

BOARD OF MADISON COUNTY COMMISSIONERS
June 14, 2022, Meeting Minutes

On Tuesday, June 14, 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 Jennifer Westfall, Chris Christensen, Vicki Tilstra, Mike Callahan, Joe Brummell, Jon Osborn, Laurie Buyan, Dave Magistrelli, Brian Kraft, Cody Marxer, Kristy Harper, Hannah Brook, Leona Stredwick, Shelly Burke. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Jeremiah Theys, Craig Erickson, Emilie Saylor, Carmin Hill, Britani Allhands, Chad Tree, Del Bieroth, Cori Koenig, Jason Petrillo, Tommy Luksha, Jani Flinn, Jennifer Martens, Abby Thomas, IT Department, Janie Alt, Samantha Johnson, Gail Nelson, Hanna Dietrich, Alan Ringlein, Courtnie Fisher, and Brooke Schandelmeier.

Bill Todd, District 3 Commissioner Candidate, was present to observe a portion of the meeting.

Approval of Minutes: After review, John Heckler moved to accept the meeting minutes of the Board of Madison County Commissioners dated April 19, 2022, as presented. Ron Nye seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the April 26, 2022, Board of Commissioners' meeting minutes as presented. John Heckler seconded the motion. All voted aye and the motion carried. Ron Nye moved to approve the May 3, 2022, Board of Commissioners' meeting minutes as presented. John Heckler seconded the motion. All voted aye and the motion carried.

Human Resources: Jennifer Westfall, Human Resources, met with the Board to discuss the following topics. Chris Christensen, County Attorney, was present for a portion of these topics.

- **New Hires:**
 - **John White, Weed Field Crew starting at \$18.68 on 6/13/2022:** Jennifer pointed out that John White is a returning employee to the Weed Crew and started yesterday. After review, Ron Nye moved to approve hiring John White to the Weed Field Crew starting at \$18.68 on June 13, 2022. John Heckler seconded the motion. All voted aye and the motion carried.
 - **Kuu Mursch, Justice Court Compliance Officer and Assistant Administrator transferring on 6/23/2022 at \$23.42:** Jennifer stated that Kuu Mursch, Communications Officer, accepted the offer from Justice Court for the position of Compliance Officer/Administrative Assistant at \$23.42 per hour. Chris asked why the offer was made to start the employee at 100%, not using the pay scale as it was approved, when his employees started at 80%. Jen said she would discuss this with Kila Shepherd, the HR Director, when Kila is back in the office, and said the wage had been determined in conversations between Kila, herself, and the Justice Court Judge, Marc Glines. Discussion ensued about sticking with the pay scale as agreed, most employees needing to put in 1040 hours before being eligible for a pay increase, employees that have expressed concern, and the Commissioners agreed that pay ranges proposed offers need to come before the Board prior to job offers being made to applicants. After discussion, the topic was continued to the next regular Commission meeting.
- **New Position: MVM Maintenance Assistant, proposed Wage of \$20.94 for 30 Hours Per Week:**
This topic was continued to the next regular Commission meeting.

Madison Valley Manor – COVID Exemption: This topic was cancelled.

Emergency Declaration (not on Agenda): The Board discussed an emergency declaration due to storm-generated flooding and road damage in several areas of the County. Vicki Tilstra, Finance Officer, Mike Callahan, Safety Coordinator, Joe Brummell, Director of Emergency Management, Jon Osborn, Virginia City Town Council, and Laurie Buyan, Executive Assistant to the Board of Commissioners, were present for portions

of this topic. Vicki pointed out that two mill levies can be enacted in a declared emergency, Joe discussed State and Federal funds as well as legal mechanisms that also become available, and he announced that a state of emergency in Montana was just declared by the Governor. Discussion included specific damaged and washed out areas, road closures, other areas of concern in the County, advice to stay away from rivers and reservoirs, severe conditions in surrounding counties, and steps being taken by emergency personnel and local agencies. Laurie will draft a resolution declaring an emergency in the County and levying two mills. Later in the meeting, Jon offered the Town of Virginia City's resources, i.e. fresh water supplies or whatever else the Town can help with, to assist with the flooding emergency.

Safety – AED Replacements: Mike Callahan, Safety Coordinator, met with the Board to discuss AED replacements. Mike discussed the status of the County's AEDs including several that were inherited, several replaced, and six that are outdated and no longer technically supported. He presented a quote to replace the outdated ones, including wall mount boxes and stop-the-bleed kits, and said the cost is covered in the Safety budget. Discussion included disposal/donation of the old AEDs, and that this replacement will keep the County current for some time. After review, John Heckler moved to purchase six AED packages, including bleed control kits and CPR & AED Response kits, to replace six that are aged and no longer maintainable for the price of \$7,410 from AED Market. Ron Nye seconded the motion. All voted aye and the motion carried.

Habitat for Humanity Update: Dave Magistrelli and Brian Kraft, Habitat for Humanity, met with the Board to provide updates on Habitat for Humanity activities and plans. Dave introduced Brian as the new Executive Director of Habitat for Humanity since Dave is retiring at the end of June. Dave said they have two houses and two families, and discussed challenges encountered in getting the houses done such as getting consistent volunteers and electrical contractor issues. Brian anticipates both houses being completed and ready for move-in by the end of August. Discussion included occupant work obligation of 500 hours (sweat equity), hiring subcontractors for specific trades and using volunteers for work involving less liability, additional houses to be started after these two are complete, 10 lots available on the north end of Ennis, working with local businesses on workforce housing, finding qualified applicants, qualification criteria, coordination with the Housing Board, working with HDRC in Bozeman on tiny house/cottage house communities, and use of donations.

Planning Office: Cody Marxer, Contract Planner for Madison County, met with the Board to discuss the following topics. Kristy Harper, Planner I, was present for this portion of the meeting.

- **Loneview 4 Subdivision Preliminary Plat:** This topic was cancelled.
- **Subdivision Improvement Agreement (SIA) Releases:**
 - **Lone View III:** Cody read aloud the memorandum with her recommendation for the SIA release on Lone View III Subdivision. Following review, John Heckler moved to approve the SIA release of Lone View III Subdivision of Yellowstone Mountain Club for the full release in the amount of \$364,538.44, letter of credit by Morgan Stanley Bank. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **Vista Minor:** Cody read the memorandum regarding the certification/release for Vista Minor Subdivision with a three-point staff recommendation. Upon the Planner's recommendation, John Heckler moved to approve the SIA certification/partial release of the Vista Minor Subdivision (Yellowstone Mountain Club) for \$285,988.50, retaining 10% for the value of \$31,776.50 for a one-year warranty period. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **Pioneer Point:** Cody read the memorandum regarding the certification/release for Pioneer Point Subdivision with a three-point staff recommendation. After review, John Heckler moved to approve the SIA certification/partial release for Pioneer Point Subdivision (Yellowstone Mountain Club) as recommended by the Planner. Ron Nye seconded the motion. All voted aye and the motion carried.
 - **Pioneer Point Ph 2, Eglise Village, and Lower Golf Course Village Ph 2:** Cody read the memorandum for the SIA release for Pioneer Point Phase 2, and John questioned what percentage the release amount represents and why it was not stated as a percentage as the previous SIA releases were. The final three SIA releases were continued to next week's Agenda to obtain clarification.

Grants: Hannah Brook, Grant Writer/Administrator, and Jeremiah Theys and Craig Erickson, Great West Engineering (via Webex), met with the Board to discuss the following topics.

- **Great West Task Order #11, Fairgrounds Sewer Extension:** Jeremiah explained that Task Order #11 is for Great West to design and assist with the bidding process for the Fairgrounds sewer extension in Twin Bridges – the water service at that location is currently shut down in winter, so part of the ARPA funds received will go toward boring a new sewer to enable year-round water service. After review, Ron Nye moved to approve Task Order No. 11 – Fairgrounds Sewer Extension, Madison County Engineering Services On-Call, Great West Engineering Project No. 1-21175 as presented, in an amount not to exceed \$89,500 without the written approval by the Madison County Board of Commissioners. John Heckler seconded the motion. All voted aye and the motion carried.
- **MCEP Signature Certification for Carney Lane Bridge:** Following review, Ron Nye moved to approve the MCEP Signature Certification Form for Carney Lane Bridge as presented. John Heckler seconded the motion. All voted aye and the motion carried.
- **MCEP Designation of Depository for Carney Lane Bridge:** Upon review, Ron Nye moved to approve the Designation of Depository for Direct Deposit of Montana Coal Endowment Program (MCEP) Funds for Carney Lane Bridge as presented. John Heckler seconded the motion. All voted aye and the motion carried.

John informed Jeremiah that an emergency declaration is being considered for the County due to flooding, discussed a water breach at McKee gravel pit where a sample was not obtained within 20 minutes, and asked if A.M. Welles might be available to help. Jeremiah confirmed that a change order completely separate from Jack Creek Road would be needed, and A.M. Welles is available to help the County tomorrow. Reinforcing Jack Creek was discussed as part of the emergency since it is jeopardizing the road, and Jeremiah reviewed the permitting and work process, and John reviewed a worklist. Jeremiah recommended tracking time, invoices, and receipts related to flooding for FEMA reimbursement, and to have the road crews look at all the County bridge areas. Jeremiah will have someone check Jack Creek Bridge #4 as soon as the water recedes.

Madison Valley Manor (MVM): Leona Stredwick, MVM Activities Director, met with the Board to discuss the following topic. Laurie Buyan, Executive Assistant, was present for this portion of the meeting.

- **COVID Leave Coverage Request:** Leona pointed out that she originally intended to represent only herself in this discussion, but after she was told that other employees have had COVID during 2022 she is representing those employees as well. She reviewed the County's resolution to extend COVID pay benefits from Federally-required 80 hours to 120 hours for County employees, and to extend those pay benefits past the Federal end date to "a date to be determined." When Leona became sick with COVID a few weeks ago she was told that the Family First Coronavirus Act ended on January 1, 2022, but her research indicates the resolution was not rescinded – it was last discussed on February 1, 2022, but was never actually resolved. Leona requested that she and other employees who have had COVID since January 1, 2021 and used personal leave be paid up to the 120 hour limit and have their personal leave returned to them. Laurie stated that if COVID pay was enacted by resolution it should have been ended by resolution and said she will do some research. After discussion the topic was continued to the regular Commission meeting on July 5, 2022.

Emergency Declaration (continued): After review, John Heckler moved to approve Resolution 36-2022, a resolution declaring an emergency in Madison County, appropriating Emergency Fund Number 2260, an amount equivalent to two (2) mills on the taxable valuation of the County outside the incorporated municipalities, pursuant to Section 10-3-405, MCA. Ron Nye seconded the motion. All voted aye and the motion carried.

Claims: The Board approved claims.

Skyline Funding Request: The Board discussed last week's request from Big Sky Transportation District for \$80,000 in funding for the Skyline bus service. After discussion, Ron Nye moved to approve \$80,000 to Big Sky Transportation District for fiscal year 2022-2023. John Heckler seconded the motion. Dan suggested requesting a more detailed budget and clarification of expenses, with a breakdown of different bus sizes, pointing out that a better plan for bus acquisitions and sizes is needed to meet the needs of bus transportation. All voted aye and the motion carried.

Solid Waste Board Appointment: The Board reviewed two applications for the Solid Waste Board, and the topic was continued to allow the Solid Waste Board time for review and to make a recommendation.

MDT Parking Lease Agreement: Because no agreement was received from MDT, this topic was continued to a later date.

Kneeland Parking Lot Lease Agreement: The Board reviewed the renewal of the Kneeland parking lot lease agreement. Following review and a brief discussion, John Heckler moved to adopt the lease agreement between Ruby Valley Boys, LLC, and Madison County for lease of Lots 6, 7, 8, 9, 10, 11, and 12 of Block 157 in Virginia City, Montana, at \$125 per month for the period of July 1, 2022 through June 30, 2027, which is a five year lease agreement. Ron Nye seconded the motion. All voted aye and the motion carried.

Appraisal of Madison Meadows Golf Course: The Board discussed conducting an appraisal of Madison Meadows Golf Course. Laurie Buyan, Executive Assistant, was present for a portion of this topic. John discussed the need to know the value of the golf course and he did some research to find an appraiser specializing in golf course appraisals. He discussed additional information requested by the appraiser, and special circumstances to be taken into consideration such as conditions of the original deed, deferred maintenance costs for the irrigation system, and obligations including equipment lease and \$130,000 liability over five years. After discussion, John Heckler moved to enter into an appraisal contract with Hall-Widdoss and Company, PC for the amount of \$10,000 to provide appraisal of the Madison Meadows Golf Course in Ennis, Montana, for a report by August 31, 2022, with the \$10,000 to come out of the Commissioner's contingency fund. Ron Nye seconded the motion. All voted aye and the motion carried.

Chemical Dependency Provider Designation: The Board considered designation of a chemical dependency provider. Laurie Buyan, Executive Assistant, was present for this portion of the meeting. After review, John Heckler moved to designate Southwest Chemical Dependency Program for the chemical dependency provider designation, which would be 100% going to Southwest Chemical Dependency. Ron Nye seconded the motion. All voted aye and the motion carried.

Bids for Walk-In Cooler at Madison Valley Manor (MVM): the Board discussed the bid situation for the walk-in cooler at MVM. Laurie Buyan, Executive Assistant, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting. Since no bids were received John was asked to find a supplier, and discussion ensued about a quote received with estimated delivery of 25 weeks, comparing costs of delivery with installation to equipment delivery only, getting additional quotes, concrete slab cost, cost increases since prior quotes were obtained, and doing more research. After discussion, the topic was continued to the next regular Commission meeting.

Emergency Declaration (continued): The emergency declaration for flooding was discussed. Laurie Buyan, Executive Assistant, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting. Laurie and Vicki will find spreadsheet information from the flood in 2011, Vicki discussed having employees separate hour on their timesheets related to flooding to track expenses, and there was some discussion about funds and mill levy dates.

DNRC Land Use Licenses – Snow Fence along Bradley Creek Road and South Boulder Road: The Board reviewed two DNRC land use licenses for snow fence on School Trust Land. Laurie Buyan, Executive Assistant, and Vicki Tilstra, Finance Officer, were present for this portion of the meeting. After review, Ron Nye moved to approve the DNRC land use licenses for snow fence on School Trust Land along Bradley Creek Road and along South Boulder Road at a cost of \$450 for both. John Heckler seconded the motion. All voted aye and the motion carried.

Forest Service MOU for Road Repair on Fire Damaged Areas: There was no discussion on this topic.

Compensation Board Recommendation: The Board reviewed and discussed the recommendation from the recent annual meeting of the Compensation Board. Laurie Buyan, Executive Assistant, Vicki Tilstra, Finance Officer, and Shelly Burke, Treasurer, were present for this portion of the meeting. Laurie reviewed the last motion from the Compensation Board meeting, Dan repeated the County Attorney's suggestion that percentages are

used instead of dollar amounts, and there was discussion about several options and the estimated total cost of each. After discussion, Ron Nye moved to approve a 5% increase for elected officials. John Heckler seconded the motion. Ron Nye and Dan Allhands voted aye, John Heckler voted nay, and the motion carried. Ron Nye moved to approve a 5% increase for all Madison County (non-elected) employees. John Heckler seconded the motion. All voted aye and the motion carried.

Calendars: The Board reviewed calendars.

With no further business, the meeting was adjourned at 2:00 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, June 21, 2022, 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: August 2, 2022

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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