

BOARD OF MADISON COUNTY COMMISSIONERS
May 25, 2021, Meeting Minutes

On Tuesday, May 25, 2021, a meeting of the Board of Madison County Commissioners came to order at 10:02 a.m. in the Second Floor Court Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Ron Nye, and Jim Hart present. Jane Bacon, Commissioners' Clerk, was present to take minutes.

Those people in attendance at the meeting were Jani Flinn, Tommy Luksha, Alex Hogle, Van Puckett, Kacey Smart, Britani Allhands, Vicki Tilstra, Frank Colwell, Paula McKenzie, Emily Saylor, Ellis (Eli) Thompson, Don Welborn, Ann White, John White, Mark Davis, Ed Osborn, John Benedict, and Pete Sawyer. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection. Those who attended via Webex or by phone included Craig Erickson, Lance Bowser, Lyn Baughn, Keely Larson, Jolene Palmer, Janie Alt, Chad Tree, Kathy Barnes, Tammy Estensen, Gail Nelson, Justin Gatewood, and several unidentified Webex/phone attendees.

Approval of Minutes: There were no minutes available for approval.

Great West Engineering / SMA Architects: Craig Erickson, Great West Engineering, met with the Board via Webex to discuss the following topic. Jani Flinn, Grant Administrator, was present for this portion of the meeting.

- **Madison Valley Manor Project:**
 - **Generator Procurement:** Craig discussed CDBG grant draws and said he has not yet spoken with Becky Lawson at SMA Architects to get an update on generator procurement.
- **Tourism Grant:** Craig said he thinks the next tourism grant funding cycle starts in the fall and will email the Board with more information when he is able to confirm the timing.

Claims: The Board approved claims.

Approval of DUI Task Force Plan: Following review, Ron Nye moved to approve the Madison County DUI Task Force Plan for FY-2021, July 1, 2021 - June 30, 2022, as presented. Jim Hart seconded the motion. All voted aye and the motion carried.

Road Review Committee Reappointment: After review, Ron Nye moved to reappoint Kacey Smart to the Road Review Committee for another three-year term that will expire on December 31, 2023. Jim Hart seconded the motion. All voted aye and the motion carried.

Approval of Fairgrounds Summer Employees: Following review, Ron Nye moved to approve the Madison County Fair Board's recommendation to hire the following four people for short term summer positions at the Fairgrounds: Abby Olsen, Pablo Babcock, Amanda Millhouse, and Libby Grabil. Jim Hart seconded the motion. All voted aye and the motion carried.

Nursing Homes Intergovernmental Transfers: The Board discussed the Department of Public Health and Human Services (DPHHS) intergovernmental transfers for nursing homes. Jim reviewed the contributions and amounts transferred back to each nursing home, compared previous transfer rates to present rates, and it was noted that despite the reduction in rates it is still a beneficial program for the nursing homes. After review, Jim Hart moved to approve the State of Montana Intergovernmental Transfer Agreement for Madison Valley Manor and Tobacco Root Mountain Care Center as presented by the Montana Department of Public Health and Human Services for State Fiscal Year 2021. Ron Nye seconded the motion. All voted aye and the motion carried.

Funding Request for Ruby Valley Conservation District: The Board considered a funding request from the Ruby Valley Conservation District (RVCD). The budget and other anticipated requests were discussed, Jim read the request letter aloud, and the benefits of RVCD programs and events were noted. Following review, Ron Nye

moved to approve the request from Ruby Valley Conservation District for a contribution of \$13,500 to aid them in their operations. Jim Hart 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, and Van Puckett, Sanitarian, and Kacey Smart, Sanitarian's Assistant, were present for all or a portion of these topics.

- **Final Plat of Lower Golf Course Subdivision Phase 2:** Alex presented and reviewed the staff report, subdivision improvements agreement (SIA), and subdivision performance bond documents for the final plat of Lower Golf Course Subdivision Phase 2 in Big Sky. His discussion included the three-lot subdivision consisting of two family lots and one open space, its location near the golf course, sewer/water/stormwater drainage, utilities, conditions of approval, and the monetary components and performance bond included in the SIA. Finding the submittal to be in compliance with the conditions set forth in the preliminary plat approval, he recommended approval of the documents related to the final plat. He also recognized the setting of the building envelope in relation to documented geological landslide deposits and said it is as it should be. Jim Hart moved to approve, as recommended by the Planning Director, the signing request for the Subdivision Improvements Agreement, and approve and sign the final plat. Ron Nye seconded the motion. All voted aye and the motion carried.
- **PCSR Follow-up Discussion:** Alex presented a draft example of the revised Preconstruction Safety Review (PCSR) request form, as a follow-up to an earlier discussion. He reviewed changes made to the administrative processes regarding PCSR's, said changes were made primarily to recognize the needs of the Sanitarian Department's permitting process, and pointed out the form's revised formatting and various resources included to help applicants complete the required elements. Kacey explained the importance of areas on the form indicating that coordination with the Sanitarian's Office has been completed, which gets the property owner's information on her calendar so nothing slips through the cracks. Alex reviewed the different types of submittals – by the owner, or by a representative with owner-signed authorization. The form also asks for access information for emergency personnel, and Kacey explained the importance of having this data reviewed and evaluated. Further discussion included site plans, driveways, County road standards, disclaimer details, and how the process has been streamlined.

Finance Office: Vicki Tilstra, Finance Officer, and Britani Allhands, Finance Administrative Assistant, met with the Board to discuss the following topics. Frank Colwell, County resident, was present for this portion of the meeting.

- **Designation of ARPA Funding Contact Person:** This topic was continued to the next regular Commission meeting.
- **Clarification of Dependent Allowance for Health Insurance:** Vicki reminded the Board that they previously approved putting an additional \$200 toward employee premiums for family coverage for a total of \$400, pointed out an unclear detail for the \$5,000 deductible plan that was not the intent of the original motion, and suggested a clarification. After discussion, Jim Hart moved to amend the motion to read, "up to \$400." Ron Nye seconded the motion. All voted aye and the motion carried.

Irrigation Pipeline Easement on Sand Coulee Road: Frank Colwell, County resident, met with the Board to discuss an irrigation pipeline easement on Sand Coulee Road. He reviewed the background of the main irrigation line that formerly went across property all belonging to one landowner with no easement was needed, but in ensuing years the property was divided and sold with no record of the pipeline, and its location was discovered when the owner started digging a foundation. The line also runs under a County road, Sand Coulee Road, so now that the new pipeline has been rerouted and put in, an easement was done with the landowner, and Frank presented an easement to the Board for the portion running under the County road. Following discussion, Ron Nye moved to approve the Grant of Easement Under County Road for Irrigation Pipeline as presented, located at Sand Coulee Road in the Northwest ¼ of Section 12, Township 5 South, Range 5 West in Madison County, Montana, described on Certificate of Survey filed in Book 7 of Surveys, Page 2107-FC. Jim Hart seconded the motion. All voted aye and the motion carried.

Airports: Lance Bowser, Robert Peccia and Associates (via telephone), and Jani Flinn, Airport Board Secretary, met with the Board to discuss the following airport topics.

- **Ruby Valley Field Notice of Award - Schedule I & II:** Lance reviewed the Notices of Award for Ruby Valley Field, pointing out that one is for the snowplow truck and the other is for the building. The FAA provided their concurrence with the Board's previous recommendation of award, so these documents provide notice to contractors and suppliers to get their bonds and insurance in place and contracts will be signed later. Following review, Ron Nye moved to approve the Notices of Award accepting I-State Truck Center's bid of \$219,989 for the snowplow, and accepting Jay Fortune Construction's Base Bid and Additive Alternate #1 totaling \$827,552.46 for the snowplow building/pilot lounge. Jim Hart seconded the motion. All voted aye and the motion carried. Lance discussed scheduling, saying the building can be started right away, but the snowplow will likely take a year to arrive due to factory shutdowns.
- **Single Audit Certification Form for Ruby Valley Field Grants:** Lance said an audit is required because more than \$750,000 was received in total Federal funding and this is a standard audit form. Details of the form were discussed. Following review, Ron Nye moved to accept the Single Audit Certification form for the Ruby Valley Field grant as presented. Jim Hart seconded the motion. Lance clarified that the audit will include both airports, but this certification form is only for Ruby Valley Field. All voted aye and the motion carried.

Clerk and Recorder's Office: Paula McKenzie, Clerk and Recorder, met with the Board to discuss the following topic.

- **Clerk and Recorder Office Update:** Paula notified the Board that she is promoting a Deputy in the Clerk and Recorder's office to Chief Deputy, and the promotion is already included in the budget. She explained that the Clerk and Recorder or a deputy is always required to be in the office, and she plans to deputize two other employees as soon as possible.

Public Health Office: Emilie Saylor, Public Health Director, met with the Board to discuss the following topic.

- **Immunization Program Task Order - FY2022:** Emilie said this renewal task order with DPHHS occurs every year and addresses immunization services provided through the Public Health department. She reviewed requirements and reporting, the steps the department takes to fulfill the contract and spread the work out during the year, and explained that if additional funding is provided during the year it will come in the form of amendments to this agreement. She discussed the requirement to collaborate with the WIC (Women, Infants and Children) program, explained that Madison County currently doesn't have a WIC program but borrows those services from Beaverhead and Gallatin Counties, and said the department is researching what it would take to bring a WIC program into the County. She also noted the requirements regarding vaccine inventories and said the department is setting up a new protocol to fulfill those requirements. Ron asked about payments and she pointed out that funds are payable quarterly after deliverable reports are submitted. On the request of the Public Health Director, Jim Hart moved to approve the Master Contract Task Order Number 22-07-4-31-126-0, an annual renewal of the master contract effective July 1, 2019 to June 30, 2026, between the State of Montana Department of Health and Human Services and Madison County. Ron Nye seconded the motion. All voted aye and the motion carried.

Petition to Open 7M4R Road – Accept Petition, Appoint Viewing Committee, and Set Date for Public Hearing: Don Welborn, Sheridan resident, met with the Board to present a petition to open 7M4R Road. Ellis (Eli) Thompson, Virginia City resident, was present for this portion of the meeting. Don reviewed development in the area, the road's location, heavy usage and current condition, and discussion ensued about signage, renaming the road, County road specifications, and maintenance. Following review, Ron Nye moved to accept the petition for opening 7M4R as presented, appoint a viewing committee consisting of Dan Allhands and Ray Rowberry, and set the date for public hearing on June 22, 2021. Jim Hart seconded the motion. All voted aye and the motion carried.

Request for Update on Petitioned County Road Closures: Ellis (Eli) Thompson, Virginia City resident, met with the Board requesting an update on petitioned County road closures. Ann White, John White, Ed Osborn, John Benedict, and Pete Sawyer, Madison County residents, Tommy Luksha, GIS Coordinator, and Mark Davis, Heroes and Horses, were present for this portion of the meeting. Kacey Smart, Sanitarian's Assistant, was present for a portion of this topic. Eli asked what's happened, Dan explained that he was gone last week and wasn't able to spend any time on road closures and guessed one of the first things that need to be done will be a

new survey. Eli described the current state of Adobe Town Road including locations of fences, gates, chains and locks, said the old road route is visible and it wouldn't take much to improve it. Mark discussed Heroes and Horses' intent to pursue a resolution acceptable to the public, and discussion ensued about petition process first steps, BLM involvement, and alternate route(s). Eli pointed out that the BLM still has a road closed sign up that they promised to take down in 2018, and he and Dan discussed contacting Garnet Mine personnel. Eli asked for an update on the Bertha-Kennett Road, and Dan said the road will probably need to be re-surveyed to establish the exact location of the road, and Eli listed several reasons why the location is already pretty clear. Ron gave an update on the South Boulder Road after meeting with people in Mammoth and the Forest Service, including differing opinions about County road status, RS 2477, avoiding courts and lawsuits, Road Review Committee research, following proper process, difficulties in reaching landowners, and making the road passable while pursuing other options. Kacey reviewed petition statutes and the Commissioner's role in the process, and further discussion included road history, Montana statutes, and the length of time it takes to negotiate road issues versus road litigation.

With no further business, the meeting was adjourned at 2:36 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, June 1, 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: June 22, 2021

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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