

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**January 4, 2022, Meeting Minutes**

On Tuesday, January 4, 2022, a meeting of the Board of Madison County Commissioners came to order at 9:30 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, Cheryl Mulholland, Mike Callahan, Jennifer Westfall, Kila Shepherd, Cody Marxer, Justin Houser, Beth Famiglietti, Pamela Ward, Hannah Brook, Allison Veland, Van Puckett, Kacey Smart, Paula McKenzie, Dan Metzger, Tyler Cross, Marshall Bettendorf, and Laurie Buyan. Jeff LeVeque, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Craig Erickson, Allison Veland, Sabrina Sigourney, Ryan Wolter, Abby Thomas, Lincoln Roberts, K Mursch, Amanda Harris, Lynda Holt, Britani Allhands, Karen Ketchu, Jani Flinn, Alde Feskanin, Chad Tree, Lisa Roberts, Tommy Luksha, Janie Alt, Jennifer Martens, Gail Nelson, Jolene Palmer, and unidentified 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. Cheryl Mulholland, County resident, Kila Shepherd, HR Director, Jennifer Westfall, Human Resources, and Mike Callahan, Safety Coordinator, were present for this portion of the meeting.

- **COVID Update including Nursing Homes Status:** Emilie reviewed County and State COVID status. As of yesterday morning, the County has 20 active cases, has had a total of 1,444 confirmed positive cases, 1,404 people have recovered, and the fatality count of 20 has remained unchanged. There is one active hospitalization bringing total hospitalizations to 113. Montana's active cases jumped significantly to 3,104, although active hospitalizations have stayed about the same at 127 statewide since current cases are milder than previous cases. Emilie presented updated CDC guidelines for isolation/quarantine times and mask wearing, and she described the complications Public Health is running into trying to balance CDC guidance with Montana's laws and policies. She discussed testing positivity rates and test access issues and described local COVID symptoms being similar to cold symptoms. She reviewed daily new cases in the County, cumulative Statewide active cases, fully-vaccinated people in Montana (53%) and in the County (45%), and pointed out that "fully-vaccinated" does not yet include boosters. Vaccine uptake by age group was also reviewed in some depth. Madison Valley Manor is still in COVID outbreak status, two vaccinated residents tested positive but were asymptomatic, no one is hospitalized, and no staff members are in quarantine. Infection control practices, PPE training, and testing protocols are in place, and transmission rate is considered high. Outbreak status can be cleared after three negative rounds of PCR testing. Tobacco Root Mountains Care Center has 21 residents and is conducting ongoing staff testing two times per week, PPE training, and resident testing as needed. Transmission rate in the facility is rated as substantial. Asked about access to home tests, Emilie said the tests provided to Public Health from the State Public Health Emergency Program can be obtained at no charge but if purchased from a pharmacy or online the price can range from \$14 to \$80. These home tests can produce false negatives if a person is asymptomatic or tests too early or too late, but they are pretty accurate for those who are symptomatic. They are the same tests as the hospitals use for rapid testing, just packaged differently. Hospitals are not seeing a lot of false positives, just false negatives, but these tests are still helpful. She said Public Health is working with some businesses around the County to distribute tests and make them more accessible, including Ennis Pharmacy.

**Safety Coordinator:** Mike Callahan, Safety Coordinator, met with the Board to discuss the following topic. Cheryl Mulholland, County resident, Kila Shepherd, HR Director, and Jennifer Westfall, Human Resources, were present for this portion of the meeting.

- **Monthly Safety Report – December:** Mike reviewed the Safety report for December, 2021, including a recap of three non-reportable November incidents. His activities included new hire orientation, State Fund training on OSHA reporting, modifications to the Employee Safety Manual, computer training with HR, planning shared-cost MSHA training for Madison and Beaverhead County road crews which was discussed and OK'd by the Board, researching an eye-wash station for the Weed shop which was also approved by the Board, AED inspections, completing 44 of 46 departmental Safety self-inspections, and obtaining signage and first aid supplies for Road 3.

**Planning Office:** Cody Marxer, Planner I, met with the Board to discuss the following topics. Justin Houser, Houser Engineering, Cheryl Mulholland, County resident, Beth Famiglietti, Lone Mountain Land, and Pamela Ward, Clerk and Recorder's Office were present for all or a portion of these topics.

- **Amended Plat of YMC Golf Course Lots 730A and 731:** Cody said the amended plat of Lots 730A and 731 (Yellowstone Mountain Club Golf Course) went before the Exemption Review Board on December 8, 2021, and was approved with minor corrections. Justin reviewed the corrections and stated that the RIDs were paid off. After review, Ron Nye moved to approve the amended plat to aggregate Lots 730A and 731 into the single 2.73-acre Lot 730B of Yellowstone Mountain Club Golf Course Subdivision Phase 1. John Heckler seconded the motion. All voted aye and the motion carried.
- **Lee's Pool Subdivision Phase 1, Declaration of Roughriders Condominium:** Cody explained that the declaration for Lee's Pool Subdivision Phase 1, Roughriders Condominium, was already approved but for some reason one of the documents was not signed. Beth said Phase 2 will be coming soon. Commissioner Nye left the meeting at this point to take a phone call. John Heckler moved to approve Lee's Pool Subdivision Phase 1, Declaration of Roughriders Condominium. Dan Allhands seconded the motion. All voted aye and the motion carried. Commissioner Ron Nye rejoined the meeting at this point and was present for the remainder of the meeting.
- **Talon Ranch Pond Floodplain Development Permit #MFDP-21-02:** Cody described the floodplain development permit for Talon Ranch Pond, located between Twin Bridges and Dillon on the Big Hole river, for installing a fishing pond and footbridges over some wetlands, hauling fill out and pumping water in from an irrigation channel. She stated the permit has gone through DNRC engineer review with no potential issues other than making sure they secure the proper water rights and obtain a Section 404 Permit from the US Army Corps of Engineers, so conditional approval is suggested. There was discussion about ponds and FWP stipulations for the types of fish that can be stocked, and consumptive use. After discussion, Ron Nye moved to approve the conditional approval of Floodplain Development Permit #MFDP-21-02 (BH), Talon Ranch Pond, contingent upon the conditions of approval as listed. John Heckler seconded the motion. All voted aye and the motion carried.

**Claims:** The Board approved claims.

**Resolution 1-2022 Setting Mileage Rates:** After review, Ron Nye moved to approve Resolution 1-2022, a resolution setting mileage rates for calendar year 2022. John Heckler seconded the motion. All voted aye and the motion carried.

**Resolution 2-2022 Setting Dates for Commission Meetings:** Following review, Ron Nye moved to approve Resolution 2-2022, a resolution setting dates for Commission meetings, to be conducted on Tuesdays of each week beginning at 9:30 a.m. John Heckler seconded the motion. All voted aye and the motion carried.

**Resolution 3-2022 Setting County Office Hours:** After review, Ron Nye moved to approve Resolution 3-2022, a resolution setting County office hours from 8:00 a.m. until 5:00 p.m. Monday through Friday except legal holidays, as presented. John Heckler 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 topic. Allison Veland, MVM Administrator, Hannah Brook, Grant Writer/Administrator, Cheryl Mulholland, County resident, Kila Shepherd, HR Director, and Jennifer Westfall, Human Resources, were present for all or a portion of this topic.

- **Madison Valley Manor Renovation Project:** Allison presented a service proposal for corrective actions to get the Manor's overall heating system performance up to speed and functioning properly, after a windy and cold weekend with the system running three degrees below the required

regulations. John pointed out that this agreement between Johnson Controls and the County is for ongoing maintenance of the system, and is separate from having Johnson Controls identify individual issues and making corrective recommendations to Great West and SMA for the purpose of applying the costs to the CDBG grant. Johnson Control has sent three other proposals so far, for control board battery replacements, fixing an air handler, and replacing room valves, and discussion ensued about having them consolidate their proposals and recommendations, make sure these measures will solve the problem, and come up with accurate costs before Craig goes back to the Department of Commerce to see if the expenses qualify for reimbursement under the grant. There was also discussion about timelines and the need to implement solutions quickly, supplying a complete system drawing for Johnson Controls, work and contract negotiation details, and standard versus premium coverage. Craig moved on to an update about the generator, which has been delivered to MVM, but won't be set up for a couple of weeks due to technician availability. Discussion about fuel included delivery, capacity, longevity, blending to work at cold temperatures, and having road crews assist with rotation since they handle diesel fuel regularly. Craig said the CDBG grant program will be opening another round of funding in the spring with maximum awards of \$600,000. He expressed doubt that the MVM project would be wrapped up in time to apply for a TRMCC grant, since there can only be one grant open at a time, but expects another opportunity to apply in fall of 2022.

**Future Electronic Communications Consideration:** The Board considered future County electronic communications. Kila Shepherd, HR Director, Jennifer Westfall, Human Resources, Van Puckett, Director of Environmental Health, Kacey Smart, Sanitarian's Assistant, and Laurie Buyan, Executive Assistant to the Board of Commissioners, were present for all or a portion of these topics. Sabrina Sigourney, Big Sky resident, participated via Webex.

- **Continuation of Webex Meetings:** The Board considered whether to continue offering Webex participation during meetings. Discussion included frustration with participants not identifying themselves online, the legality of remaining unidentified in a public meeting, and checking with the County Attorney regarding identification requirements. Several people commented on the benefits of continuing to offer Webex including the ability to listen and/or participate while working or out of town, and the ease of tuning in from remote areas of the County or from Big Sky.
- **Adding Public Communication Page to County Website, etc:** John discussed modifying the County website to convey current information to residents and about County activities and plans, possibly a box on the first page. Discussion included finding someone who would maintain and keep it current, how often it would be updated, how much time would be required, where it should be located on the website, to be readily noticeable, and the benefits of public participation and conversation. Sabrina expressed appreciation for County agendas and information being posted in the Lone Peak Lookout, since that's where Big Sky residents look for local news and information, and said she would like to see recorded meetings and meeting documents posted on the county website like Gallatin County does. Document size and formats were discussed, and it was suggested that most documents are already in some type of digital format.

**Resolution 4-2022 Establishing Locations for Posting Public Notice:** After review, Ron Nye moved to approve Resolution 4-2022, a resolution establishing locations for posting public notice, as presented. John Heckler seconded the motion. All voted aye and the motion carried.

**Resolution 5-2022 Rate of Credit for Incarceration:** The Board considered Resolution 5-2022, Rate of Credit for Incarceration. Laurie Buyan, Executive Assistant, was present for this portion of the meeting. John Heckler moved to approve Resolution 5-2022, rate of credit for incarceration. Ron Nye seconded the motion. Laurie said she asked the Sheriff about the daily rate and he approved leaving it at \$75, and she questioned the Board about the resolution's term being for the fiscal year or the calendar year, noting this is usually approved at the beginning of each calendar year. After discussion, John amended his motion to approve Resolution 5-2022, rate of credit for incarceration, leaving the amount of \$75 per day, and changing fiscal year to calendar year. Ron Nye seconded the motion. All voted aye and the motion carried.

**Journal Vouchers:** Following review, Ron Nye moved to approve Journal Vouchers for the 12/21 accounting period. John Heckler seconded the motion. All voted aye and the motion carried.

**Public Discussion on Items Not Listed on the Agenda but Within the Board's Jurisdiction:** Dan Metzger and Marshall Bettendorf, Madison Valley Golf Association, met with the Board to discuss the Association's agreement with the County for the operation of Madison Meadows Golf Course. Tyler Cross, Madison Meadows Golf Superintendent, and Paula McKenzie, Clerk and Recorder, were present for this portion of the meeting. Dan M said he wanted to check in with the Board to see where they stand regarding the Golf Association agreement, and what the Association should do moving forward. He reminded the Board that the Association is asking for \$180,000 per year, noting that when the number of rounds per year increases to a profitable level they will want to hire a General Manager. He said right now they have about \$20,000 in the bank, about a third of what they normally have at this time of year after collecting money for annual season passes, because people are holding back due to uncertainty about the fate of the course. They have a loan and debt, but there are no fundraising activities going forward, and volunteers and donations are not sustainable at this point because people don't want to fund the course given the circumstances. Tyler stated that he is resigning because it is unsustainable for he and his family to remain after all the problems the course has had over the past year, that after 27 irrigation breaks and a list of other issues it got to be too much to handle and too much uncertainty. John said his review of the presentation and financials appeared optimistic regarding revenue and number of rounds and asked why this is coming to the Board after 40 years. He stated he can't imagine Ennis not having a golf course, he'd like to see it as more of a public recreational use center as was stated in the original land deed, but in his review did not see a clear plan for survival. Dan M responded by pointing out expenses that the Association paid for but shouldn't have such as property taxes, insurance, and a lawsuit, noted the irrigation system is also 40 years old, and the reason for everything happening now is that the agreement wasn't updated and the course was not supported by the County. Since he got involved with the course a few years ago these various problems have come to a head coinciding with the end of the 20-year agreement and the Association will no longer limp forward with the agreement as is. He benchmarked his proposals based on comparable courses and his previous experience and expressed confidence that the proposals will turn the course around. Marshall stated that the course and equipment are unsustainable without dramatic change but thinks they have an outstanding plan to be profitable with five to ten years, and that Madison Meadows has several advantages over comparable courses. A lengthy discussion ensued that included the original land and financial donations that leveraged matching funds from Fish Wildlife and Parks to start the golf course, its 501(c)(4) status, write-offs desired by financial donors, the course's water coming from Valley Garden water shares at no extra charge, public taxes, hiring a consultant to help with water efficiency, water and pumping pressure, plans for reducing cost and increasing revenue, bank loans only possible with financial backing from the County, the need for an operational budget comparable to other courses, revenue sources, large donations, comparisons with private courses, various types of memberships, the relationship of revenue to indirect and fixed costs, the number of rounds to break even and to be profitable, increasing demand by improving the course, the golfing percentage of the population, the degree of likely voter support, fixing the irrigation system using funding sources such as grants and capital campaigns, the golf course's benefits to Ennis and the surrounding business community, home values around the course, and out-of-town players. Dan M pointed out that all profits for this course, based on documents from 40 years ago, go to the County and noted that some of the best courses in the U.S. are courses that make a lot of money for their municipality. After discussion, all agreed that the golf course is important to have in the community. Marshall asked the Board to come back to the Association with an amount of funds that would be available, from whatever source, so they know how to move forward since they will need to hire another Superintendent and have a commitment in order to open the course this year. The topic was continued to the Commission meeting on February 22, 2022. There was additional discussion about funding options and researching the financial operations of successful municipal courses.

**MACo Property and Casualty Insurance Agent Services Survey:** The Board considered filling out a MACo insurance survey, discussed some of the questions, and opted to continue the topic to the next regular Commission meeting.

**Signature Certification Forms and Direct Deposit Forms – TSEP/MCEP:** After review, John Heckler moved for the Commissioners to go forward and sign the signature certification form for the Montana Department of Commerce and that the signatures shall be subscribed and sworn to by a notary public of the State of Montana, notarizing the signatures are correct. Ron Nye seconded the motion. All voted aye and the motion carried. Pamela Ward, Clerk and Recorder's Office, notarized the forms.

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

With no further business, the meeting was adjourned at 1:30 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, January 11, 2021, beginning at 9:30 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana.

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Dan W. Allhands, Chairman  
Board of Madison County Commissioners

Date Approved: January 25, 2022

Minutes prepared by:

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Jane Bacon, Commissioners' Clerk

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