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STATE OF MONTANA MADISON COUNTY

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Paula McKenzie, CLERK & RECORDER

Fee: \$ 0.00

To: FILED, ,

BY:

Paula McKenzie

Madison County

Commissioners Regular Meeting

January 27, 2026, 10:00 am Mountain Time until concluded
103 W Wallace St, Virginia City, MT 59755, United States
First Floor Public Meeting Room
Administrative Office Building, Virginia City, Montana

Present:

Duke W. Gilman, Commissioner District 1
Ronald E. Nye, Commissioner District 2, Chairman
William A. Todd, Commissioner, District 3

In attendance:

Ryan Wolter, IT Support Specialist, administered the Webex connection
Sarah Carlson, Commissioners' / Airport Assistant, was present to take minutes

Attendee List:

Colton Lauer, Madison County Attorney
David Buchler, Madison County Attorney
John Herrington, Planning Technician
Hannah Brook, Victims Advocate
Kristi Millhouse, Finance Director
Kacey Smart, Sanitation Manager
Mark Hoyt, Fairground Board

1. Call to Order, Pledge of Allegiance, Roll Call

2. Public Comment (Please Limit to 5 Minutes Per Person)

Commissioner Todd made a comment after viewing a video depicting a gentleman being shot in Minnesota by federal agents over the weekend. Commissioner Todd, a supporter of the Second Amendment, expressed concern that carrying a firearm for protection could potentially result in violence against the individual. He stated that he finds such actions highly inappropriate and hopes that the nation will regain its course.

3. Consent Agenda

- 3.1. Minutes for January 12, 2026, Work Session
- 3.2. Minutes for January 20, 2026, Regular Meeting
- 3.3. Hazardous Materials Removal Bid Assistance Contract
- 3.4. Approval of Claims

RESOLVED: Commissioner Todd moved to approve the Consent Agenda as read. Seconded by Commissioner Gilman.
For: Duke Gilman, William Todd, Ron Nye. Motion passed.

Comment: None. Discussion: None

4. Reports of Committees

None

5. Unfinished Business

None

5.1. Nursing Home USDA Grant MOU Execution

Paul Marsh, President of the Nursing Home Foundation, attended the meeting via WebEx and expressed disagreement with the claims in the Memorandum of Understanding regarding unqualified recipients remaining included. He explained that the Foundation, with help from Representative Zinke's office, submitted the necessary paperwork. He also mentioned that after the county realized the funds had been allocated to the Foundation, he felt the county had stonewalled the process and that the issue had persisted for nearly two years.

David Buchler and Colton Lauer are attorneys for Madison County. The January 16, 2020, Memorandum of Understanding (MOU) includes all updates and whereas clauses from the County Attorney's Office, along with several edits requested by the Foundation. David Buchler states that Paul Marsh's description of events is incorrect.

Commissioner Todd emphasized that the Memorandum of Understanding (MOU) is meant to serve as a historical record of the origin of this document and the grant. He also mentioned that Paul Marsh's statement inaccurately characterizes the events and requested that this be reflected in the Minutes.

Commissioner Nye clarified that the Commissioners had never characterized the Foundation as fraudulent, asserting that this was a misinterpretation of the remarks made during a prior Commissioners' meeting.

Commissioner Gilman stated that, based on his reading of the contract, it means that the nursing homes receive funds for their needs, and he does not understand what the issue is.

RESOLVED: Commissioner Todd approve the Nursing Home USDA Grant MOU Version in the the Commissioners packets for execution. Commissioner Gilman seconded the motion.
For: William Todd, Ron Nye, Duke Gilman. Motion passed.

Comment: Buchler, Lauer and Marsh (Webex). Discussion: Commissioner Nye and Commissioner Todd.

6. New Business

6.1. Public Hearing Alley Closure - Pony

Public hearing opened at: 10:26 am.

No comments received.

Public hearing closed at: 10:27 am

- Resolution 8-2026 A Resolution of the Madison County Commission Regarding the Petition to Close the Alley in Section 18, T02 S, R02 W, Block 44, Between Lots 7,8,9,10,11 and 12 of the Original Townsite of Pony, Montana

RESOLVED: Commissioner Todd moved to approve Resolution 8-2026 A Resolution of the Madison County Commission Regarding the Petition to Close the Alley in Section 18, T02 S, R02 W, Block 44, Between Lots 7,8,9,10,11 and 12 of the Original Townsite of Pony, Montana. Commissioner Gilman seconded the motion.

For: William Todd, Ron Nye, Duke Gilman. Motion passed.

Comment: None. Discussion: Commissioner Nye.

6.2. Public Hearing Alley Closure - Harrison

Public hearing opened at: 10:28 am.

No comments received.

Public hearing closed at: 10:29 am

- Resolution 9-2026 A Resolution of the Madison County Commission Regarding the Petition to Close the Alley in Section 36, T01 S, R02 W, Block 9, Between Lots 13-14 AND 46-48 of the Original Townsite of Harrison, Montana

RESOLVED: Commissioner Todd move to approve Resolution 9-2026 A Resolution of the Madison County Commission Regarding the Petition to Close the Alley in Section 36, T01 S, R02 W, Block 9, Between Lots 13-14 AND 46-48 of the Original Townsite of Harrison, Montana. Commissioner Gilman seconded the motion.

For: William Todd, Ron Nye, Duke Gilman. Motion passed.

Comment: None. Discussion: Commissioner Nye.

6.3. Second Reading of Ordinance 1- 2026 to Revise the Madison County Waste Water Regs

Kasey Smart, Madison County Sanitation Manager, read Ordinance 1-2026 into the record.

RESOLVED: Commissioner Todd moved to approve Ordinance No. 1-2026 An Ordinance Adopting Madison County Wastewater System Regulations. Commissioner Gillman seconded the motion.

For: Ron Nye, Duke Gilman, William Todd. Motion passed.

Ordinance 1-2026 shall become effective in 30 days.

Comment: Smart. Discussion: None.

6.4. Second Reading of Ordinance 2- 2026 to Revise the Madison County Waste Water Fee Schedule

Kasey Smart, Madison County Sanitation Manager, read Ordinance 2-2026 into the record.

RESOLVED: Commissioner Todd moved to accept Ordinance No. 2-2026, An Ordinance Adopting Madison County Wastewater Fee Schedule. Commissioner Gilman seconded the motion.

For: William Todd, Ron Nye, Duke Gilman. Motion passed.

Ordinance 2-2026 shall become effective in 30 days.

Comment: Smart. Discussion: None.

6.5. Solid Waste - Dillan Haugland

- Ennis Dump Fence

The Solid Waste Board approved up to \$20,000.00 for the construction of a portable fence panels.

RESOLVED: Commissioner Todd moved to approve the fence construction plan Commissioner Gilman seconded the motion.

For: William Todd, Duke Gilman, Ron Nye. Motion passed.

- Closing Dumps on Holiday

The Solid Waste Board approved closing the dumps on all legal holidays except July 4th and recommended a 1-year trial. They will advertise in the Madisonian and on social media and have signs made for the dumps.

RESOLVED: Commissioner Todd moved to approve reluctantly, as recommended by the Solid Waste Board. Commissioner Gilman seconded the motion.

For: William Todd, Duke Gilman, Ron Nye. Motion passed.

Comment: Smart and Hugland (WebEx). Discussion: Commissioner Todd, Commissioner Nye, and Commissioner Gilman.

6.6. DES - Joe Brummell

- Gallatin County Inter-Local Agreement
- FY 2025 EMPG
- FY 2025 Close Out

RESOLVED: Commissioner Todd moved to continue to a future commissioners meeting. Commissioner Gilman seconded the motion.

For: William Todd, Duke Gilman, Ron Nye. Motion passed.

Comment: None. Discussion: Commissioner Todd and Commissioner Gilman.

6.7. Exempt Amended Plat- Boundary Adjustment and Aggregation of Lots 203, 204, 205 & 226, Shining Mountains Subdivision

The landowner of Lots 203, 204, 205, and 226 of Shining Mountain Subdivision, Unit 1, seeks to use a boundary adjustment subdivision exemption to realign the boundary lines of the aforementioned lots. The subject properties are currently undeveloped. The same landowner seeks to use an aggregation subdivision exemption to aggregate Lots 2, 225, and 229 for future development of the area. It is recommended that the Madison County Commissioners approve the amended plat of Lots 203, 204, 205, 226, and 203, 224, 225, and 229 of Shining Mountain Subdivision, Unit 1.

RESOLVED: Commissioner Todd moves to approve the amended Platt boundary adjustment of Lots 203, 204, 205 and 226 of Shining Mountain subdivision, Unit 1. Commission Gilman seconded the motion.

For: William Todd, Duke Gilman, Ron Nye. Motion passed.

RESOLVED: Commissioner Todd moves to approve the aggregation of lots 203 a comma two to four, 225 and 229 of Shining Mountain subdivision, unit 1A. Commissioner Gilman seconded the motion.

For: William Todd, Duke Gilman, Ron Nye. Motion passed.

Comment: Herrington. Discussion: None.

6.8. Fairgrounds

Mark Hoyt from the Madison County Fair boards stated that the PAV exterior chinking needs to be completed.

- Pavilion Upper Exterior Chinking

RESOLVED: Commissioner Todd moved to approve the BTI reaching of the pavilion upper exterior for the amount of \$10,826.40. Commissioner Gilman seconded the motion

For: William Todd, Duke Gilman, Ron Nye. Motion passed.

- Fair Booth Agreement Insurance Requirements

RESOLVED: Commissioner Gilman moved to approve the Fair Booth agreement insurance requirements as presented. Commissioner Todd seconded the motion

For: William Todd, Duke Gilman, Ron Nye. Motion passed.

Comment: Hoyt. Discussion: Commissioner Todd, Commissioner Gilman, and Commissioner Nye.

6.9. Pavilion Contract

RESOLVED: Commissioner Todd moved to continue the Pavilion contract to next week. Commissioner Gilman seconded the motion.
For: Ron Nye, William Todd, Duke Gilman. Motion passed.

Comment: None. Discussion: None.

6.10. Finance Department

- Black Mountain Time Clock System

Kristi Millhouse, Madison County Finance Director will send the Commissioner additional information on Black Mountain Time Clock System.

RESOLVED: Commissioner Gilman moved to Discontinue use of the UKG time clock system in all departments except for Madison County nursing homes, and for all other county departments to use the paper timesheets. Commissioner Todd seconded the motion.
For: Ron Nye, William Todd, Duke Gilman. Motion passed.

- Automated Payments for Liabilities (AFLAC, EFTPS, Blue Cross Blue Shield, Nationwide, State of Montana, etc.)

RESOLVED: Commissioner Todd moved to approve automatic payments for liabilities. Commissioner Gilman seconded the motion
For: Ron Nye, William Todd, Duke Gilman. Motion passed.

- Biweekly Payroll

Commissioner Todd stated that the county should pay deputies overtime as they have requested. He also mentioned that switching to a biweekly payroll offers several benefits for county employees.

Kristi Millhouse, Madison County Finance Director, mentioned that switching to a biweekly schedule should make things easier for the Sheriff's Office. Christie suggests that all employees adopt a biweekly pay schedule until the end of December. If, for any reason, this approach does not work for the Sheriff's Office or dispatch, they will reassess the situation at that point.

Commissioner Gilman also concurred that transitioning to a biweekly pay schedule offers multiple advantages.

RESOLVED: Commissioner Todd moved to approve switching to a biweekly payroll with the stipulation that the county moves ahead paying the deputies on a day overtime calculation, with their new agreement. Commissioner Gilman seconded the motion.
For: Ron Nye, William Todd, Duke Gilman. Motion passed.

The Biweekly payroll will go into effect March 1, 2026.

- Amendment to Audit Agreement with Nexus
- Nexus Contract Amendment for the Audit Agreement (Regular Audit to Federal Audit)

RESOLVED: Commissioner Todd moved to approve the Amendment to the Audit Agreement with Nexus. Commissioner Gilman seconded the motion
For: Ron Nye, William Todd, Duke Gilman. Motion passed.

Comment: Millhouse and Smart. Discussion: Commissioner Todd, Commissioner Nye, and Commissioner Gilman.

6.11. Request for Property Tax Refund - Clint Mortensen

After reviewing the file, the information we received, and Montana's anti-code, Colton Lauer, Madison County Attorney, concluded that the refund request was submitted to the incorrect venue and should be directed to DOR.

RESOLVED: Commissioner Todd moved to deny the request for refund. Tax payer needs to send the request to the Department of Revenue. Commissioner Gilman seconded the motion.
For: Duke Gilman, William Todd, Ron Nye. Motion passed.

Comment: Lauer. Discussion: Commissioner Todd.

6.12. Resignation from Colin Threlkeld from the Madison County Planning Board for the Conservation District

RESOLVED: Commissioner Gilman moved to accept the Resignation from Colin Threlkeld from the Madison County Planning Board for the Conservation District. Commissioner Todd seconded the motion.

For: Duke Gilman, William Todd, Ron Nye. Motion passed.

Comment: None. Discussion: Commissioner Todd.

Adjournment

RESOLVED: Commissioner Todd moved to adjourn the meeting. Commissioner Gilman seconded the motion.

For: Duke Gilman, Ron Nye, and William Todd.
Motion passed.

With no further discussion, the meeting was adjourned at 11:20 am.

The upcoming Regular Commissioner meeting is scheduled for Tuesday, February 3, 2026, at 10:00 am, in the Public Meeting Room of the Administrative Building in Virginia City, Montana.

Signed: 
Ronald E. Nye, Commissioner, Chairman
Date Approved: February 3, 2026

Date: 
2/3/2026

Signed: Sarah Carlson
Minutes prepared by:
Sarah Carlson, Commissioners' / Airport Assistant

Date: 2/3/2026

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

Date: 2/3/26

