

BOARD OF MADISON COUNTY COMMISSIONERS
February 18, 2020, Meeting Minutes

On Tuesday, February 18, 2020, a meeting of the Board of Madison County Commissioners came to order at 9:33 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Jim Hart and Ron Nye present. Commissioner Dan Allhands was late for personal reasons. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Margie Edsall, Bonnie O'Neill, Vicki Tilstra, Susan Vonasek, Lisa Brubaker, Alex Hogle, Tammy Mahlstede, Dana Escott, Bob Bates, Van Puckett, Jani Flinn, Paula McKenzie, Janet Doornbos, Tommy Luksha, and Laurie Buyan.

Approval of Minutes: Following review, Jim Hart moved to approve the January 21, 2020, Board of Commissioners' meeting minutes with corrections. Ron Nye seconded the motion. All voted aye and the motion carried. Later in the meeting, Ron Nye moved to approve the January 16, 2020, Madison County Fair Board and Board of Commissioners' joint meeting minutes as presented. Dan Allhands seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

Weed Department: Margie Edsall, Weed Coordinator, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **2020 Herbicide Bid Documents:** Margie presented the annual herbicide bid, which she will advertise in the newspaper. It is basically the same as last year, other than a reduction of one chemical. She said they cost-shared over \$140,000 to taxpayers, not including grants, even though it was a shorter season than normal. Following discussion, Jim Hart moved to approve the advertisement for bids for the Madison County Weed Board 2020 Herbicide Contract. Ron Nye seconded the motion. All voted aye and the motion carried.
- **2020 Field Season Personnel:** Margie said the department is hiring for nine positions this season. Discussion ensued about the job description, the pros and cons of advertising for seasonal, 90-day, short-term, and temporary positions, and Bonnie clarified the differences between each. Margie discussed hiring challenges, promoted advertising with local schools, and will continue to work with Human Resources on advertising and hiring.

Victims' Advocate: Susan Vonasek, Victim/Witness Advocate and Investigator, and Lisa Brubaker, former Victim/Witness Advocate, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **VOCA Grant Update:** Lisa presented documents for the Victims of Crime Act (VOCA) grant, which funds the Victim's Advocate position, updated to reflect Susan Vonasek as the Project Director/Victim's Advocate. Following review, Jim Hart moved to approve all documents associated with the VOCA application, including Grant Award, Special Conditions, and Certifications Regarding Lobbying. Ron Nye seconded the motion. All voted aye and the motion carried. Lisa explained how this funding works, and noted that the funds don't come from the taxpayers, but from crime fees.

Bonnie and the Board discussed the logistics of setting up back-to-back meetings in Whitehall: one with Dan Lucas regarding 4-H Extension, and the other to discuss senior citizens' bus services.

Commissioner Dan Allhands joined the meeting at this point and was present for the remainder of the meeting.

Planning Office: Alex Hogle, Planning Director, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Lone View III (YMC) Subdivision Improvements Agreement – Partial Release:** Alex discussed approving the partial release of 90% of the amount guaranteed under the Lone View III Subdivision Improvements Agreement. He and Jim Hart conducted a site visit on January 31, 2020. Justin Houser, Houser Engineering, met them at the site and pointed out the completed improvements, and Alex said everything was installed, intact, and in good order. Following review, Jim Hart moved to accept the Lone View III Subdivision Improvements Agreement engineer certification of completed improvements, release \$3,280,845.94 of the Letter of Credit from Morgan Stanley Bank, leaving a 10% remainder of \$364,538.44 for a one-year warranty period, and sign the certification/partial release. Ron Nye seconded the motion. Discussion included construction and various areas of improvements including water, paved roads, and a helipad, and Alex said since the initial approval of several units, the property was purchased as a single private residence. All voted aye and the motion carried.
- **Lower Ulery's 3 Subdivision Improvements Agreement – Partial Release:** Alex reviewed the request for the partial release of 90% of the guaranteed performance bond for the Lower Ulery's 3 Subdivision Improvements Agreement. Based on the site visit conducted by Jim and Alex and the recommendation of the Planning Department, Jim Hart moved to confirm the engineer certification of completed improvements for the Lower Ulery's 3 Subdivision, to release \$568,955.25 of the original bond, leaving a remainder in the amount of \$63,217.25 for a one-year warranty period, and to sign the certification/partial release. Ron Nye seconded the motion. All voted aye and the motion carried.

Board Renewals: The Board considered the renewal of a board member on the Sheridan Cemetery Board. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Following review, Ron Nye moved to re-appoint Kelly Elser to the Sheridan Cemetery District Board for a three year term that will expire on December 31, 2022. Jim Hart seconded the motion. All voted aye and the motion carried.

DUI Task Force Appointment: The Board reviewed an application for appointment to the DUI Task Force. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. After review, Ron Nye moved to accept Barb Armstrong's appointment to the DUI Task Force. Jim Hart seconded the motion. All voted aye and the motion carried.

Letter of Support for VC School Historic Preservation Grant: The Board reviewed a letter of support for the Historic Preservation Grant application by Montana Lifestyle Experience, LLC, in anticipation of their purchase of the Virginia City School. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Following review, Jim Hart moved to approve sending a letter of support to the Montana Historic Preservation Grant Program for the Montana Lifestyle Experience, LLC, grant application for the Virginia City School. Ron Nye seconded the motion. All voted aye and the motion carried.

Finance Office: Vicki Tilstra, Finance Officer, and Bonnie O'Neill, Chief Administrative Officer, met with the Board to discuss the following topic. Tammy Mahlstedt, Human Resource Generalist, was present for a portion of this topic.

- **Accounting Direction for Light Duty Permanent Reassignment:** Vicki and Bonnie discussed a current situation as it applies to all cases moving forward, regarding the accounting direction for light duty permanent reassignments. Discussion included determining which department's budget should bear the expense for reassignment work, budget amendments, setting up a special fund or using payroll from the General Fund, wage disparities, what happens if the employee is unable to go back to their original position or refuses accommodation, using vacation and sick time, worker's compensation rules, and hiring versus not hiring to replace the injured worker's original position. Jim Hart moved, for the remainder of this fiscal year, to continue to pay wages to employees on light duty reassignment from the accommodating department, and to reimburse that department from the General Fund at the end of the fiscal year. Discussion included financial details, the need to take care of employees using reasonable accommodations, and past successes, which have

been handled on a case by case basis. Ron Nye seconded the motion. All voted aye and the motion carried. Vicki will consult with the auditor about setting up a future special fund.

Human Resource Office: Tammy Mahlstedt, Human Resource Generalist, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, and Dana Escott, Fair Manager, were present for this portion of the meeting.

- **Revised Museum/Archives Assistant, Thompson-Hickman Museum/Library Job Description:** Tammy revised the job description for the Museum/Archives Assistant for the Thompson-Hickman Museum/Library due to a typographical error, and asked how to best handle this situation in the future. The Board directed her to make minor grammatical or spelling changes to documents, just note the correction and use the original approval date, and only present substantial changes for Board approval. Tammy noted that the Museum/Archives Assistant position is closed, with 19 online applications received.

Fair Manager: Dana Escott, Fair Manager, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting.

- **Fair Update:** Dana updated the Board on preparations for the Fair, which is set for August 12-16, 2020. She reviewed income to date for advertising, sponsorships, and arena signs, as well as special award contracts, grounds mapping, parade marshal, and scheduled entertainment. She said the Twin Bridges FFA is always looking for projects to help the fairgrounds, and they will be working on an entry sign at the main entrance. Dana distributed a fairgrounds schedule of events for 2020 and 2021. Rip rap improvements on the river bank were also discussed. Dana informed the Board about ongoing issues with the roof on the Jeffers Building, which has been repaired several times but still leaks, said it will need to be re-roofed at some point, and the Board recommended that she get estimates and include it in the next budgeting cycle.
- **Ranch Rodeo Awards:** Dana asked if the Board is willing to sponsor the Ranch Rodeo awards again this year, and discussed ideas for an award series. Ron Nye moved to approve sponsoring the Ranch Rodeo awards in an amount not to exceed \$1,000. Jim Hart seconded the motion. All voted aye and the motion carried. Dan mentioned that it would be good to have a photo of the awards being presented.

Safety Department: Bob Bates, Safety Coordinator, met with the Board to discuss the following topic. Bonnie O'Neill, Chief Administrative Officer, was present for this portion of the meeting. Tammy Mahlstedt, Human Resource Generalist, was present for a portion of this topic.

- **Department of Labor and Industry (DLI) Safety Concern:** Bob said he was contacted last Wednesday by the State Inspector at the Department of Labor and Industry about an anonymous complaint they received on February 6, 2020, about mold, stability and structure, and health concerns in the Madison County Courthouse. Bob said they will monitor the situation and he will need to periodically report to them about what is being done to correct the issues raised. Discussion ensued about steps that have already been taken in the basement, the need to address the drainage issue, snow being piled next to the building, the French drain, crumbling materials, rain gutters, and structural soundness. Jim and Ron recalled having a structural engineer assess the building, and it was determined that the next steps will be to have a contractor with some experience look at the building, and to contact ThinkOne to see what information they already have. Ron emphasized the need to dry everything out first, and Dan suggested getting samples for more detailed information. Bob will pursue this and keep it on his monthly report.

Sanitarian's Office: Van Puckett, Sanitarian, met with the Board to discuss the following topics. Vicki Tilstra, Finance Officer, Bonnie O'Neill, Chief Administrative Officer, Jani Flinn, Grant Administrator, and Tammy Mahlstedt, Human Resource Generalist, were present for this portion of the meeting.

- **Sanitarian Return to Hourly Status:** Van reviewed his schedule for deployment, discussed moving to hourly status and explained how he will track his hours, reviewed Kacey's role and said she can provide updates to the Board so they know everything is covered, and she knows who to call for assistance when needed. Van said he will be maintaining contact and will continue to have oversight of the department, and explained that protocols are already in place for special situations. He discussed getting the Sanitarian in Training (SIT) on board and trained as soon as

possible, and guessed the department would use him approximately 10 hours per week based on the current work load. He said he is comfortable getting help from Tom at Beaverhead County, noted an existing cooperative agreement from 2017 that should be updated with current signatures, and said he is waiting to hear back from them. He also listed additional assistance resources, including Great West Engineering and Barb Kingery (registered sanitarian in Helena), and discussed areas in the budget that will cover the SIT and any outside assistance. Following discussion, Ron Nye moved to approve moving the Sanitarian to hourly status, and to temporarily increase the Sanitarian's Assistant's wages to reflect department head responsibilities, effective March 30, 2020. Jim Hart seconded the motion. All voted aye and the motion carried.

- **Temporary Increase of Sanitarian's Assistant to Reflect Department Head Responsibilities:** see the motion above.
- **Beaverhead County Cooperative Agreement:** This topic was continued to the next regular Commission meeting.

Airports: Jani Flinn, Airport Board Secretary, met with the Board to discuss the following topics. Lance Bowser, Robert Peccia & Associates, participated in this portion of the meeting by telephone. Bonnie O'Neill, Chief Administrative Officer, was present for a portion of these topics.

- **Ennis Big Sky Airport Land Acquisitions, Avigational Easements, and Work Permits:**
 - **Tract 4A, Tract 4B, State of Montana, Longhorn Ranches:** Lance said the exemption review for Tract 4A was signed and submitted to the Clerk and Recorder's office today, and he is moving toward closing, when the amended plat will be signed. Tract 4B should close by the end of this week, and details of the closing process were discussed. For the State of Montana acquisition, Lance explained that the easement is in place, and he is working with them on a work permit. Lance is still waiting on an appraisal for the Longhorn Ranch grading easement, which will be a perpetual avigation easement, and he briefly explained details. He said everything is moving forward, but noted an upcoming deadline with the FAA to have things completed. Following discussion, Jim Hart moved to approve signing the mylars for the amended plat for Tract 4A, and to approve signing the final closing documents for Tract 4A, subject to receipt. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Ennis Big Sky Airport Snow Removal Equipment Building:**
 - **Engineering Task Order #27:** This topic was continued to the next regular Commission meeting.
 - **Philadelphia Indemnity Tender and Substitution Agreement:** Lance explained that he is reviewing a three party contract between Philadelphia Indemnity (the bonding company), AV Construction in Bozeman, a company he recommends, and the County, for AV to complete work on the SRE building. Since the circumstances are a bit unique, he wants the Deputy County Attorney to review the contract as well. If approved, AV can start working on Monday, and they are interested because it fits into their schedule to complete the work in six weeks before starting on their next scheduled project. Jim Hart moved to approve the Philadelphia Indemnity Tender and Substitution Agreement, subject to review by the Deputy County Attorney. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Ennis Big Sky Airport – Montana Aeronautics Grant Offer Acceptance:** Lance reviewed the grant funds associated with the Ennis Airport, explained that the County applied for a Montana Aeronautics grant to assist with local match requirements, were approved for part of what was requested, reviewed the process for accepting the grant which will come through in the next several months in fiscal year 2020/2021, and pointed out that, overall, the County will end up paying only about \$200,000 on a \$15 million airport project. Following review, Jim Hart moved to accept the Montana Aeronautics grant offer in the amount of \$287,682.00. Ron Nye seconded the motion. All voted aye and the motion carried. Lance reviewed the high amount of interest shown by contractors for submitting a bid on an upcoming airport improvements project. Discussion ensued about water needs and accessibility, including the idea of drilling a large well at the airport.
- **Ennis Big Sky Airport – Pay Request 2 (AIP 021-2020) and Pay Request 2 (AIP 022-2020):** Jani and Lance reviewed two current pay requests to be processed, and explained that they cover final design fees for runway design items, and for items including aprons and taxiways. Lance said the County will be reimbursed when the FAA grant funds are in place, which will happen within about five months. Following review, Jim Hart moved to approve Robert Peccia & Associates' Pay Request #2 (AIP 021-

2020) in the amount of \$121,347.16, and Pay Request #2 (AIP 022-2020) in the amount of \$49,095, for Ennis Big Sky Airport Improvements. Ron Nye seconded the motion. All voted aye and the motion carried.

Legal Boundary Validation Program (BVP): The Board made a call to the Clerk and Recorder's office to discuss the Legal Boundary Validation Program (BVP). Paula McKenzie, Deputy Clerk and Recorder, came in to review the census map provided by the GIS Department, and compare it with precinct maps. She said that once the census is completed some boundaries will change, according to where people are located. Later in the meeting, Tommy Luksha, GIS Coordinator, came in to discuss the Legal BVP with the Board, pointed out some issues, said he doesn't have all the documents needed at this time to complete a boundary update, and suggested gathering all affected entities together to define boundaries and/or hire a surveyor. The topic was continued to the next regular Commission meeting.

Senior Citizens' Board: Janet Doornbos, Senior Citizen's Advisory Board, met with the Board to discuss the following topic. Jani Flinn, Grant Administrator, Bonnie O'Neill, Chief Administrative Officer, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **Possible Funding from MDT for a Van and Operating Expenses:** Janet discussed funding possibilities from the Montana Department of Transportation to cover a senior citizens' passenger van. Bonnie reviewed a meeting in Whitehall where funding was discussed as a slim possibility. The Board asked about lack of coverage and hiring drivers, and Bonnie said people in Whitehall brought up the idea of covering the Cardwell and the Ruby Valley, and invoicing Madison County. Discussion ensued about applying for the MDT grant even if it is a slim chance of getting it, how to provide the best service, the advantages of using a smaller vehicle and where it could be stored, how Whitehall operates its program, and funding. Following discussion, Ron Nye moved to encourage the Grant Administrator to pursue the possibilities for grant funding for a new senior bus or van. Jim Hart seconded the motion. All voted aye and the motion carried. Janet noted that the transition from the former bus driver to new drivers has been a difficult transition for some of the bus patrons.

Calendars: The Board reviewed calendars. Laurie Buyan, Executive Assistant to the Board of Commissioners, was present for this portion of the meeting.

With no further business, the meeting was adjourned at 3:31 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, February 25, 2020, beginning at 9:30 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana.

Dan W. Allhands, Chairman
Board of Madison County Commissioners

Date Approved: March 17, 2020

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

Attest: _____
Kathleen Mumme, Clerk and Recorder, Madison County