

BOARD OF MADISON COUNTY COMMISSIONERS
July 6, 2021, Meeting Minutes

On Tuesday, July 6, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:38 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 for the remainder of the meeting.

Those people in attendance at the meeting were Pete Novich, Tyler Holland, Kate Dinwiddie, Levi Simonson, Alex Hogle, Paula McKenzie, Laurie Buyan, Mike DuCuennois, Tony Forsythe, Jani Flinn, Vicki Tilstra, Shelly Burke, Dana Escott, Kila Shepherd, Kelly Elser, Van Puckett, Zach Kozicky, Jeremiah Theys, Bob Stump, and Craig Schroeder. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Britani Allhands, Craig Erickson, Karl Yakawich, Justin Gatewood, Jolene Palmer, Janie Alt, Chad Tree, Michelle Schriock, Danny, Tammy Mahlstedt, and several unidentified Webex/phone attendees.

Approval of Minutes: Ron Nye moved to approve the May 18, 2021, Board of Commissioners' meeting minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the June 8, 2021, Board of Commissioners' meeting minutes as presented. Jim Hart seconded the motion. All voted aye and the motion carried.

Novich Insurance: Pete Novich and Tyler Holland, Novich Insurance Agency, met with the Board to discuss the County's Workers Compensation renewal.

- **County Work Comp renewal:** Tyler reviewed the County's worker's compensation insurance renewal which he said is looking great. Payroll went up, there was a drop in the rates, and he stated that the diligence and follow-up by the Safety Coordinator has helped to move claims in the right direction, reducing indemnity. He reviewed claims in various categories and departments such as COVID, Sheriff's Office, road crews and nursing homes. Pete also reviewed the Safety Coordinator's assistance noting that his follow-up with employees has been informational and non-accusatory, and went on to discuss Safety Committee meetings, annual building inspections, and having the former Safety Coordinator come back to help while the position is being filled and to train the new person. Tyler noted that State Fund personnel and he and Pete will work with the new Safety Coordinator and help with training. He pointed out that last year was such a good underwriting year that dividends were declared and policy holders received an average of 30% back. Since the County hasn't been in this program long enough there are no dividends currently, but probably will qualify by the end of the year.

Planning Office: Levi Simonson, Planner I, and Alex Hogle, Planning Director, met with the Board to discuss the following topics. Kate Dinwiddie, Yellowstone Fire District Counsel, was present for this portion of the meeting.

- **Road Naming - Boyer Road (Resolution 28-2021):** Levi presented and reviewed a resolution to name a long driveway that accesses four structures, pointed out its location off Jack Creek Road in a conservation easement area formerly of the Moonlight territories, and said there is only one affected landowner who owns the entire property. Based on the recommendation of the Planner I, Jim Hart moved to approve Resolution 28-2021, resolution of road name change in Madison County from an unnamed road to Boyer Road. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Road Naming - Yeti Ridge Drive (Resolution 29-2021):** Alex explained that two property owners are using a shared driveway and without naming the road they would be assigned the same address number, they each want a discrete address number and submitted a road naming petition, and he noted the Planning Office is seeing more situations like this. GIS and 911 Dispatch personnel expressed no concerns, signatures were obtained from adjacent landowners, and he recommends approval. Based on the Planning Director's recommendation, Jim Hart moved to

approve Resolution 29-2021, resolution of road name change in Madison County from an unnamed driveway to Yeti Ridge Drive. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Amended Plat of Lots 198 and 199 Shining Mountains Unit 2:** Alex reviewed the planned aggregation of two parcels in the Shining Mountains Unit 2 subdivision that are owned by the same landowner, pointed out the location west of Cameron, and the Exemption Review Board expressed no concerns. Based on the recommendation of the Planning Director, Jim Hart moved to approve the amended plat aggregation of Lots 198 and 199 of Shining Mountain Subdivision Unit 2 into a single 71.67-acre lot that will now be called Lot 199A. Ron Nye 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 topics. Kate Dinwiddie, Yellowstone Fire District Counsel, Laurie Buyan, Executive Assistant to the Board of Commissioners, Mike DuCuennois, Yellowstone Club, and Tony Forsythe, Maintenance Manager, were present for portions of these topics.

- **Resolution of Intent to Establish an Ambulance District in the Northern Portion of Madison County and Join the Jefferson County Ambulance District and Set a Date for a Public Hearing (Resolution 31-2021):** Paula has a list of about 300 voting residents in School Districts 31 and 47, the areas of Madison County to be annexed into the Jefferson County Ambulance District. Jim read aloud the resolution of intent, minor corrections were pointed out, and the mailings, public notices and timing were discussed. Ron will contact Commissioner Wortman in Jefferson County to confirm the fee amount and schedule the public hearing in Whitehall. Following discussion, Ron Nye moved to approve Resolution 31-2021, a resolution of intent to establish an ambulance district in the northern portion of Madison County and join the Jefferson County Ambulance District and set a date for a public hearing, with the date for public hearing to be determined. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Resolution of Intent to Establish a Rural Fire District in Yellowstone Mountain Club and Set a Date for a Public Hearing (Resolution 30-2021):** Jim read Resolution 30-2021 out loud, and Paula distributed a map of the fire districts in Big Sky and Yellowstone Club described on the resolution. Mike reviewed several reasons for establishing the Yellowstone Club district, including better staff retention when firemen can join the State pension fund, the depletion of funds from membership dues and advantage of getting on the tax rolls, indemnification, and setting up a Board of Trustees. He pointed out a piece of Yellowstone Club Subdivision Phase 2 that will remain in the Big Sky District due to response times. There was discussion about the extensive number of mail notification to be sent out and the best location for a public hearing. After discussion, Jim Hart moved to approve Resolution 30-2021, a resolution of intent to establish a rural fire district in Yellowstone Mountain Club, and to set the date for a public hearing on September 21, 2021. There was discussion about the process of distributing notification letters and public notices, term lengths for the board, Department of Revenue notification, and scheduling. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Contract with Tyler Technologies for DocuPro Services:** Paula explained that when she checked with Tyler Technologies to see if any of the County's ten contracted DocuPro licenses were not being used, it was discovered that several additional departments are utilizing DocuPro services, so she checked with all the users and ended up adding ten licenses for a total of twenty. She requested that the costs for the ten added licenses come out of the general fund, with the original amount coming out of the Clerk and Recorder's budget. She discussed initial and annual costs and said the contract has been signed and returned to Tyler Technologies. Following discussion, Jim Hart moved to approve having the extra fees for adding ten licenses to Tyler Technologies' DocuPro contract paid from the general fund, consisting of \$3,100 for the first year and an additional \$600 yearly update fee. Ron Nye seconded the motion. All voted aye and the motion carried.

Great West Engineering/SMA Architects: Craig Erickson, Great West Engineering, met with the Board via Webex to discuss the following topics. Jani Flinn, Grant Administrator, and Tony Forsythe, Maintenance Manager, were present for all or a portion of these topics.

- **TW Enterprises Repair Proposal for Existing Generator at Madison Valley Manor (MVM):** Craig and the Board reviewed the repair proposal for the MVM generator, discovered it is actually

an annual maintenance contract proposal, and discussed eligibility for reimbursement. Craig noted that the generator has been ordered but delivery is anticipated to be delayed until October, and there was discussion about keeping the existing generator running until then, noting that in the event of a power outage there would need to be constant supervision. After discussion, Jim Hart moved to approve the regular maintenance agreement with TW Enterprises for the existing generator at Madison Valley Manor in the amount of \$1,240.92. Ron Nye seconded the motion. All voted aye and the motion carried.

- **CDBG Request for Reimbursement #3:** Craig reviewed Request for Reimbursement #3 from the MVM Phase 2 project Community Development Block Grant (CDBG), which includes the cost of a new generator from TW Enterprises and grant administration services. With this draw, the County will have a remaining balance in the grant of \$347,516.44. Based on the information presented, Jim Hart moved to approve the request for funds for CDBG Reimbursement #3 in the amount of \$71,028.31, including the generator cost of \$70,409.56 and administrative assistance for Great West Engineering in the amount of \$618.75. Ron Nye seconded the motion. All voted aye and the motion carried. Craig will submit the request to the Department of Commerce and said the funds should reach the County within ten business days. He also noted that a bid for general contracting services on the MVM project is anticipated and the topic was added to the next regular Commission meeting agenda.
- **TRMCC PAR Project Update:** Craig said there is a site visit scheduled at TRMCC on Thursday of this week, and mentioned emails exchanged between Becky Lawson, SMA Architects, and TRMCC that he will forward to Jani.

Grants and Airports: Jani Flinn, Grant Administrator and Airport Board Secretary, met with the Board to discuss the following topics. Vicki Tilstra, Finance Officer, was present for this portion of the meeting, and Karl Yakawich, Great West Engineering, participated by phone during the Cliff and Wade topics.

- **Airport Access Agreement for Joseph Tisler:** Jani presented and reviewed a through-the-fence agreement at the north end of the Ennis airport, said Lance is working with the property owner on an access gate, and the Airport Board made a recommendation for approval. Based on the Airport Board's recommendation, Jim Hart moved to approve the agreement for airport access for Joseph Tisler as presented on Lot 22B at the Ennis Big Sky Airport. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Right of Way Certification for Cliff and Wade Lake Project:** Karl Yakawich, Great West Engineering, called to discuss the Cliff and Wade Lake Road project documents required by Western Federal Lands and verified that Horn Creek Road is included in the project. He explained that the right-of-way document certifies the County has a 60 foot right of way on roads included in the project, which Great West has verified, and noted that the resurfacing follows existing roadways with no realignment. Based on the findings, Jim Hart moved to certify that Madison County has the right of way on the Cliff and Wade Lakes and Horn Creek project to move ahead with resurfacing. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Utility Certification for Cliff and Wade Lake Project:** Karl reviewed a utility certification form verifying that utility relocations are not required, documents the utilities along the route, and that utilities have been considered. Since this project includes only resurfacing no excavations are anticipated that would impact utilities. Following review, Jim Hart moved to approve the Utility Certification form for Cliff and Wade Lakes and Horn Creek Roads as required by Western Federal Lands. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Request for Approval of PS&E Package - Cliff and Wade Lake Road Project:** Karl reviewed the PS&E (Plans, Specifications & Estimates) approval letter which basically asks Western Federal Lands for permission to move forward with the bidding of the project. He affirmed that Great West will handle the bidding process as it typically does with other County projects. Discussion ensued about the project schedule, and about contractor options for crushing the gravel and either hauling it to the stockpile area at Horn Creek or directly transporting and placing the gravel on the roads. Jim noted there is room for about half of the gravel at the McKee pit, although it was noted that there may not be room there for a certified scale. Asked if the contractor could use their own site, Karl said it was stipulated that the gravel needs to come out of the McKee site but it could be opened up for the contractor to use a commercial source. The issue there, he pointed out, is that Western Federal Lands need to do an environmental clearance on the site, which they have

already done on McKee. Following discussion, Jim Hart moved to approve the Request for Approval of PS&E Package for Cliff and Wade Lakes and Horn Creek Roads gravel resurfacing as presented. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Donation of Old Weather Stations to Park County Airport:** Jani stated that Clark County is trying to piece together an AWOS system, and both Lance and the Airport board recommended donating Madison County's two old systems, entity-to-entity. After discussion, Jim Hart moved to approve the donation of old weather stations to Clark County Airport, as recommended by the Airport Board. Ron Nye seconded the motion. All voted aye and the motion carried.

Justice Court - Justice Court Compensation: This topic was continued to the next regular Commission meeting.

Clarification of Longevity Pay Schedule: Shelly Burke, Treasurer, met with the Board to clarify the longevity pay schedule. Vicki Tilstra, Finance Officer, was present for this portion of the meeting. Shelly pointed out the amount of longevity pay for 30 years of service was mistakenly listed on her memo to the Board and on Salary Resolution Attachment "F" as \$9.75 per hour, it should correctly read \$10.75 per hour, and Jim acknowledged the clarification.

Journal Vouchers: Ron Nye moved to approve Journal Vouchers for the 6/21 accounting period. Jim Hart seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

GIS - Budget Requests Including Additional Staff: This topic was continued to the next regular Commission meeting.

AmeriGas Propane Contract: The Board called Britani Allhands, Finance Administrative Assistant, to discuss the AmeriGas propane contract for Madison County's Amerigas propane tanks. Discussion ensued about the best price, tank ownership, and going out for bids next year. Following discussion, Jim Hart moved to approve the proposed AmeriGas propane contract at \$1.59/gallon with no additional delivery fees. Ron Nye seconded the motion. All voted aye and the motion carried.

Webex Meetings – Continue or Discontinue: The Board discussed whether to continue or discontinue Webex availability for the weekly Commissioners meetings. Jolene Palmer, the Madisonian, commented on Webex that it would be helpful for the newspaper to continue using it. After a brief discussion, the Board agreed to continue using Webex and reconsider the topic at a future Commission meeting.

Response to Norris Highway Speed Study: The Board discussed sending a response letter regarding a recent speed study conducted on eight miles of Highway 84 east of Norris. There was discussion about speeds through Alder, and excessive law enforcement speeds through Virginia City and Ennis. After discussion, Jim Hart moved to approve a letter to the Department of Transportation concurring with their speed zone - engineering study for Montana Highway 84 east of Norris. Ron Nye seconded the motion. All voted aye and the motion carried.

Turn Lane Request on Highway 287 North of Ennis: Jim recalled that during the comment period for MDT's planned resurfacing of Highway 287 north of Ennis there were inquiries made about turn lanes that had been requested during the previous speed study, because the fire department and businesses along that stretch are getting more and more concerned. He was told by MDT personnel that turn lanes would involve a corridor study, and since a formal request is not necessary he sent an email to the Department of Transportation and was told they are aware of the requests and will keep it in mind for future consideration.

Fairgrounds: Dana Escott, Fair Manager, met with the Board to discuss the following Fair topics. Vicki Tilstra, Finance Officer, and Kila Shepherd, HR Officer, were present for all or a portion of these topics.

- **Foundation/Fairgrounds Update:** Dana and the Board briefly discussed Fair Foundation email updates. She related news of a \$300,000 donation intended for bathrooms and kitchens in the round building and square building, and possibly adding insulation and air conditioning to the square building. She presented and reviewed Fairground updates, including status of the Gazebo roof, a swing set to be

installed before the Fair, and revenue sources and amounts. Campground rentals, rental procedures, and 4H camping revenues were discussed. She said preparations for this year's Fair are coming along well.

- **New Arena Recommendation:** Dana said the Fair Board voted for a capital campaign to build a new arena building. Following discussion, Ron Nye moved to accept the Fair Board's recommendation to move ahead with building an indoor arena as presented. Building size was briefly discussed. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Fairgrounds Property Agreement Recommendation:** Dana reviewed the revised property lease agreement incorporating MACo's requirements that is used for all events. It was approved by MACo's attorney, the Deputy County Attorney, and the Fair Board. She noted that MSU wants changes before approving its use for the 4H Extension program. Having the attorneys develop a separate agreement for 4H was discussed and the topic was continued to a future Commission meeting. Following discussion, Ron Nye moved to approve the Madison County Fair Property Lease Application form as presented. Use of a grooming tractor during arena events was discussed, Dana explained ground grooming needs and frequency, and discussed options and insurance. Jim Hart seconded the motion. All voted aye and the motion carried.

Sanitarian: Van Puckett, Director of Environmental Health, met with the Board to discuss the following Sanitarian Office topics. Kelly Elser, Ennis Public Works, Laurie Buyan, Executive Assistant, Zach Kozicky, Sanitarian-in-Training, and Kila Shepherd, HR Officer, were present for this portion of the meeting.

- **Office Manager Request:** Van requested approval to change the Sanitarian's Assistant's title to Office Manager and increase the pay to \$26 per hour. He reviewed added responsibilities and duties, increased technical requirements, a five-fold increase in workload over the last six years, extra permitting paperwork, and overseeing office personnel as well as Solid Waste. Discussion ensued about budget, increase options, and department revenue. Van said he and Kila agreed that the Office Manager position merits \$24.63 per hour, and he is asking for an extra 50 cents for technical responsibilities that have been recently added. After discussion, Ron Nye moved to accept the request of \$25.13 per hour for the Sanitarian's Office Manager. The motion died for lack of a second. Jim Hart moved to approve the request for \$24.63 per hour, consistent with a number of other offices with similar responsibilities. The motion died for lack of a second.
- **Full-Time Administrative Assistant Request:** Van discussed having Jani Flinn become a full time Administrative Assistant in the Sanitarian/Solid Waste Office, as has been agreed with HR, and Kila said 100% of the wage would be \$23.42 per hour. Based on the recommendations of the Director of Environmental Health and the HR Officer, Jim Hart moved to accept the title of Administrative Assistant as requested. Ron Nye seconded the motion. All voted aye and the motion carried.

Great West Engineering: Jeremiah Theys, Great West Engineering, met with the Board to discuss the following topics. Laurie Buyan, Executive Assistant, Bob Stump, Sheridan Mayor, Kelly Elser, Ennis Public Works, Vicki Tilstra, Finance Officer, Kila Shepherd, HR Officer, Jani Flinn, Grant Administrator, and Craig Schroeder, Undersheriff, were present for all or portions of these topics. Justin Gatewood, Virginia City Mayor, participated via Webex.

- **Task Order #1 - General Engineering Services:** Jeremiah explained Task Order #1 as establishing general engineering services within the new on-call contract with Great West Engineering and reviewed the process. After review, Ron Nye moved to approve Great West Task Order #1 – General Engineering Services, for tasks not to exceed \$2,000 per request. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Task Order #2 - Jack Creek Road Bridge #4 Design, Construction Management and Grant Administration:** Jeremiah reviewed Task Order #2 for Jack Creek Road Bridge #4 and the tasks included, reviewed the County's grant award for the project, pointed out the Department of Commerce's grant program name change from TSEP to MCEP (Montana Coal Endowment Program), laid out the preparation work and schedule, and said he anticipates construction to start in fall of 2022 after the road project is completed. He and Vicki discussed amounts to be processed in the current and upcoming fiscal year. After discussion, Jim Hart moved to approve Task Order #2 – Jack Creek Road Bridge #4 Design, Construction Administration and Observation, and Grant

Administration Services with Madison County and Great West Engineering, in an amount not to exceed \$154,500. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Notice of Award for Jack Creek Road:** Jeremiah said bids were opened for Jack Creek Road safety improvements on June 22, 2021, A.M. Welles was the only bidder but they submitted a competitive bid, and the recommendation from Great West is to award the project to the bidder to get the project started. The timeline for public notice and meetings was discussed, and Jeremiah said it will be up to the contractor to determine the schedule. After discussion, Jim Hart moved to approve the Notice of Award contract for Jack Creek Road safety improvements between Madison County and A.M. Welles, Inc. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Formal Requests for ARPA Funding and Project Decisions:** Jeremiah distributed an updated ARPA project request list including requests from Madison County towns, and a list of Sheridan projects that were received too late to include in his list. Kelly explained Alder's request for wastewater improvements, and Jeremiah reviewed details of requests from Harrison for a wastewater Preliminary Engineering Report (PER), Virginia City and Ennis water projects, and the Twin Bridges stormwater project. He reviewed timing of request deadlines and receipt of funding, noting that Virginia City's request is the only one that needs to be decided upon today since the outcome will determine the amount the request on a separate application to the State due on July 15, 2021. He pointed out that an MOU (memorandum of understanding) will be needed with each community, and there was brief discussion about hiring for the Grant Administrator position since that person will monitor the grants. Jeremiah reviewed Bucket A and Bucket B funding and eligibility requirements and reviewed the additional projects listed. Bob explained the importance of Sheridan's water project, and Craig explained why the Sheriff's Office needs the specific radios requested. Discussion ensued about other sources of funding, and equalizing the amounts approved for each community request. After discussion, Ron Nye moved to approve \$225,000 for the Town of Virginia City from ARPA funding. Jim Hart seconded the motion. All voted aye and the motion carried.

Human Resources (HR): Kila Shepherd, HR Officer, met with the Board to discuss the following topics. Laurie Buyan, Executive Assistant, Bob Stump, Sheridan Mayor, Kelly Elser, Ennis Public Works, Vicki Tilstra, Finance Officer, Kila Shepherd, HR Officer, Jani Flinn, Grant Administrator, and Craig Schroeder, Undersheriff, were present for all or portions of these topics.

- **Safety Coordinator/Risk Manager Position:** Kila discussed hiring Mike Callahan for the Safety Coordinator/Risk Manager position starting on July 19, 2021 and noted this would leave a Senior Bus Driver position open. Following discussion, Ron Nye moved to approve hiring Mike Callahan for the Safety Coordinator/Risk Manager position at \$24.63 per hour. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Authorization to Fill Grant Writer/Administrator and Airport Secretary Position:** Kila discussed the Grant Writer/Administrator and Airport Board Secretary position, and said the employee leaving the position would be available to help train whoever is hired for 3-6 months. Following review, Ron Nye moved to approve the Authorization to Fill for the Grant Writer/Administrator and Airport Board Secretary position. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Sheridan Solid Waste Position and Solid Waste Compensation Rates:** Kila said the Solid Waste position in Sheridan was posted internally and an employee was selected who currently works on the road crew in District 3. She reviewed the pay and start date of July 16, 2021, and said the road crew position will be posted. After review, Ron Nye moved to accept hiring Matt Vrael for the Sheridan Solid Waste position at a rate of \$27.06 per hour. Jim Hart seconded the motion. All voted aye and the motion carried. Regarding compensation rates, Kila related the Solid Waste Manager's proposal to remove the lower compensation rate for Solid Waste Container Site Operators and pay everyone at the higher driver rate, since everyone in the department is now required to have a CDL license and site operators will also be driving. She said it makes sense from an HR standpoint to pay everyone who has a CDL license at the higher rate, eliminating the landfill operator position. It was noted that road crews are on the same pay scale. Following discussion, Ron Nye moved to approve eliminating the Solid Waste Container Site and Landfill Operator pay scale and move anyone in that position to the Solid Waste Driver pay scale. Jim Hart seconded the motion. All voted aye and the motion carried.

- **Human Resource Director Wages:** Kila discussed the wages for the HR Director position. She requested \$84,400 and compared the wage to the scale offered by hospitals. Discussion ensued about the current wage and alternate amounts, number of employees, and hiring a second person in HR. After discussion, this topic was continued to the next regular Commission meeting.

Application for Right-of-Way on BLM Land: After a brief review, Ron Nye moved to approve filling out an application for a right-of-way on BLM land. Jim Hart seconded the motion. All voted aye and the motion carried.

2021-2022 Salary Resolution 32-2021: This topic was continued to the next regular Commission meeting.

Calendars: There was no discussion on this topic.

With no further business, the meeting was adjourned at 3:35 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, July 13, 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: July 20, 2021

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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