

BOARD OF MADISON COUNTY COMMISSIONERS
February 9, 2021, Meeting Minutes

On Tuesday, February 9, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:33 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Chairman, Jim Hart, and Ron Nye present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Joe Brummell, Melissa Brummell, Allison Veland, John Roberts, Vicki Tilstra, Jayne Forsythe, Tammy Mahlstede, Gail Nelson, Jani Flinn, Kacey Smart, Jim Kaatz, Scott Kelley, Ellis (Eli) Thompson, Alex Hogle, and Tommy Luksha. Jeff LeVeque, IT Systems Computer Support Specialist, was present to administer the Webex connection. Those who attended via Webex or by phone included Van Puckett, Becky Lawson, Craig Erickson, Abbi Lee, Ryan Wolter, Justin Gatewood, Pat Bradley, Britani Allhands, Chad Tree, Charisse Opie, Cindy Perdue-Dolan, Dale Grose, Janie Alt, Jennifer Martens, Jolene Palmer, Kathy Barnes, Keely Inez Larson, Laurie Buyan, Laurie Schmidt, Lisa Stapp, Margie Edsall, Pam Birkeland, Bob Bates, Tammy Estensen, and several unidentified Webex attendees.

Approval of Minutes: No minutes were available for approval.

Public Health Office/DES – COVID-19 Update: Joe Brummell, DES, and Melissa Brummell, Public Health Nurse, met with the Board to present a COVID-19 update. Allison Veland, MVM Administrator in Training, John Roberts, County resident, Jayne Forsythe, HR Assistant, and Vicki Tilstra, Finance Officer, were present for all or a portion of this topic. Melissa reviewed the latest COVID figures for the County: 653 confirmed positive cases, active cases are back up to 19, there are two active hospitalizations at this point for a total of 44 hospitalizations so far, and fatalities are still at seven. The State has had 95,914 positive cases, 1,314 fatalities, and has 101 active hospitalizations. Confirmed cases in the U.S. are up to 27.1 million, with 465,000 fatalities. Melissa noted that no flu cases have been reported in the County or the State and returned to COVID-related maps of Montana by county, including current active cases and cumulative cases, and she briefly discussed hospital bed capacity which has improved over the last couple of months. Local schools reported no active cases as of last week, and Melissa noted school reports are always a week behind.

- **Nursing Homes COVID Update:** Melissa presented and reviewed the COVID statistics in the nursing homes, noting that TRMCC currently has 23 residents and MVM has 12. Eleven of MVM's residents have recovered from having COVID, and there have been no cases at TRMCC, although four staff members are out for quarantine. Both facilities are conducting ongoing PPE training, and neither facility is allowing visitors. Allison discussed staff and resident testing at MVM, and said they did their last round of resident testing yesterday hoping to be declared out of outbreak status

Melissa reviewed the COVID vaccine situation in the State and locally, explained how the hospitals in Madison County receive and distribute vaccine supplies, and reviewed qualifications of the group (1B) currently approved to receive the vaccine and the group next in line (1C). Joe further discussed vaccines, noting the existence of a black market, and talked about how quantities are distributed according to population. He also pointed out a Montana legislative bill regarding COVID liability protection that passed in the House and Senate, and is headed for the Governor's office for signature. Joe reviewed local weather, drought, snowpack, and ice jam conditions.

DES Office: Joe Brummell, DES, met with the Board to discuss the following topic. Melissa Brummell, Public Health Nurse, Allison Veland, MVM Administrator in Training, John Roberts, County resident, Jayne Forsythe, HR Assistant, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **Emergency Management Performance Grant FY 2021-2022:** Joe discussed the Emergency Management Performance Grant for fiscal year 2021-2022, said he is asking for \$44,000 this year, and pointed out what the grant will and will not cover. Based on the request and recommendation of the DES Coordinator, Jim Hart moved to approve the FY 2021-2022 Emergency Management Performance Grant request in the amount of \$44,000, with a match of the same amount from Madison County. Ron Nye seconded the motion. All voted aye and the motion carried.

Public Health: Melissa Brummell, Public Health Nurse, met with the Board to discuss the following topic. Joe Brummell, DES, Allison Veland, MVM Administrator in Training, John Roberts, County resident, Jayne Forsythe, HR Assistant, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting.

- **IAP Grant Amendment:** Melissa presented the amendment for the Immunization Action Plan (IAP) grant, reviewed the Federal source of funding and grant deliverables, noting the grant was amended to include COVID vaccine-related activities and outreach, as well as vaccination clinics. She explained that Public Health is assisting the hospitals with administering vaccines where needed, discussed the local distribution process, and the possibility of assisting in areas such as Big Sky and Whitehall. Based on the recommendation of the Public Health Nurse, Jim Hart moved to approve the request for Task Order Amendment Number One, for COVID Immunization Services, Task Order Number 21-07-4-31-126-0, in the amount of \$10,512. Jim pointed out the additional amount for the amendment is \$4,547, bringing the total amount of the task order to \$10,512. Ron Nye seconded the motion. All voted aye and the motion carried.

Human Resources: Jayne Forsythe, HR Assistant, and Vicki Tilstra, Finance Officer, met with the Board to discuss the following topics. Allison Veland, MVM Administrator-in-Training, John Roberts, County resident, Tammy Mahlstedt, Nursing Home Business Office Manager, and Gail Nelson, TRMCC Administrator in Training, were present for this portion of the meeting.

- **Authorization to Fill – Madison Valley Manor, Full-time, Maintenance/Housekeeping/Laundry Department Supervisor Position:** Vicki and Jayne briefly reviewed the Maintenance position at MVM, noting that the Board can decide whether it should be advertised internally and/or externally. Following discussion, Jim Hart moved to approve the authorization to fill a permanent Maintenance position, and to advertise internally for a minimum of five days. Ron Nye seconded the motion. Dan pointed out that the authorization form lists the position as temporary, but Jayne said it is supposed to be permanent and will correct it. All voted aye and the motion carried.
- **TRMCC Dietary Supervisor Retirement and Authorization to Fill:** Jayne noted that Joanne Galiger is retiring at the end of March as the Dietary Supervisor at TRMCC leaving the position open to fill, and Gail requested that the position be advertised internally. After review, Ron Nye moved to approve the authorization to fill for the Dietary Supervisor position at TRMCC, and to try to fill the position in-house, advertising internally for a minimum of five days. Jim Hart seconded the motion. All voted aye and the motion carried. Ron Nye moved to accept the retirement of TRMCC Dietary Supervisor Joanne Galiger and send a letter of appreciation for her services. Jim Hart seconded the motion. All voted aye and the motion carried.
- **County Employees for COVID-19, 120 Hour Extension Usage:** Allison asked for clarification regarding the 120-hour extension of COVID pay for County employees, under the Families First Coronavirus Response Act. Currently the guidelines are understood that the funding can be used for a 10-day period of illness documented by Public Health, but Allison brought up situations at the nursing home such as lingering symptoms with a doctor's note saying the employee can't return to work, or illness resulting from the vaccine, and she inquired about using COVID funding in these instances rather than have the employee use sick or vacation time. Jim said the Board needs some time to research the subject before making a decision, Dan agreed and asked about interaction with Workers Compensation, it was noted that this is a complicated issue, and the topic was continued.
- **Recommendation to Hire Public Health Registered Nurse Full-time:** This topic was postponed to a later date.

Claims: The Board approved claims.

Planning Board Renewal: The Board considered a Planning Board term renewal. Allison Veland, MVM Administrator-in-Training, John Roberts, County resident, and Gail Nelson, TRMCC Administrator in Training, were present for this portion of the meeting. After review, Ron Nye moved to re-appoint Del Bieroth to the Planning Board for another two year term that will expire on December 31, 2022. Jim Hart seconded the motion. All voted aye and the motion carried.

Airport Board Appointment: The Board discussed an appointment to the Airport Board. Allison Veland, MVM Administrator-in-Training, John Roberts, County resident, and Gail Nelson, TRMCC Administrator in

Training, were present for this portion of the meeting. Based on the recommendation of the Airport Board, Jim Hart moved to appoint Timothy Cherwin to the Madison County Airport Board for the remainder of a three year term that will expire on December 31, 2022. Ron Nye seconded the motion. All voted aye and the motion carried.

Great West Engineering and/or SMA Architects: Becky Lawson, SMA Architects, and Craig Erickson, Great West Engineering, met with the Board to discuss the following topics. Jani Flinn, Grant Administrator, Allison Veland, MVM Administrator-in-Training, John Roberts, County resident, and Gail Nelson, TRMCC Administrator in Training, were present for this portion of the meeting.

- **CDBG Planning Grant – Tobacco Root Mountains Care Center:** Craig briefly updated the Board on procuring architectural services for the TRMCC project – the request for qualifications is being posted in the Madisonian and on required Department of Transportation sites, with a deadline of February 25, 2021. Craig reported on a video conference with a Department of Commerce representative to discuss the CDBG Planning Grant application for TRMCC, and said he hopes to get the project started in the next few weeks.
- **Madison Valley Manor Project:** Becky updated the Board on the MVM project. The switch has been made to a diesel-fueled generator, the tank will have a capacity of 3-5 days usage so will be quite substantial and will come integrated with the generator, and she is still verifying that the tank can be above ground. She pointed out that the new boilers will be running off the existing propane source. The change shouldn't hold up the project schedule since the work is planned for warmer weather. After advertising, bids can be opened in mid-March. After Craig and Becky disconnected, there was a brief discussion about regular maintenance for the generator and diesel tank.

Solid Waste Board Appointments: The Board considered two applications for appointment to the Solid Waste Board. Jani Flinn, Grant Administrator, and John Roberts, County resident, were present for this portion of the meeting. Based on the recommendation of the Solid Waste Board, Ron Nye moved to appoint Vern Karnath to the Solid Waste and Recycling Board to fulfill a three year term that will expire on December 31, 2021. Jim Hart seconded the motion. All voted aye and the motion carried. Following review, Ron Nye moved to re-appoint Sarris Marsh to the Solid Waste and Recycling Board for another three year term that will expire on December 31, 2023. Jim Hart seconded the motion. All voted aye and the motion carried.

Letter of Appreciation for TRMCC Donation: The Board discussed sending a letter of appreciation for a donation made to TRMCC. John Roberts, County resident, and Jani Flinn, Grant Administrator, were present for this portion of the meeting. Dan reviewed the recent boiler failure at TRMCC and what it took to have a new boiler installed in one day, and it was noted that a second boiler will be added soon. After review, Ron Nye moved to approve sending a letter of appreciation to Joe Tate, L&J Plumbing, for his quick response in replacing the TRMCC boiler and generous donation in the amount of \$2,500. Jim Hart seconded the motion. All voted aye and the motion carried.

Grants: Jani Flinn, Grant Administrator, met with the Board to discuss the following topic. John Roberts, County resident, was present for this portion of the meeting.

- **Big Sky Grant Contract Amendment – Canty Boots:** Jani said an amended docu-sign agreement has not yet been received for the Big Sky grant extension for Canty Boots, and it should be processed immediately upon receipt. After discussion, Jim Hart moved to allow the Board Chairman to docu-sign the Big Sky Economic Development Trust Fund grant amendment extending the Canty Boots contract completion date to July 14, 2021. Ron Nye seconded the motion. All voted aye and the motion carried.

Gravel Pit Renewals – Harrison Pit and McKee Pit: The Board considered permit renewals for the Harrison and McKee gravel pits. John Roberts, County resident, and Jani Flinn, Grant Administrator, were present for this portion of the meeting. After review, Jim Hart moved to approve the renewal of State of Montana Gravel Permit G-1086-86 for Harrison pit on DNRC property, and G-1085-86 for McKee pit. Ron Nye seconded the motion. All voted aye and the motion carried. There was brief discussion about permit renewal frequency and reclamation requirements.

Airports: Jani Flinn, Airport Board Secretary, met with the Board to discuss the following topics. A call was made to Lance Bowser, Robert Peccia & Associates, to participate in this portion of the meeting. John Roberts, County resident, was present for a portion of these topics. Lance explained the forms required at the end of the Federal fiscal year to report revenue and disbursements for the following airport projects and grants, which were reviewed by the Board.

Ennis Big Sky Airport – Annual Reporting:

- **AIP-020 (SRE Building):** Based on information from the engineer at Robert Peccia & Associates, Jim Hart moved to approve the Outlay Report and Request for Reimbursement for Construction Programs, and the Federal Financial Report, for the SRE Building at the Ennis Big Sky airport, Federal Grant number AIP 3-30-0090-020-2018. Ron Nye seconded the motion. All voted aye and the motion carried.
- **AIP-021 (Major Reconstruction Project):** Jim Hart moved to approve the Outlay Report and Request for Reimbursement for Construction Programs, and the Federal Financial Report, for the Major Reconstruction Project at the Ennis Big Sky airport, Federal Grant number AIP 3-30-0090-021-2018. Ron Nye seconded the motion. All voted aye and the motion carried.
- **AIP-022 (Major Reconstruction Project):** Jim Hart moved to approve the Outlay Report and Request for Reimbursement for Construction Programs, and the Federal Financial Report, for the Major Reconstruction Project at the Ennis Big Sky airport, Federal Grant number AIP 3-30-0090-022-2018. Ron Nye seconded the motion. All voted aye and the motion carried.
- **AIP-023 (CARES Act grant):** Jim Hart moved to approve the Federal Financial Report for CARES Act grant funding at the Ennis Big Sky airport, Federal Grant number 3-30-0090-023-2018. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Ruby Valley Field – Annual Reporting:**
 - **AIP-012 (Master Plan):** Ron Nye moved to approve the Outlay Report and Request for Reimbursement for Construction Programs, and the Federal Financial Report, for the Master Plan at Ruby Valley Field, Federal Grant number 3-30-0080-012-2017. Jim Hart seconded the motion. All voted aye and the motion carried.
 - **AIP-015 (CARES Act grant):** Ron Nye moved to approve the Federal Financial Report for CARES Act grant funding at Ruby Valley Field, Federal Grant number 3-30-0080-015-2020. Jim Hart seconded the motion. All voted aye and the motion carried.

Lance briefly discussed additional airport-related topics, including last night's Airport Board meeting, a proposal to finish a taxi lane at Ennis airport, and the snowplow and storage building at Ruby Valley Field. Jani reported that both airports gratefully accepted AED's offered by the County's Safety Department.

DIS Technology Investigation Report – Status Update: Kacey Smart, Sanitarian's Assistant, met with the Board to get a status update on the DIS Technology investigation. Jani Flinn, Grant Administrator, was present for this portion of the meeting. Van Puckett, Sanitarian, Abbi Lee, County resident, Ryan Wolter, IT Support Specialist, and Tommy Luksha, GIS Coordinator, participated via Webex. Dan said he has spoken with the County Attorney who was satisfied that there was no breach in their office and doesn't know anything about DIS investigation status or a breach in Public Health. Kacey reviewed events concerning herself and her computer, asked if there was a contract with DIS to do an investigation, if they provided a report, and expressed her desire to get a definite answer about what happened after the Board's previous motion to have DIS investigate the computer breach. Jim said Kacey knows as much as the Board does, he assumes the matter is settled, and knows of nothing that was found to investigate further. Van asked the Board to make a motion to that effect or to apologize to Kacey, since an accusation was made, and/or to make a motion to cancel the investigation. Jim resisted the idea of an apology since this was a security issue that was brought to the Board's attention without knowing whose computer was being referred to, and the reaction at the time was that it should be looked into, nothing came of it, and he and Dan again expressed their opinion that it is over and done with. Additional discussion included previous computer security concerns reported a year ago, accountability, a claim paid to DIS and what services were covered, as well as who could provide answers about the investigation. Jim assumed Bonnie and Brett Schriock, IT Director, would know, and he and Dan encouraged Kacey to talk with Brett. Dan said he would also look into it and offered to accompany Kacey when she discusses it with Brett if needed.

Public Hearing on Ordinance 1-2021, Amending Ordinance 1-93, Seasonal Road Closures: Chairman Allhands opened the public hearing regarding Ordinance 1-2021, Amending Ordinance 1-93, Seasonal Road

Closures, at 1:01 p.m. Jim Kaatz, Sheridan resident, Scott Kelley, Virginia City Resident, and Ellis (Eli) Thompson, Virginia City resident, were present for the public hearing, and Justin Gatewood, Virginia City Mayor, participated via Webex. Commissioner Hart read the proposed ordinance. Justin read a letter on behalf of the Town Council of Virginia City formally requesting that the proposed ordinance be sent to the Road Review Committee prior to two additional, complete readings by the Board, citing the original ordinance (1-93) as a sacrosanct piece of County law due to its many positive impacts on recreational opportunities, quality of life, local economy, and the real estate market, and asked that there be opportunity for robust public dialog prior to its adoption. Scott voiced concern about the unintended consequences and precedent of allowing one landowner to push for seasonal road access to a remote property and discussed the abundance of recreational opportunity and public lands in the local area as a natural attraction that can contribute to the County's growth and increased tax base in the future. Jim Hart reviewed the ordinance process, including advertising and timing of readings and public hearing, and said he thought the purpose of the original ordinance was due to inability of road crews to maintain certain roads, not intended to protect recreation use, and snowmobile use was added at the same time in a cooperative effort. He expressed appreciation for the concerns expressed and for wanting to keep the area as rural as possible. Further discussion included foresight and careful planning for the future, preserving benefits for the majority of citizens, access to public lands, and the use of un-maintained roads as safe, non-vehicular trails for recreational users such as skiers and hikers. Jim Kaatz introduced himself as a Sheridan real estate broker and long-time resident, said he brought this to the Board because of a buyer who wants to access to their future house without being restricted to using a snowmobile or being fined or jailed. He discussed details of the ordinance and what is allowed/not allowed, stated his only interest is that the private owner is not denied access to personal property in winter, and said he is not trying to restrict snowmobile use by allowing vehicles to use the road. Dan noted the increase in subdivision and property ownership since 1993 when the original ordinance was approved, expressed doubt that access to personal property can be denied or enforced, and said things are changing whether people like it or not. He said the Board will need to decide which roads to maintain, not all can be maintained or plowed. Eli said he was here in 1993, the ordinance originated from the County wanting to decrease the liability of maintaining these roads, and at the same time the snowmobile club needed to have the roads shut down to groom the trails and get State backing for their snowmobile program. He urged the Board to control County roads rather than allow property owners to do whatever they want. Further discussion included forming agreements with property owners about plowing/maintaining roads, increased development in formerly remote areas, setting property owner expectations about County road obligations, assessing each request on its own merit, and the implications of changing the sanctity of the original ordinance. Hearing no additional public comments, Chairman Allhands closed the public hearing at 1:37 pm. Following discussion, Jim Hart moved to approve Ordinance 1-2021, an ordinance amending Ordinance 1-93, which closes portions of enumerated County roads to automobile traffic and provides for snowmobile use, as presented. Ron Nye seconded the motion. All voted aye and the motion carried.

Planning Office: Alex Hogle, Planning Director, met with the Board to discuss the following topics. Tommy Luksha, GIS Coordinator, was present for this portion of the meeting. Pat Bradley, Planning Board Member, participated via Webex.

- **Adoption of Planning Board Standard Operating Procedures:** Alex presented and reviewed the Planning Board's proposed Standard Operating Procedures document, amended from its 2017 version. He pointed out the Deputy County Attorney's suggestions and other proposed changes to sections of the document including Quorum, Conflicts of Interest, Pre-application Discussions, and adding Virginia City to the local towns advised by the Planning Board. Discussion ensued about phased development versus overall development plans (ODP) and their effects on processes such as preliminary plats, and Alex said it wouldn't cause a problem to keep both although the ODP could be superseded by subdivision regulations in the future. Based on the presentation and recommendation by the Planning Board, Jim Hart moved to approve the Standard Operating Procedures as presented. Ron Nye seconded the motion. Alex asked for a brief clarification and Pat expressed her approval. All voted aye and the motion carried.
- **Amended Plat of Lot 71A, Cascade Subdivision:** Alex presented and discussed a staff report for an amended plat of Lot 71A in the Cascade subdivision of Big Sky. He explained that the same owner owns two adjoining tracts of land and wishes, for recreational purposes, to adjust the common boundary line between the two in order for a flat 6,745 square foot area currently on undeveloped, forested Lot 17A to become part of Area 13A, currently developed with the Cascade Ridge

Condominiums, resulting in newly-configured Lot 71A-1 and Area 13A-1. This proposal was approved by the Exemption Review Board after a few concerns were corrected. Based on the Planning Director's recommendation, Jim Hart moved to approve and sign the amended plat to effect a boundary line adjustment resulting in the newly configured 1.174-acre Lot 71A-1 and 12.147-acre Area 13A-1 in the Cascade subdivision area of Big Sky. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Planning Office Status Update:** Alex noted there are a lot more action items being worked on in the Planning office than meets the eye, and discussed updates with the Board. On the status of adopting the new floodplain maps and data, he reviewed several local meetings that have taken place with DNRC staff, discussing the best ways to move the process forward and how to involve the affected public by providing information and answering questions. The DNRC wants to have a series of joint public meetings but this has been delayed due to the COVID situation. Alex found that there are 1,402 parcels in Madison County affected by the changes, and he presented a draft letter to parcel owners containing core information and offering virtual and in-person public meetings where they can get their questions answered during the month of March 2021. Additional public opportunities will be scheduled later. Alex moved on to review Planning's work with local towns that don't have their own planning boards, briefly discussed Virginia City and Sheridan, and went into more detail about zoning and challenges in Ennis. He then discussed department staffing – Levi is doing a great job in his Planner I position and learning fast after one month, Tommy is back at work after an absence and Alex noted the importance of interactions with GIS, and Alex is trying to take care of work normally done by the Clerk who has been absent, so some turnaround times have been slow but they are doing their best.

Calendars: The Board reviewed calendars

With no further business, the meeting was adjourned at 3:56 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, February 16, 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: March 16, 2021

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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