

BOARD OF MADISON COUNTY COMMISSIONERS
July 13, 2021, Meeting Minutes

On Tuesday, July 13, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:31 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands and Ron Nye present. Commissioner Jim Hart was absent to attend a NACo conference in Maryland but participated in a portion of the meeting by telephone. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Al Hendricks, Eli Thompson, Tommy Luksha, Butch Frediani, Alex Hogle, Beth Famiglietti, Jani Flinn, Kila Shepherd, Suzanne Nellen, Karen Miller, Emilie Sayler, Joe Brummell, Rob Wallingford, Tony Forsythe, Kacey Smart, Lois Stephens, Britani Allhands, Vicki Tilstra, and Laurie Buyan. Jeff Leveque and Ryan Wolter, IT Support Specialists, administered the Webex connection. Those who attended via Webex or by phone included Craig Erickson, Becky Lawson, Tracy Frank, Teresa Van Braun, Pam Birkeland, Abby/Andy Thomas, Todd Schock, Allison Veland, Lisa Stapp, Janie Alt, Nancy Stewart, Gail Nelson, Jolene Palmer, Brett Schriock, Van Puckett, and unidentified Webex/phone attendees.

Approval of Minutes: Following review, Ron Nye moved to approve the June 1, 2021, Board of Commissioners' meeting minutes with corrections as needed, to give Commissioner Hart the opportunity to review the minutes in the office. Jim Hart seconded the motion by phone. All voted aye and the motion carried.

Road Review Committee: Al Hendricks, Road Review Committee Chairman, met with the Board to discuss the following topic. Ellis (Eli) Thompson, Tommy Luksha, GIS Coordinator, and Butch Frediani, Granite Creek Ranch, were present for this portion of the meeting.

- **Granite Creek Road Report:** Al reviewed the Road Review Committee's (RRC) research and report on Granite Creek Road. He said the RRC was asked to investigate the status of the road after a gate was placed on the road blocking public use and there were questions raised as to the actual location of the road. Al reviewed the road's history since its establishment in 1886 prior to Montana's statehood in 1889 including historical documents, local resident testimony regarding landmarks, mis-identified landmarks and road descriptions, rumored and documented changes, State and Federal legal involvement and court decisions, Forest Service-funded construction, rights-of-way, claims and settlements, GIS coordinates, recent research, RS-2477 information, and maps of the area. Al reviewed the RRC's conclusions, pointed out two alternatives for Board approval and the ramifications of each, and recommended that the Board solve the east fork issues first and then decide what to do about the main fork of the road.

Planning Office: Alex Hogle, Planning Director, met with the Board to discuss the following topics. Beth Famiglietti, Lone Mountain Land, was present for this portion of the meeting and Christina Calabrese, Lone Mountain Land, participated by Webex.

- **Lot 486 Lone View III Subdivision, YMC, Amended Plat:** This topic was continued to the next regular Commission meeting per applicant request.
- **Jack Creek Cabins Subdivision Final Plat:** Alex reviewed the staff report for the Jack Creek Cabins Subdivision final plat, noting that the preliminary plat was approved on March 2, 2021 with 20 conditions of approval. Situated in the Overlook neighborhood within the Moonlight Basin Overall Development Plan (ODP) area of Big Sky, the property is in the southeast and southwest quarters of Section 13, Township 6 South, Range 2 East. This proposal would subdivide 12.91 acres into one 5.34-acre condominium lot to be developed with 13 detached residential units, one 7.57-acre open space lot, and a single internal road with a cul-de-sac which would provide legal and physical access to the residences. Alex reviewed the two-year subdivision improvements agreement (SIA) detailing improvements for site preparation and improvements to sewer, water, storm drains, and roadways, and the performance bond from U.S. Specialty Insurance Company in the amount of \$1,503,000 proposed as the financial guarantee to cover 125% of the estimated cost of the improvements. He stated that he finds the submittal to be in compliance with all conditions set forth by the Commissioners, and recommended approval of the SIA and final plat. Based on the recommendation of the Planning Director, Ron Nye moved to approve the

Subdivision Improvements Agreement for site preparation and improvements as presented for Jack Creek Subdivision, and to approve and sign the final plat and accompanying documents for recordation as applicable. Dan Allhands seconded the motion. All voted aye and the motion carried.

- **Madison Overlook 2 Subdivision (Moonlight Basin) Preliminary Plat:** Alex reviewed the preliminary plat for Madison Overlook 2 Subdivision in the Moonlight Basin overall development plan area, described the site, and reviewed several notable features, including streams and wetlands, setbacks, roads, cul-de-sacs, and emergency egress. The Staff Report finds the proposal is in general compliance with regulations and there were 24 findings of fact and 19 conditions of approval. Alex reviewed the Planning Board's discussion about the applicability of setbacks from waterbodies, conflicting language in the regulations, pointed out two lots that show building envelopes containing wetlands, and discussed the conditions and findings referring to this issue. Christina discussed the regulations and how wetlands are defined, and expressed support for the Planning Board's view of the conditions as written. After discussion, Ron Nye moved to adopt the Staff Report findings of fact for Madison Overlook 2 Subdivision. Dan Allhands seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the Madison Overlook 3 Subdivision preliminary plat, subject to the 19 conditions of approval forwarded by the Planning Board. Dan Allhands 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, and Kila Shepherd, HR Director, were present for this portion of the meeting.

- **TW Enterprises Bid for Madison Valley Manor Project:** Becky said she has not received the bid she was expecting due to some technical difficulties on the sender's end, so it may arrive later in the day. The topic was continued to later in the afternoon, allowing time for the bid to arrive and be considered. She also noted that the generator is in production but she doesn't have a ship date yet, and she briefly discussed the boilers.

Great West Engineering: The Board considered the following documents. Jani Flinn, Grant Administrator, and Kila Shepherd, HR Director, were present for this portion of the meeting.

- **Commitment Letter for Virginia City ARPA Funds:** The Board reviewed a proposed letter confirming its ARPA fund commitment of \$225,000 to Virginia City for water system improvements. Following review, Ron Nye moved to approve the letter to the Montana Infrastructure Advisory Commission as presented. Dan Allhands seconded the motion. All voted aye and the motion carried.
- **Great West Task Order #3 - Construction Management and Inspection for the Jack Creek Road Safety Improvements Project:** After review, Ron Nye moved to approve Task Order #3, Jack Creek Road Safety Improvements Construction Contract Administration and Observation Services, for an estimated total amount of \$143,500 to Great West Engineering. Dan Allhands seconded the motion. All voted aye and the motion carried.

Later in the meeting Jeremiah Theys, Great West Engineering, called to answer any questions about the Jack Creek project, discussed the contractor's bond and insurance, and is waiting to get a project schedule from the contractor to see if the work will be done this year.

Claims: The Board approved claims.

Justice Court - Justice Court Compensation: Suzanne Nellen, Justice of the Peace, met with the Board to discuss Justice Court staffing and compensation. Kila Shepherd, HR Director, and Karen Miller, Clerk of Court, were present for this portion of the meeting. Judge Nellen reviewed recent re-working of staff assignments and titles: Kayla Bean is now in the Chief Justice Court Administrator position and Vanessa Perrault is the Justice Court Compliance Officer and Assistant Administrator, with job descriptions and compensation to be worked out accordingly. She went on to discuss how the department has been affected by several factors including the loss of a key employee, work piling up during staff hiring and training, and a 20% increase in citations. A former employee was brought in to temporarily help with the backlog, and she requested approval to hire a permanent part-time clerk due to the increased workload. There was discussion about office space and equipment for a clerk, experience and knowledge requirements, pay scale, and adding the request to the next regular Commission agenda for approval, and Kila will work with the department regarding job descriptions and compensation. Following discussion, Ron Nye moved to

approve the \$24.42 hourly pay rate for the Justice Court Chief Deputy position. Dan Allhands seconded the motion. All voted aye and the motion carried.

Public Health Office/DES - COVID-19 Update: Joe Brummell, Director of Emergency Management, and Emilie Saylor, Public Health Director, met with the Board to give an update on COVID status. Rob Wallingford, Deputy Director of Emergency Services, was present for this portion of the meeting. Emilie said there have been 798 positive cases and 52 COVID-related hospitalizations to date in the County, with two currently-active cases and no active hospitalizations. She reviewed State numbers which she said are low given the season, presented maps of active and cumulative cases, cited the vaccination average of 46% in the State and 41% in the County, and went on to discuss vaccine availability, local vaccine events/clinics, the benefits of having kids voluntarily vaccinated before school starts, and noted that at this point there is no plan to include the COVID vaccine in any school immunizations. She pointed out that the Public Health department is available to provide information and education for anyone undecided about the vaccine. Joe reviewed the status and evacuation planning for the Goose Fire, noting that it has its own Facebook page for community information. He also reviewed upcoming weather and drought conditions and pointed out the statewide drought emergency declared by the Governor.

- **Nursing Homes COVID Update:** The Board reviewed, without discussion, emails from the nursing home administrators reviewing current resident and COVID statistics.

Black Mountain Software: Tracy Frank and Teresa Van Braun, Black Mountain Software, met with the Board via Webex to give a presentation about the following topic. Vicki Tilstra, Finance Officer, Kila Shepard, HR Officer, Britani Allhands, Finance Administrative Assistant, Tony Forsythe, Maintenance Manager, Kacey Smart, Sanitarian's Assistant, Alex Hogle, Planning Director, Lois Stephens, GIS Clerk, and Tommy Luksha, GIS Coordinator, were present for all or a portion of this topic.

- **Electronic Payroll Demonstration:** Teresa presented and reviewed an on-screen demonstration of Black Mountain's electronic payroll capabilities using a daily timecard module, explained how it would benefit the Finance department and streamline the payroll process, make payroll information readily available to employees using computers, and options for other situations such as employees who do not use computers, work logs, and salaried employees. The initial cost to add the module would be \$3,390, plus an annual fee of \$680. After the demonstration there was a brief discussion about other benefits, record-keeping requirements, backups and storage.

Great West Engineering:

- **TW Enterprises Bid for Madison Valley Manor (MVM) Project (continued):** Craig Erickson, Great West Engineering, contacted the Board via Webex to discuss two quotes received from TW Enterprises for the MVM Project. Jani Flinn, Grant Administrator, Kila Shepherd, HR Director, Britani Allhands, Finance Administrative Assistant, Vicki Tilstra, Finance Officer, Lois Stephens, GIS Clerk, and Tommy Luksha, GIS Coordinator, were present for this portion of the meeting. Craig reviewed the general contracting quotes for replacing the generator and boilers for a combined total of \$264,956, noting kitchen remodel work is not included, and said if approved the boilers can likely be installed by the end of August. After review, Ron Nye moved to approve the TW Enterprises proposal for the general contract for Madison Valley Manor infrastructure upgrades, which includes installing the boilers and replacing the generator, for a total amount of \$264,956. Dan Allhands seconded the motion. All voted aye and the motion carried.

Commissioner Jim Hart joined the meeting by telephone at this point and participated in the next several topics.

GIS - Budget Requests Including Additional Staff: Tommy Luksha, GIS Coordinator, met with the Board to discuss GIS budget requests, including additional staff. Lois Stephens, GIS Clerk, Alex Hogle, Planning Director, Britani Allhands, Finance Administrative Assistant, Vicki Tilstra, Finance Officer, and Kila Shepherd, HR Director, were present for this portion of the meeting. Tommy stated that using GIS is going to be the way of the future and staffing levels in the department need to deal with both the present and the future. He cited several examples of GIS-dependent County functions including the 911 system, school district validations, historic documentation and validation of County roads and historic districts, documentation filed with the Clerk and Recorder's office, and explained that the time estimated to complete the GIS work required/requested for these functions adds up to more than the department can do with the

current staffing level. He noted that GIS work takes a lot of time up front to set up and enter accurately, but once done it creates a solid tool that can be used effectively and to solve problems, sometimes at the touch of a button. Discussion ensued about contracting work out to other companies, the type of work needed and time estimates for completion, the difficulty in hiring highly-trained GIS specialists for data entry and cleanup, County growth and future expectation levels for GIS offerings in a typical county, supervision and directives, and establishing clarity about the department's direction and priorities. Kila stated that staffing requests are HR issues and recommended that she work with Tommy to define what is needed and document several options for the Board's consideration. There was additional discussion about moving the GIS Department, environmental and health hazards, and hiring a remediation company to clean furniture and equipment prior to moving items to a new location.

Human Resources: Kila Shepherd, HR Director, met with the Board to discuss the following topics. Britani Allhands, Finance Administrative Assistant, Vicki Tilstra, Finance Officer, and Kacey Smart, Sanitarian's Assistant, were present for this portion of the meeting.

Updates to Policy Handbook: Kila recommended revisions to each of the following Madison County Employee Handbook policies.

- **The definitions of full-time and part-time employees on page 14:** Kila pointed out that full-time employment is defined as 40 hours per week, and said the ACA has oversight of the County's benefits and they say anything over 30 hours is benefits eligible. Kila suggested changing the definition of full-time hours to a range, such as 30-40 per week or 32-40 per week, because it would allow more flexibility and allow employees who work close to 40 hours to be classified as full time. Either way, employees will still be benefits-eligible if they average 30 or more hours per week. Kacey noted it might matter to job applicants and employees whether a position is classified as part-time or full-time.
- **Probationary period on page 15:** Kila recommended extending the probationary period for new employees, particularly Communications Officers since it can take up to a year to become certified, and changing some of the language so the policy is clearer and more visible. Montana Code Annotated (MCA) was recently changed to 12 months with optional extension to 18 months, and discussion ensued about changing the probationary period to 12 months across the board to reflect MCA. This would apply to new employees only and would not be retroactive. In answer to a Webex question, Kila clarified that an extended probationary period would not cause an associated change in leave, currently new employees can use sick time after three months and vacation time after six months and this would remain the same with a 12-month probationary period.
- **Compensation rate for holidays on page 21:** Kila pointed out that holiday hours currently count toward hours worked in a week and in determining overtime hours. She suggested changing this policy so holidays hours no longer count toward overtime, and pointed out that the Fair Labor Standards Act states that holiday hours are not calculated toward hours worked when determining overtime hours.
- **Rest periods on page 51:** Employees are allowed rest periods of 15 minutes as close as possible to the midpoint of every four hours worked, but there is no language in the policy that rest periods are discretionary, and there are times when a rest period cannot be provided. Kila recommended adding language to allow employers and employees to have some discretionary ability. Also, it should be stated that missed rest periods do not constitute a reason for late arrival or early departure.
- **Grievance procedure on page 68:** Kila recommended there should be something in the grievance procedure policy to indicate that a decision made by the Commissioners is final.

To allow the Board time to consider each of the policies discussed, all were continued to the next regular Commission meeting.

- **Human Resource Director Wages:** Kila presented results to the Board after researching salary ranges for HR Directors, including local county salaries, Montana Standard Occupational Codes (SOC), and job postings in Bozeman and at Madison Valley Medical Center, and said her request for \$82,400 is at the low end of these ranges. There was discussion about other counties, the number of employees handled, and public entities versus private companies. Madison County currently has 224 employees, which Kila said supports having two HR employees at the wages she is proposing. Further discussion ensued about length of time in the position, retaining Kila in the position, fair compensation and reasonable compromise, and doing what is best for the County. After discussion, Ron Nye moved to approve a

salary of \$76,200 for Kila Shepherd, HR Director, effective July 1, 2021, and in one year to discuss raising the salary to \$82,400 plus whatever cost of living increases are decided at that time. Jim Hart seconded the motion by phone. All voted aye and the motion carried.

- **Residency Requirements:** Kila said she was asked by the District 3 Road Foreman to bring his concern forward about residency requirements for road crew employees, particularly due to wintertime callouts for snow removal, and said she has not found any counties with residency requirements other than for deputy sheriffs and elected officials. She brought up constitutional arguments against such requirements due to restricting freedom of choice, personal liberty and rights, as opposed to employees living near enough so they can get to work clearing roads in a timely way. After some discussion of pros and cons, Kila said she will discuss the topic with the County Attorney before adding it to a future agenda.

Sanitarian: Van Puckett, Director of Environmental Health, met with the Board via Webex to discuss the following topics. Kila Shepherd, HR Director, and Laurie Buyan, Executive Assistant to the Board of Commissioners, were present for this portion of the meeting.

- **Office Manager Request:** Van requested a raise for the Sanitarian's Office Manager based on a significant increase to her workload and technical expertise required to handle extra tasks. Kila agreed with the standard rate for office managers in the County according to the salary schedule, Van asked for an amount higher than that, there was discussion about support data Van provided to the Board, and about compensation for added work and more responsibility. After discussion, Ron Nye moved to approve the Sanitarian's Office Manager wage of \$24.63 per hour. Jim Hart seconded the motion by phone. All voted aye and the motion carried.
- **Beaverhead County Sanitarian Assistance:** Van explained that Beaverhead County needs Sanitarian assistance due to a vacancy, but he hasn't heard back from them after an initial conversation. Ron has briefly spoken with one of their County Commissioners, and will contact them so the counties can move forward with a memorandum of understanding

Notary Stipends: The Board discussed notary stipends approved on June 15, 2021, and reviewed the specific language of the two motions. Laurie Buyan, Executive Assistant, and Kila Shepherd, HR Officer, were present for all or a portion of this topic. It was suggested that the discussion should include the County Attorney and Treasurer, and that anyone objecting to the motions should present their objections to the Board. Dan said from now on any salary-related requests should be reviewed by the HR Office before coming to the Board, and that he had not been aware that the costs involved in notary training and continuing education were paid for by the County. Kila joined the meeting at this point and said from an HR perspective extra pay is not recommended for "extra duties as assigned" or duties included in a job description, and notary duties are part of the job description in the Treasurer's and County Attorney's offices. HR can look at the job descriptions and duties listed and make sure the compensation rate is what it should be. Following discussion, Ron Nye moved to rescind the motions made on June 15, 2021, to add a 50-cent per hour stipend for notary duties for Treasurer and County Attorney office staff, and to re-evaluate the topic in one year taking HR recommendations into account. Jim Hart seconded the motion. All voted aye and the motion carried.

At this point, Commissioner Jim Hart disconnected his telephone connection to the meeting.

Journal Vouchers: Ron Nye moved to approve Journal Vouchers for the 6/21 and 13/21 accounting periods. Dan Allhands seconded the motion. All voted aye and the motion carried.

Corrections to Resolution 31-2021 and Set Date for Public Hearing on Annexing into Jefferson County Ambulance District: The Board reviewed corrections to Resolution 31-2021, a resolution of intent to annex Madison County property into the Jefferson Valley Rural Ambulance District. Laurie Buyan, Executive Assistant, was present for this portion of the meeting. Laurie explained the corrections that were made and the Board discussed scheduling the public hearing. Following review, Ron Nye moved to approve Resolution 31-2021, a resolution of intent to annex Madison County property into the Jefferson Valley Rural Ambulance District as presented, and to set a date for the public hearing at 2:00 p.m. on September 16, 2021, at Borden's meeting room in Whitehall, Montana. Dan Allhands seconded the motion. All voted aye and the motion carried.

Big Sky Snow Removal Letter/Agreement 2021-2026: The Board reviewed the snow plowing letter of agreement with the Big Sky Owners Association (BSOA) for 2021-2026. Following review, Ron Nye moved to approve winter road maintenance for Madison County-owned roads in Big Sky as presented for five years. Dan Allhands seconded the motion. All voted aye and the motion carried.

2021-2022 Salary Resolution 32-2021: The Board reviewed the County's 2021-2022 Salary Resolution 32-2021. Laurie pointed out recent changes made based on Board decision. After review, Ron Nye moved to approve Resolution 32-2021, a resolution setting salaries for Fiscal Year 2021-2022, with corrections. Dan Allhands seconded the motion. All voted aye and the motion carried.

Letter of Support for Big Sky and Gallatin Canyon WW Projects ARPA Funding Pursuit: The Board reviewed a letter of support for Big Sky ARPA funding. Laurie Buyan, Executive Assistant, was present for this portion of the meeting. After review, Ron Nye moved to approve the letter of support to the Montana ARPA Infrastructure Advisory Commission for Big Sky County Water and Sewer District and Gallatin Canyon Water and Sewer District project applications for American Rescue Plan Act (ARPA) funding. Dan Allhands seconded the motion. All voted aye and the motion carried.

Calendars: The Board discussed calendars.

With no further business, the meeting was adjourned at 4:20 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, July 20, 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: August 3, 2021

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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