

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**July 12, 2022, Meeting Minutes**

On Tuesday, July 12, 2022, 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 John Heckler present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Emilie Saylor, Paula Mckenzie, Kila Shepherd, Kristy Harper, Michelle Schriock, Justin Houser, Kristin Gardner, Isabella Vendramin, Laurie Buyan, Gina Fleming, Tim Lahey, Mike Mueller, Hannah Brook, and Vicki Tilstra. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Mary Beth Walsh, Craig Erickson, Karl Yakawich, Jennifer Westfall, Jackie Haines, Britani Allhands, Gail Nelson, Janie Alt, Jennifer Martens, Mike Callahan, Brent Schriock, Cori Koenig, B. Brakke, and unidentified phone attendees.

**Approval of Minutes:** No minutes were available for approval.

**Public Health Office:** Emilie Saylor, Public Health Director, met with the Board to discuss the following topics.

- **COVID Update including Nursing Homes Status:** Emilie updated the Board regarding COVID status. The County's total confirmed cases have increased to 1,971, there are 40 active cases as of this morning, and the fatality rate is still 22. There are no active hospitalizations. The active case count is a lot higher than last month and she expects the climb to continue, as there have also been several large gatherings in the County. John asked if there is a section of society that is more susceptible to the virus, and Emilie wasn't sure about the overall population, but the average age in the County is on the older side and its cases are mostly age-related. The State's active cases increased to 2,700, with fatalities of 3,450 to date and 109 active hospitalizations. Emilie reviewed daily new cases in the County, overview maps of active cases, cumulative cases, and vaccination information, noting we are seeing an increase in community spread. She pointed out that recent active cases included a lot of seasonal and travel-related cases, and the County's cumulative cases are still less than most other counties. On the vaccine uptake by age group chart, Emilie noted the eligible population has expanded to include kids under five years old. Madison Valley Manor has 21 residents, with one resident in isolation and no one hospitalized or quarantined. Both nursing homes have had exposures but contained the spread really well so each facility only had two or three cases as a result. Staff and residents are being tested 3-5 times a week due to the recent outbreak. The County transmission rate is high. Visitors are allowed with education and screening. Tobacco Root Mountains Care Center has 24 residents with no current COVID cases. Outbreak status is anticipated to end in a few days, and staff and residents are being tested 3-5 times a week until then. Visitation is allowed following CDC recommendations on testing/screening. Vaccination rates are 95% for staff, and 96% for residents.
- **Montana Tobacco Use Prevention Program Sub-Contract:** Emilie explained that the Montana Tobacco Use Prevention Program (MTUPP) was funded through the tobacco settlement years ago through the State of Montana, and is distributed in grants throughout the State for tobacco prevention and cessation educators. The funds go to Silverbow County who subcontracts Madison County to employ a Tobacco Prevention Specialist to work part-time for Madison County and part-time for Beaverhead County, and this position had existed for several years. The grant pays out between \$57,000 and \$62,000 per year depending on optional programs taking place such as a Hypertension class, and there was some discussion about how to promote it more successfully. All other deliverables in the agreement are being met, such as working in the schools and providing anti-vaping education. Discussion also included furnishing a vehicle for the position, measuring success with schools, customizing programs to grade levels as well as parents and teachers, and increasing marijuana education. Following discussion, Ron Nye moved to approve the Chronic Disease Prevention and Health Promotion Program Subcontractor Agreement between Butte-Silver Bow County Health Department and Madison County

Health Department as presented. John Heckler seconded the motion. All voted aye and the motion carried.

**Resolution 42-2022 - Presenting to Qualified Electors of Madison County the Question of a 3% Local-Option Marijuana Excise Tax Pursuant to Hb701:** Paula Mckenzie, Clerk and Recorder, met with the Board to discuss the process for getting Resolution 42-2022 in November's general Federal election. The next step is a public hearing, and if the Board decides after the hearing to approve putting it on the ballot the resolution must be approved by the filing deadline of August 25, 2022. She explained that the use of the monies collected is stated in House Bill 701, 45% of the income is to be distributed to local towns according to their percentage of the County's population, and the resolution can be modified to include more County-specific definitions about how the funds can be used. After discussion, John Heckler moved to hold a public hearing on August 2, 2022, at 3:00 p.m. on Resolution 42-2022, optional marijuana excise tax pursuant to Hb701, for Madison County. Ron Nye seconded the motion. All voted aye and the motion carried.

**Claims:** The Board approved claims.

**Planning Board Appointment:** Following review, John Heckler moved to accept the application of Betsey Welter for the remainder of a two-year term on the Madison County Planning Board that will expire on December 31, 2024. Ron Nye seconded the motion. All voted aye and the motion carried.

**Cyber Liability Insurance Increase in Quote:** After review, John Heckler moved to approve the insurance quote on cyber security insurance as quoted by Big Sky Underwriters, Policy # BLU-CB-6G730ETU6 with National Specialty Insurance Company for the term of policy from July 1, 2022 to July 1, 2023, in the amount of \$10,765.45. Ron Nye seconded the motion. All voted aye and the motion carried.

**Planning Office:** Kristy Harper, Planner I, and Justin Houser, Houser Engineering, met with the Board to discuss the following topics. Michelle Schriock, Planning Clerk, and Kila Shepherd, HR Director, were present for this portion of the meeting.

- **Subdivision Improvement Agreement Release – Eglise Village Subdivision:** Kristy read the Planning Department memorandum recommending the partial SIA release of bond for Eglise Village Subdivision in Yellowstone Mountain Club. After review, John Heckler moved to approve the SIA partial release of Eglise Village Subdivision, Yellowstone Mountain Club, per the recommendation of the Planning Department, releasing \$2,279,311.93 of Bond #1001130644 from US Specialty Insurance Company, leaving \$253,256.88 (10%) to be retained. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Amended Plat of Lots 2 and 3, Block 4, Schmalhausen's Addition to Pony:** Kristy read the proposal for an amended plat that would adjust the common boundary lines between Lots 2 and 3 of Block 4 in the Schmalhausen's Addition to Pony, Montana, and adjacent land. During review by the Exemption Review Board on May 11, 2021, revisions and corrections were requested and subsequently completed, so the Planning Department recommends approving the amended plat. Following review, Ron Nye moved to approve the adjustment of Lots 2 and 3 of Block 4 of the Schmalhausen's Addition to Pony and adjacent land, and sign the mylar as presented. John Heckler seconded the motion. All voted aye and the motion carried.

Laurie Buyan, Executive Assistant to the Board of Commissioners, joined the meeting at this point and took minutes for the remainder of the meeting.

**Gallatin River Task Force Report and Annual Funding Request:** Kristin Gardner and Isabella Vendramin, Gallatin River Task Force, met with the Board to review their annual report. Kila Shepherd, HR Director, was present for this portion of the meeting. Kristin introduced Isabella as the new Development Director, who will be taking over for Ryan, and opened the discussion by stating this is the fifth year of a five year agreement. She reviewed funding, noting that they received about half a million from the Big Sky Resort Area District allocation, and are looking to match that funding, which will be going towards expanding their water conservation program. They just updated the program and added a drought management program. They are also doing an accounting of all the water that's being driven into the basin and that leaves the basin to see if there's a big deficit. Kristin discussed other funding sources including the

“Give Big Gallatin Valley” membership drive, the annual fund-raiser “Hooked on the Gallatin”, and Madison County. She also discussed where funds are expended and additional projects they are working on, noting that 30 to 35 % goes to salaries. John Heckler asked about a five year plan and asked to be included in creating the next plan. Kristin discussed how the plan was developed and coordinating with various entities such as Lone Mountain Land, the Big Sky Water and Sewer District, etc. Dan and Ron expressed concerns regarding Highway 191 and development of a sewer system down the entire canyon. After much discussion, Kristin stated she will send more information to the Board when she gets back to her office.

**Housing Advisory Board Update:** Mary Beth Walsh, Housing Board, met with the Board via Webex with an update on the Housing Advisory Board. Kila Shepherd, HR Director, was present for this portion of the meeting. Mary Beth stated she sent an information packet by email on July 3rd and indicated that they are still supportive of moving forward with a Housing/Economic Development Board but do feel strongly that they will need a part time support person. She stated that Tom Harrington, who just retired from the JLDC, suggested borrowing a person from MSU and/or Jefferson County on a part-time basis to get a Housing/Economic Development Board up and running. She discussed funding Port Authority as another source of funding and has been trying to get in touch with someone who runs the Port Authority in another county to see how it works. She noted the next meeting will be on July 22, 2022. There was discussion about what Tom has done, what the Big Sky Housing Trust have been doing, and using their framework document to build our program. There was discussion about new positions in Jefferson County and the possibility of splitting a position between the two counties. It was also suggested that Tom Harrington be contacted to see if he would be willing to assist in the start-up of the joint board. Other topics of discussion included Coal Trust funding, ARPA funding, the number of new houses needed in Madison County to accommodate the influx of people, setting a goal to get new housing constructed each year, and the number of long term rentals lost to short term rentals.

**Point of Rocks Acquisition:** Gina Fleming, Forest Service Realty Specialist, and Tim Lahey, Butte District Ranger, met with the Board to discuss the following topic. Mike Mueller, Senior Lands Program Manager for the Rocky Mountain Elk Foundation, and Kila Shepherd, HR Director, were present for this portion of the meeting. Gina stated that she works on lands, mainly in the Beaverhead-Deerlodge Forest. They are here to talk about the proposed purchase of recreational property. Rocky Mountain Elk Foundation is partnering and will do the upfront negotiations with the landowner and secure the property. She stated the acquisition is about 417 acres at the northwest end of the Tobacco Roots and would provide access to 2,757 acres in the Tobacco Root Mountains off Point of Rocks Road. They are interested in the property because it has a really good access site and good wildlife habitat. She described the area surrounding the proposed purchase, noting that private landowners in the area don't allow much access. Tim added that there is a field trip to view the property planned for Thursday and the Board is welcome to attend. Tim reiterated that the key to this issue is the access, there's good land back there and no access. Gina added that it's a willing landowner and that they are planning to submit this for Land and Water Conservation funding for 2024 and that County support makes the nomination that much better. Dan Allhands voiced concerns about a Federal agency acquiring more land because it takes it out of the private sector forever; permits that are no longer in use, wildfire issues for lands that are no longer grazed, and the possibility of creating a grazing bank for people who get burned out. He stated some of these issues need to be resolved. Another issue is that there is not enough money or staff to take care of the current federal lands and that there has just almost 3.5 million dollars allocated from congress to clean up the mess from the last 40, 50, or 60 years because of no grazing, logging cut backs and bridges that are failing. He would like to see a coordination committee created with a Commissioner from Madison County, Jefferson County, Beaverhead, and get together with permittees to address some of these concerns. He discussed differences in coordination and cooperating. John discussed housing issues, available land, and setting aside a portion of land for housing. Gina explained how the nomination process works. Mike Mueller discussed the proposal noting that Mr. Hunt contacted him to see if RMEF would be willing to purchase the property, that he was ready to dispose of it but would keep seventeen acres. He also discussed access issues and stated that he certainly didn't want to see this property subdivided due to lack of services and infrastructure. He noted that it is important because it adds access to a lot of public land. There was also discussion about an easement rather than a purchase but it was again noted that the owner wants to sell and that he loves to hunt and wants to extend that opportunity to other residents. After much discussion it was determined that Mike would send a sample letter that will be put back on the agenda for further discussion.

**Grants:** Hannah Brook, Grant Writer/Administrator, met with the Board to discuss the following topics. Kila Shepherd, HR Director, was present for this portion of the meeting.

- **Madison Valley Manor (MVM) Update:** Craig Erickson, Great West Engineering, met with the Board via Webex to update them on the Madison Valley Manor Project. He stated that he is very familiar with the Land and Water Conservation Funding Program and is willing to discuss it with the Board if they'd like him to. He stated it is a great program. He discussed the operating manuals stating that Becky has not received them for the generators or the boilers yet. Once she has those, they will release the retainage and request reimbursement from CDBG. He noted that O and M manuals are important because when you close out the grant, they will ask for copies. He stated Becky also spoke to Rick's Refrigeration and has verified that the quote matches the bid document so the Board can choose to move forward with the bid. He discussed another option in Butte and asked that they let him know if they want to proceed with the bid from Rick's. John asked how long ago the substantial completion had been approved with the start of warranty started in March. He suggested extending the warranty one month for every month until the O and M manuals are received. He also discussed training. Craig stated he will reach out to Becky with this suggestion and will get back on the agenda next week to discuss it.
- **Cliff & Wade Lakes Road Project - Advertising Dates and Opening Bid Date:** Hannah stated that they need Board approval to advertise for bids for the Cliff and Wade Lakes Road project. Karl Yakawich, Great West Engineering, was present for this portion of the meeting via Webex. Bids would be advertised on July 21, 2022, July 28, 2022, and August 8, 2022, with bids being due on August 16, 2022. There would be a pre-bid conference on August 4, 2022, probably in Ennis. John asked in the pre-bid meeting is mandatory. Karl stated that the meeting is recommended but not mandatory and explained why. John stated that in the future he would like pre-bid meetings to be mandatory and have them available by Webex. Following discussion, John Heckler moved to approve the Section 00100 Invitation to Bid for the Cliff and Wade Lake Road Project with bids being opened on Tuesday, August 16, 2022, at 2:00 p.m. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Forest Service RAC Grant – South Boulder Road Improvements:** Hannah stated that she has received the contract for the RAC funds for the South Boulder Road. Following review, Ron Nye moved to accept the funding from the Southwest Montana Resource Advisory Committee (RAC), in the amount of \$24,500 for the South Boulder Road Improvements project and to authorize the Chairman to sign the associated certifications. John Heckler seconded the motion. All voted aye and the motion carried.

**Resolution 41-2022 – Setting Salaries FY 2022-2023:** The Board reviewed the proposed salary resolution. Kila Shepherd, HR Director, and Vicki Tilstra, Finance, were present for this portion of the meeting. Kila discussed establishing rates of compensation like you did with the Weed Coordinator and noted that some things need to be corrected. She discussed language in Attachment A requiring all three commissioners to agree, stating she doesn't know of any resolutions in the State that have that type of requirement and that someone who doesn't agree with it could hold the other two hostage. She recommended the following changes to the resolution: The first one is the Court Compliance Clerk should be removed and the Court Compliance on the right side should be Court Compliance Officer. Next is Planning Director as TBD, she stated the bottom with the 5% increase is \$84,000 and the top is \$89,250 and could go as high as \$90,000 just to make it a round number at the Commissioners' discretion. Dan stated he would like the salary ranges to be removed from the advertisements completely and list it at DOE. He added that's why it's listed as TBD. Kila also noted that Planner II wage is listed as TBD and it should be listed at \$28.48 including the 5%. There was further discussion about the clerk or officer position in Justice Court and it was decided to leave clerk on the left side (clerk pay scale) and officer on the right side (Administrative Assistant pay scale). Kila also noted that on attachment B, the activities assistant and the maintenance assistant should be the same. She also discussed the Communications Coordinator wage on Attachment E, with the 5% should be at \$27.08, noting that it can't be touched because it is still considered a part of the bargaining unit. Kila recommended having a meeting with the department heads because you're taking all the discretion away from them because of the language changes. Dan stated that any variations from the salary schedule need to come to the Board before hiring. Kila discussed a policy that she's working on that outlines the hiring process. Following further discussion, John Heckler moved to approve Resolution 41-2022, setting salaries for Fiscal Year 2022-2023, at the current pay rates, with

certain language to be determined after discussion with department heads regarding rates, effective July 1, 2022. Ron Nye seconded the motion. All voted aye and the motion carried.

**Northwestern Energy – Electric Customer Agreement:** Following discussion, Ron Nye moved to approve the Customer Agreement between Northwestern Energy and Madison County to install operate and maintain facilities generally describe in quote #251300213 to serve customer at 42 Judy Lane, Alder, Montana for the sum of \$0 for construction of the facilities identified in the quote. John Heckler seconded the motion. All voted aye and the motion carried.

**Forest Service MOU for Road Repair on Goose Fire Damaged Areas:** Following review, John Heckler moved to approve the Road Project Agreement between Madison County and the USDA, Forest Service, Beaverhead-Deerlodge National Forest, for the Goose Fire BAER Project Road Agreement, for restoration of up to 18 miles with the Forest Service prioritizing which portions, whereby the Forest Service will pay Madison County the amount of \$41,000 and the contractor will be paid by the County. Ron Nye seconded the motion. All voted aye and the motion carried.

**Morrison-Maierle RID Maintenance Agreement – Ousel Falls RID:** Following review, John Heckler, moved to approve the Standard Agreement between Morrison-Maierle, Inc. and Madison County for services related to RID 2009-1, Ousel Falls Road, from July 1, 2022 to June 30, 2023, for a lump sum fee of \$4,172.00. 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 3:45 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, July 19, 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: October 11, 2022

Minutes prepared by:

---

Jane Bacon, Commissioners' Clerk

---

Laurie Buyan, Commissioners' Assistant

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