

BOARD OF MADISON COUNTY COMMISSIONERS
June 8, 2021, Meeting Minutes

On Tuesday, June 8, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:36 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.

Human Resources – Closed Meeting – Pending Litigation: Kila Shepard, HR Officer, met with the Board in a closed session to discuss pending litigation.

At 10:30 the public portion of the meeting started. Jane Bacon, Commissioners' Clerk, was present to take minutes for the remainder of the meeting.

Those people in attendance at the meeting were Ryan Wolter, Kila Shepard, Laurie Buyan, Jeremiah Theys, Craig Erickson, John Roberts, Andy Thomas, Justin Gatewood, and those on the attached lists. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Craig Erickson, Allison Veland, Lance Bowser, Stacy/Justin Gatewood, Drewry Hanes, Lisa Stapp, Kathy Barnes, Keely Larson, Jolene Palmer, Janie Alt, Chad Tree, Laurie Schmidt, K. Doud, K. Mac, Town of VC, Gail Nelson, Thomas, Melinda Merrill, Kaitlyn, Lynda Holt, and several unidentified Webex/phone attendees.

Approval of Minutes: Ron Nye moved to approve the April 27, 2021, Board of Commissioners' meeting minutes as presented. Jim Hart seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

Open District 3 Gravel Crushing Bids: Because no bids were received, there was no discussion on this topic.

IT Department - Upgrade to Phone System: Ryan Wolter, IT Support Specialist, met with the Board to discuss an upgrade to the County phone system. Ryan stated that the current system's server and software are six years old and should be replaced with a system based on a more robust computer, reviewed the cost and IT's budget, estimated scheduling the upgrade for the end of June, and said this would not affect the 911 system or the Sheriff's Office. 3 Rivers will be involved in the upgrade to make sure all runs smoothly. After discussion, Jim Hart moved to approve the request for the IT Department to upgrade the County's phone system in the amount of \$2,100. Ron Nye seconded the motion. All voted aye and the motion carried.

Journal Vouchers: Jim Hart moved to approve Journal Vouchers for the 5/21 accounting period. Ron Nye 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. Kila Shepard, HR Officer, was present for this portion of the meeting.

- **Madison Valley Manor Project:** Craig said he doesn't have any updated information about procurement for the MVM project but will attempt to have more information later in the meeting. Jim noted an email that estimated the cost of repairing the current generator at \$4,000.

Human Resources: Kila Shepard, HR Officer, met with the Board to discuss the following topic.

- **Recommendation to Hire Short-Term Weed Crew Position:** Kila recommended hiring an applicant for a short-term Weed crew position. The background check has been completed and the rest of the weed crew from last summer is returning this year. After review, Ron Nye moved to approve a conditional offer of employment to Kyie Salerno for a short-term, 90-day, hourly Weed Program Field Crew position at \$15.12 per hour, or 75% of the Crew Assistant wage. Jim Hart seconded the motion. All voted aye and the motion carried.

Airports: Lance Bowser, Robert Peccia & Associates, met with the Board via telephone to discuss the following airport topics.

Ennis Big Sky Airport

- **Residential Through the Fence Gate Replacement – West Stearman Lane:** Lance reviewed the residential through-the-fence gate replacement recommended by the Airport Board at a small west side hangar, noting the current 40 foot, 4.5-foot tall gate is to be replaced by a 60 foot, 9-foot tall gate. He pointed out the increase in material costs since the negotiations started and reviewed all the items included in the total cost. Based on the recommendation of the Airport Board, Jim Hart moved to approve the residential through-the-fence gate replacement at West Stearman Lane at a cost of \$31,670, and a reimbursement of \$3,500 from the property owner to Madison County. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Engineering Task Order #16 - Land Acquisition Assistance & Services Amendment / Record of Engineering Selection and Contract Negotiations:** Lance explained how these two topics fit together under the overall airport improvement project, compared the original Task Order #16 to the amended task order, reviewed the changes made since the land acquisition project started in 2017, and discussed the amended fee estimate of \$203,490 which is still below the Independent Fee Estimate (IFE) of proposed amended fees. Jim Hart moved to approve the Record of Engineering Selection and Contract Negotiations, and Engineering Task Order #16 Land Acquisition Assistance & Services Amendment, as presented. Ron Nye seconded the motion. All voted aye and the motion carried. Lance discussed invoicing and FAA reimbursement.
- **Land Acquisition Documentation:**
 - **Tract 4A Certificate of Title / Tract 4B Certificate of Title / Tract 29A-1 Certificate of Title:** Lance explained that the Certificates of Title for Tracts 4A, 4B, and 29A-1 show information about the documents being recorded with the Clerk and Recorder, and title insurance showing there are no restrictive encumbrances affecting the completion of airport improvements on these land acquisitions. He reviewed Shining Mountain Air Park amended covenants and HOA amendments, and recommended approval of the Certificates of Title subject to having the County Attorney's office check the documents. Jim Hart moved to approve the Certificates of Title for Tracts 4A, 4B, and 29A-1, subject to review and approval by the Madison County Attorney. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **Tract 4A Administrative Settlement:** Lance reviewed the negotiations, purchase price, and agreement for purchasing Tract 4A, as well as the Deputy County Attorney's concurrence, and recommended approval of the administrative settlement. Based on the recommendation of Robert Peccia & Associates and in conjunction with the County Attorney, Jim Hart moved to approve the Tract 4A Administrative Settlement Request in the amount of \$36,000 plus closing costs. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **Tract 4B Administrative Settlement:** Lance reviewed the background of this acquisition, negotiations including offers and counter-offers, liens on the property being satisfied, and the final agreement. After review, Jim Hart moved to approve the Tract 4B Administrative Settlement Request for an amount equaling \$131,723.66 plus closing costs. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **Tract 29A-1 (incorrectly listed as 29A-2) Administrative Settlement:** Lance reviewed the acquisition of tract 29A-1, reminding the Board of the purchase price determination for all six of the east side tracts. Following review, Jim Hart moved to approve the Tract 29A-1 Administrative Settlement Request for a total price of \$43,457.81 plus closing costs. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **Longhorn Ranches (Fee Simple - 6.44-acres) Certificate of Title:** This topic was continued to the next regular Commission meeting.
 - **State of Montana (Easement - 17.82-acres) Certificate of Title:** Lance pointed out that this document references a previously-recorded perpetual easement and right of way, providing adequate title to construct a runway extension. After review, Jim Hart moved to approve the Certificate of Title for the State of Montana easement, 17.82 acres, Document #187980, subject to County Attorney review and approval. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **State of Montana (Easement - 17.82-acres) Administrative Settlement:** Lance reviewed limited valuation and appraisal to determine the easement value, and the request to the FAA to approve the easement at a value above the appraised value. Jim Hart moved to approve the State of Montana Administrative Settlement Request on 17.82 acres in the amount of \$61,600, as amended. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Longhorn Ranches (Easement - 10.10-acres) Certificate of Title:** This topic was continued to the next regular Commission meeting.

Ruby Valley Field

- **Schedule II – SRE Building / Pilot’s Lounge Builders Risk Policy Deductible:** Lance passed on a request from the builder to approve an insurance deductible within the builder’s risk policy regarding earthquake protection, explained the details and input from the builder’s insurance carrier, and stated his opinion that it presents a low risk. Discussion included alternatives, performance bonding, checking with MACo, other deductibles, and the construction schedule which can start once the insurance is in place. After discussion, Ron Nye moved to approve Jay Fortune Construction’s change in insurance requirements. Jim Hart seconded the motion. All voted aye and the motion carried.
- **Schedule II – SRE Building / Pilot’s Lounge Construction Contract – Jay Fortune Construction:** This topic was continued to the next regular Commission meeting.
- **Schedule II – SRE Building / Pilot’s Lounge Notice to Proceed – Jay Fortune Construction:** This topic was continued to the next regular Commission meeting.
- **Schedule I – SRE Plow Equipment Contract & SRE Plow Equipment Notice to Proceed – I-State Truck Center:** Lance said the FAA grant offer, grant, and necessary bonds are in place for the snow plow purchase, and recommended proceeding with delivery. After review, Ron Nye moved to approve the SRE plow equipment contract and Notice to Proceed for the purchase of snow removal equipment in the amount of \$219,989. Jim Hart seconded the motion. All voted aye and the motion carried.

There was further discussion regarding water and waste water improvements at the airports, and whether to budget for these improvements or consider requesting ARPA funding.

Public Hearing on Ordinance 2-2021, Amending Ordinance 1-93 to Remove a Portion of Axolotl Lakes

Road: The Board discussed Ordinance 2-2021, Amending Ordinance 1-93 to remove a portion of Axolotl Lakes Road. Those on the attached list were present for this portion of the meeting. Dan and Jim explained that several items emailed to the Madisonian were recently discovered to have been missed by the Madisonian and not listed in the newspaper. Due to the advertising mishap, the public hearing and second reading of Ordinance 2-2021 was postponed and rescheduled for 11:00 a.m. on June 22, 2021 to allow for proper legal notice. Jolene Palmer, the Madisonian, verified via Webex that the new advertisement has been received and will be listed in the newspaper starting this week.

Public Discussion on Items Not Listed on the Agenda but Within the Board’s Jurisdiction: Dale Davis, South Boulder Road resident, met with the Board to request maintenance work (blading and snow plowing) on South Boulder Road. Those on the attached list who attended the previous topic were also present for this portion of the meeting. Dale presented and reviewed minutes from a meeting held on May 14, 2021, with Commissioner Nye, Forest Service personnel, and area residents, to discuss jurisdiction and maintenance of the road. He reported that after years of the road’s ownership being in question the Forest Service recently provided documents verifying it is a County road and the bridges are owned by the Forest Service, and further research uncovered an agreement that the Forest Service would maintain South Boulder Road in exchange for the County maintaining one of their roads, but he said this has not been done. Thanks to Commissioner Nye, the road was bladed last week up to Mammoth but Dale requested that it be maintained further, and on a regular schedule, to the end of the subdivision of Mammoth because the road is in terrible condition, many people use it including recreationists, and building in the area is increasing. Bill Beam, South Boulder Road resident, stated that the road has been a constant problem over the 30 years he has lived in Mammoth, and there was further discussion about the number of people using the road, previous attempts to blade the road, and locations of County gravel.

Designation of Earmarked Alcohol Tax Money: Laurie Buyan, Administrative Assistant to the Board of Commissioners, met with the Board to discuss the Designation of Earmarked Alcohol Tax Money. She reviewed the service provider designation form, noting the designation is the same as last year, and is where Justice Court sends mandatory treatment patients. After discussion, Ron Nye moved to approve the designated recipient for Earmarked Alcohol Tax Monies, designating 100% to Southwest Chemical Dependency Program for State Fiscal Year 2022, from July 1, 2021 through June 30, 2022. Jim Hart seconded the motion. All voted aye and the motion carried.

Solid Waste Foreman Letter of Resignation/Retirement: The Board discussed the Solid Waste Foreman’s letter of resignation/retirement. Laurie Buyan, Administrative Assistant, was present for this portion of the

meeting. Following review, Ron Nye moved to accept the resignation letter from Denny Lueck, Solid Waste Foreman, as presented, send a thank you letter for 31 years of service, and advertise for the vacancy. Jim Hart seconded the motion. All voted aye and the motion carried.

Great West Engineering: Jeremiah Theys and Craig Erickson, Great West Engineering, met with the Board to discuss the following topics. John Roberts, Andy Thomas, and Justin Gatewood, County residents, and Laurie Buyan, Administrative Assistant, were present for all or portions of these topics.

- **On-Call Engineer Agreement:** Jeremiah discussed Great West Engineering's on-call engineer agreement, which has already been approved for five years, and reviewed the task order numbering process and basic services agreement.
- **ARPA funding Project Selection:** Jeremiah presented and briefly reviewed a list of projects to consider for ARPA funding. He reviewed the program's structure and processes, allocation sources, match requirements, and funding amounts anticipated. Discussion ensued about projects to include, the work it will take to administer the grant program and the possibility of requesting funds for administration, and initially designating a contact person to initiate the funding request. Laurie Buyan, Administrative Assistant, joined the meeting at this point and expressed willingness to be the designated contact. Jeremiah noted that the application deadline is June 16, 2021, for this fiscal year's funding, and he will provide more information about the program as he learns more.

Request for Update on Petitioned County Road Closures: Ellis (Eli) Thompson, Virginia City, met with the Board requesting an update on petitioned County road closures. Those on the attached list were present for this portion of the meeting. Dan said he has been unable to schedule a surveyor for County Road 45, expressed caution regarding Adobe Town Road issues due to the number of mining jobs at stake, and Ron had nothing new to report on the Pony-Mammoth Road. Eli reported on recent interactions on Adobe Town Road. Mark Davis and Micah Fink, Heroes and Horses, briefly explained aspects of their work with horses and veterans, attempts to work with BLM and local residents to resolve pre-existing road issues, expressed frustration regarding recent interactions with local residents, and related safety concerns about livestock gates being left open. Andy Thomas, Virginia City resident, said the gate is now locked, reminded the Board that they agreed to keep the road open, reviewed road obstruction laws, and related his recent encounters along the road. There was disagreement about recent encounters and gates left open, and a request was made for the Board to step in to reduce further escalation. Drewry Hanes, PLWA, joined the discussion via Webex. She noted the Board's acknowledgement that this is a public road to be kept open, and further discussed existing public roads and public access laws. Further discussion included the County's obligations regarding keeping roads open and unlocked, Adobe Town Road stakeholders, road status at Garnet Mine, unauthorized tree clearing, Montana law regarding public roads, working together, and support for Heroes and Horses' work. The Board requested removal of any locks on the road, and for all involved to move slowly and allow cooler heads to prevail.

Calendars: The Board reviewed calendars.

With no further business, the meeting was adjourned at 3:25 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, June 15, 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: July 6, 2021

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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