. She would like to be administrative support to the new Planning Director when that vacant position is filled and could provide input on how the department operates. There was discussion about the department's staffing vacancies and positions needed, the low rate of applications received, increased expenses due to Great West Engineering's assistance with planning responsibilities, wage increase requests coming from supervisors rather than employees, expectations that all employees perform other duties as assigned, temporary and permanent duties, advertising requirements when a new position is created, and occasions when employees have been compensated for picking up extra job duties. Joe Brummell noted that Michelle has been handling all the Pre-Construction Safety Reviews and that it has been a big help to their department. Kila Shepherd, Human Resource Director, arrived at the meeting at this point. She pointed out that job classifications typically change when 51% of a job's duties have changed and in this case a more appropriate title and compensation level could be looked at, probably at the administrative assistant level. Dan stated that having employees coming to the Board to ask for an increase in salary is a precedent he does not want to set, again referred to other duties as assigned and noted other issues that may arise. He stated the question today is to approve or deny the request and asked for a motion. Ron Nye moved to deny the request from Michelle Schriock for a title change. Dan Allhands seconded the motion. Ron Nye and Dan Allhands voted aye. John Heckler was opposed. The motion carried on a majority vote.

DES: Joe Brummell, Director of Emergency Management, met with the Board to discuss the following topics. Kevin Germain, Lone Mountain Land, participated via Webex.

- **Interlocal Agreement w Gallatin County:** A proposed interlocal agreement with Gallatin County was discussed. Joe noted this is a draft based on discussions from over a year ago, but he has concerns about portions of the draft that he did not remember as part of the agreement, particularly regarding Madison County's payment amount, and the Board agreed the document needs to be negotiated, improved, and more clearly defined. There was discussion about collaboration and communication, discussing details beyond funding, upcoming joint meetings, Big Sky public safety and emergency evacuation plans, and mill values. Joe pointed out that according to Montana State law, emergency evacuations are up to the Sheriff(s) and they need to be included in those discussions.
- **Procurement Policy:** Joe reviewed the importance of having an adopted Procurement Policy in place, particularly for FEMA reimbursement and recovery after national emergencies, and he noted that the Deputy County Attorney reviewed this document and added his comments. There was discussion about preventing fraudulent claims, supervisor responsibilities, getting help from State procurement personnel, documentation, bid solicitation requirements versus limited options, and downsizing the policy document. The topic was continued to a future regular Commission meeting.
- **Community Wildfire Protection Plan Grant Submission:** Joe said at the beginning of the year the Forest Service asked DES to do a review of the current Wildfire Protection Plan and everything is updated but the mapping. The DNRC has a grant available to hire a firm to update all the mapping, so Joe is filling out the application to submit by the end of the month, and grants should be awarded in fall or winter. All servicing districts in the area including Big Sky are involved in these conversations and having the County's plan up to date helps with eligibility for other Federal funding. After discussion, Ron Nye moved to approve having the Director of Emergency Management move forward with the Community Wildfire Protection Plan grant. John Heckler seconded the motion. All voted aye and the motion carried.

Reopen Madison Street in Pony: Steve Garback, Pony resident, met with the Board to discuss reopening a street in Pony. Referring to a letter he sent to the Board, he explained that in 2014 he gained approval for the closure of three portions of streets in Pony but since then a survey of his property revealed that there was no Hill Street to be closed and he is not certain if there was a Mill Street there. He also pointed out that closing Madison Street west of Mallory Street removed the last access to the piece of public land bordering the town on the west, and asked the Board to approve reopening that portion of Mallory Street to correct the situation. Laurie Buyan, Executive Assistant to the Board of Commissioners, joined the meeting at this point and suggested consulting with the County Attorney to confirm the correct process for reopening a road that has been closed.

Steve's survey was filed with the Clerk and Recorder's office in June and may supply more information, and Ron will contact him regarding next steps.

Clerk of Court: Carmin Hill, Clerk of Court, met with the Board to discuss the following topic.

- **Approval of Part-Time Deputy Clerk of Court:** Carmin asked for the Board's approval to hire a part-time Deputy Clerk of Court who will work Mondays, Fridays, and other days as needed. Carmin selected a candidate who verbally accepted the job without knowing what the pay will be. She wants to offer \$21.08 per hour, or 90% of the pay scale as agreed last week, starting in mid-July. Following discussion, John Heckler moved to hire Carrie Holton at an hourly rate of \$21.08 as part-time Deputy Clerk of Court for Madison County starting on July 15, 2022. Ron Nye seconded the motion. All voted aye and the motion carried.

Human Resources: Kila Shepherd, HR Director, met with the Board to discuss the following topic.

- **Brief Overview of Fiscal Year End Data:** Kila presented and reviewed general year-end employee data about the County, averaging 206 employees, including comparisons to other statewide public employers. She covered statistics such as average age, gender and race percentages, vacancies and hiring, turnover, and worker's compensation and FMLA claims. Suggested areas for consideration included recruitment methods such as social media and referrals, implementing hybrid/flex schedules to attract and retain employees, referral bonuses, developing an on-boarding plan, and longevity increases, which the County already has in place. There was discussion about turnover costs and ideas for reducing turnover, exit interviews, use of probationary periods, and incentivizing retention.

Leona Stredwick – COVID Leave Coverage Request: Leona met with the Board to follow up on her previous request for COVID leave coverage. Kila Shepherd, HR Director, and Laurie Buyan, Executive Assistant to the Commissioners, were present for this portion of the meeting. Leona referred to her previous conversation with the Board on this topic, and Dan began by saying he preferred not to accommodate her request because it would open a can of worms with other employees. She asked if any record had been found where the Board acted to set an end date for the COVID leave coverage that was extended in January, 2021, since the termination date at that time was left to be determined. Kila noted that from an HR perspective there should be consistency, and to go back now would be a cost of about \$10-15,000 – she pointed out that the MVM Administrator emailed the Finance Department at the beginning of 2022 wondering if the COVID relief payments were going to be extended again, and at that time Kila's understanding was that the payments ended in January and neither HR nor Finance wanted to bring it forward to request another extension. She then checked on the number of employees who would have qualified and there were 16-20, although no documentation has been required for some time for anyone with COVID. In the time since the Board's motion to extend the Family First Coronavirus pay from 80 to 120 hours, the only Board action Leona found was on February 1, 2022, when HR was on the Agenda to determine an end date but no action was taken to determine an ending date at that time. There was discussion about assuming an end date when payments were stopped versus providing more clarity and transparency by determining a definite ending date to something initiated by a motion. Leona noted that nursing home employees are required to be away from work a minimum of ten days, unlike other County employees. There was discussion about the Board's original intention of preventing employees from needing to use their sick or vacation time for COVID, the State's current policy of 80 hours with an expanded FMLA specific to COVID, and several dates when other COVID-related actions were taken by the Board. John pointed out that if there was no ending date, the County's maximum liability would be under \$20,000 in addition to returning used sick and vacation pay to employees, and stated that since the due diligence to discover whether a cut-off date had been determined was not done he would like additional time for research. The topic will be continued again in two weeks.

Kate Rose, the Madisonian, joined the meeting at this point and was present for the remainder of the meeting.

Dan Joseph Architects: Dan Joseph, Dan Joseph architects, met with the Board to discuss the following topic. Kate Rose, the Madisonian, and Danny Bierschwale, Big Sky Resort Area District, were present for this portion of the meeting.

- **Beehive Basin Road, Big Sky:** Dan Joseph, Dan Joseph architects, met with the Board to discuss the following topic. Danny Bierschwale, Big Sky Resort Area District, was present for this portion of

the meeting. Dan Joseph said he is working on a property sale in Big Sky and is proposing an agreement he feels would be beneficial to the residents. Beehive Basin Road is currently owned by the Forest Service and they would prefer not to own it, so he asked if the County would be interested in owning it. There are two parking areas designed to accommodate about 50 cars but often more cars park along the road because it is a very well-known hiking site. The 13.5% grade should be changed to 10% for fire service. Two parcels along the road are currently on the market and Dan Joseph suggested that the County acquire them and then move to improve the road. Discussion ensued about easements, access, alternate options, roads in subdivisions, maintenance, State statute prohibiting tax dollars being spent on non-County roads, mandatory fire department access for developments, and ideas about who might be interested in taking over the road. Dan Allhands and Ron Nye expressed no interest in County involvement, John Heckler suggested the State might be interested based on the amount of public interest, and a few other sources of funding were suggested.

Kevin Germain – Moonlight TEDD District: Kevin presented and reviewed his request that the Board notify the Department of Revenue by their deadline of August 1, 2022, that Moonlight Basin TEDD District is being proposed. He clarified that this does not in any way signify Board approval and there is still a lot of work to do on the proposal, but it informs the DOR that this TEDD (Targeted Economic Development District) is in the preliminary stages, and gives them a map and preliminary legal description for reference as well as contact details. He discussed workforce housing as the primary infrastructure deficiency in Big Sky, how putting a TEDD in place would help to solve these issues, and his confidence that TEDD qualifications will be met due to recently-changed legislative statutes. Ron suggested consulting with the County Attorney, and Dan expressed concern that the TEDD's duration of 15 years is too long because if the economy crashes funds will not be available to pay the program's loans. Kevin answered questions, explained how TEDDs work, reviewed tax base revenue from Big Sky, and explained why he believes this is the best solution for workforce housing after years spent looking at other ideas. Discussion included setting up a work session with attorneys, unanticipated housing losses to VRBO's, designating structures as workforce housing, deed restrictions, income-based rents, tax analyses, reserve funds, revenue paths, keeping revenue in the community, and reviewing other TEDD contracts. Kevin stated the two official steps to forming a TEDD: 1. Finding of infrastructure deficiency, and 2. Adopting a comprehensive development plan. Kevin will send examples of comprehensive development plans to the Board for review.

Grants: Hannah Brook, Grant Writer/Administrator, met with the Board to discuss the following topics. Craig Erickson, Great West Engineering, Becky Lawson, SMA Architects, Jeremiah Theys, Great West Engineering, and Karl Yakawich, Great West Engineering, participated by Webex

- **Madison Valley Manor (MVM):** Becky received an updated walk-in cooler/freezer quote from Rick's Refrigeration for \$97,634 including labor and travel. She asked them to make sure it reflects the construction documents, had SMA's kitchen consultant check it as well, and is waiting for confirmation from both. Last week the state electrical inspector was on site to look at boiler and generator work and the inspection went well, so Becky also requested documentation from TW Enterprises for these projects to be finalized. There was discussion about installing the concrete pad and remaining electrical work, purchasing the walk-in with the rest of the installation to be done later, the possibility of a covered breezeway to the cooler since it will no longer be attached to the main building, and any additional details or costs expected. Craig reviewed the budget and he and Becky discussed the retainage being released when all the documentation is completed.
- **Jack Creek Road, Payment #5:** Jeremiah pointed out Contractor's Application for Payment #5, which was requested from the contractor for Jack Creek Road in order to close out the fiscal year end. He and John discussed several of the work details, how recent flooding work will be handled by change order, the line between emergency work and restorative work as distinguished in the draft procurement policy discussed earlier in the meeting, inspecting Bridge #4 for flood damage as soon as the water is low enough to see its foundation, additional erosion sites that may need emergency work, and end-of year grant status reporting. Following discussion, John Heckler moved to approve Contractor's Application for Payment No. 5 for \$315,677.41 to A.M. Welles. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Cliff & Wade:** Karl recommended discussing proposed bid dates for the Cliff and Wade project, noting Western Federal Lands (WFL) approved moving forward with the bidding. He pointed out

that any work this year would need to be completed by October 31, 2022, due to the grizzly bear mitigation window, and it is unlikely that a contractor would be able to crush and place all the material this year, but if crushing can be done this year the actual resurfacing work could probably occur next spring. Discussion included flexible dates for notice to proceed and for project completion, millings that will be available in Spring of 2023 near this project, requirements that may or may not drive bid prices up, grizzly bear restrictions on construction dates, and methods for handling escalating fuel prices if completion dates are extended. Karl suggested advertising for bids in late July and early August so the required 21-day advertising period is met, and opening bids on August 16, 2022. Karl will clarify several of details and methods discussed when he meets with WFL tomorrow.

- **Forest Service RAC Grant Modification:** Hannah clarified that this topic is not actually a RAC grant modification, but a modification of the Schedule A agreement with the Forest Service to include work on the Goose Fire road as specified on Page 2, Part (B), and extend the expiration date to September 27, 2023. She said the RAC documentation arrived today and should be on next week's agenda. After review, Ron Nye moved to give Chairman Dan Allhands the authorization to sign the Modification of Grant or Agreement as presented for Schedule A agreement number 18-RO-11010200-002 with the Forest Service. John Heckler seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

Journal Vouchers: Ron Nye moved to approve Journal Vouchers for the 6/22 accounting period as presented. John Heckler seconded the motion. All voted aye and the motion carried.

Bond Call Letter: Following review, John Heckler moved to approve the Madison County, Montana Bond Call Request of January, 2023 for the following:

- Rural Improvement District No. 2009-01 Series 2010 in the amount of \$85,000
- Rural Improvement District No. 06-01 Series 2006 in the amount of \$40,000
- Rural Improvement District No. 06-02 Series 2006 in the amount of \$15,000
- Rural Improvement District No. 0-03 Series 2006 in the amount of \$15,000

for signature by Dan Allhands, Chairman. Ron Nye seconded the motion. All voted aye and the motion carried.

Salary Resolution: This topic was continued to the next regular Commission meeting.

Adjusted Mileage Resolution: Because fuel prices have tripled, the IRS made a special adjustment in mileage rates for the final months of 2022. After review, Ron Nye moved to approve Resolution 40-2022, the IRS mileage increase for the remainder of 2022 to 62.5 cents per mile (a 4-cent increase). John Heckler seconded the motion. All voted aye and the motion carried.

Board of Health Resignation: Following review, Ron Nye moved to approve the resignation of Whitney Marsh from the Board of Health, send a letter of appreciation, and advertise for a replacement. John Heckler seconded the motion. All voted aye and the motion carried.

Predator Control Fund MOUs: After review John Heckler moved, for the Montana Wool Growers Association, to approve for the period of July 1, 2022, to June 30, 2023, Madison County agrees to allocate \$557 for the protection of sheep from destructive animals. Ron Nye seconded the motion. All voted aye and the motion carried. John Heckler moved to accept Montana Stockgrowers Association's Predator Control Fund Memorandum of Understanding for the period of July 1, 2022, to June 30, 2023, allocating \$12,960 for the protection of cattle from destructive animals. Ron Nye seconded the motion. All voted aye and the motion carried.

Updated Letter of Support for Westphal Park Acquisition: Dan pointed out that he was not in favor of the letter that was signed a year ago and still doesn't like it – basically, the Forest Service uses Land and Water Conservation money to purchase private land inholdings within Forest Service boundaries and convert them to public land. He doesn't like to see private land going to the government because they

already have too much and can't take care of what they have, and there are thousands and thousands of acres being bought up and taken from private hands. Asked about the ramifications of not sending the letter of support, he said they would go through with the purchase anyway. After discussion, Ron Nye moved to approve the letter of support to acquire the Westphal Parks Project. John Heckler seconded the motion. Dan said his biggest worry with the National Forest Service is they close roads and trails a lot of times without any public input, and they may not allow historical uses such as cattle grazing. He added that the Board is signing this letter with the expectation stated in the last paragraph, "that public ownership of the Westphal Parks property will ensure that the historical use in this area remains unchanged for future generations of Montanans and visitors who reside and/or recreate in the state, including hiking, horseback riding, two-wheeled motorcycle use, snowmobiling, hunting, grazing, and all other recreational and agricultural uses currently enjoyed." All voted aye and the motion carried.

Calendars: There was no discussion on this topic.

With no further business, the meeting was adjourned at 3:05 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, July 12, 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: September 13, 2022

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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