

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**July 20, 2021, Meeting Minutes**

On Tuesday, July 20, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:45 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. Laurie Buyan, Executive Assistant to the Board of Commissioners, was present to take minutes.

Those people in attendance at the meeting were Joe Brummell, Jani Flinn, Alex Hogle, Justin Houser, William Johnson, Andy Willet, Vicki Tilstra, Kacey Smart, Kila Shepherd, Suzanne Nellen, Dave Baldwin, and Chris Christensen. Ryan Wolter, IT Support Specialist, was present to administer the Webex connection. Those present via Webex were Jane Bacon, Lkrok, Jani Flinn, Craig Erickson, Becky Lawson, Gail Nelson, Margie Edsall, Kathy Barnes, Thomas 406, and JM.

**Approval of Minutes:** Jim Hart moved to approve the May 28, 2021, Preliminary Budget Hearing minutes with corrections. Ron Nye seconded the motion. All voted aye and the motion carried. Jim Hart moved to approve the July 6, 2021, Commission Meeting minutes, with corrections. Ron Nye seconded the motion. All voted aye and the motion carried.

**Fire Update (Items Not on the Agenda but Within the Board's Jurisdiction):** Joe Brummell, DES, updated the Board on the status of the Goose Fire. The fire is located 32 mile SSE of Ennis, near Hoodoo Pass. He was asked by Fire Chief Shawn Christensen to have the County road crews on standby for the fire if needed. He stated that the Type Two Team is scheduled to vacate on Wednesday and discussed the lack of resources in the state, noting that a 21 day extension has been requested to keep the team here. If the extension is not granted the fire will go back to the jurisdiction of the Forest Service. Right now there are 308 personnel on the fire, 18 engines, and they are constantly moving. Joe showed a map of the area and discussed priorities related to the fire, after life and safety, which included wilderness edge, Rainbow Lakes Lodge, which is close to the Beaverhead County line, Madison River Ranches, Sundance Bench, and the Forest Service Cabins at Cliff and Wade Lakes. He also noted that the DNRC is heavily involved because it's close to a timber sale that they're trying to save. Joe again asked to have road crews on stand-by in case they need extra help. Dan asked about the Greenhorns, stating that he heard a news bulletin that there was fire in the Greenhorns. Joe responded that he has not heard of anything there. He also told the Board that he would be attending a meeting at 10:30 and thinks that the Forest Service will go to Stage 2 Fire Restrictions. If that is the case, he get on the next Commission meeting agenda to get approval for the County to also go to Stage 2.

**Emergency Facilities and Land Use Agreement – (Items Not on the Agenda but Within the Board's Jurisdiction):** Jani Flinn, Airport Board Secretary, met with the Board to discuss an agreement for helicopters and Forest Service trucks to use the airport while fighting the Goose Fire. She noted that Troy Hunter, Choice Aviation, is listed as the contact for the County but the agreement has to be approved by the Commissioners because it's County property. Following review, Jim Hart moved to approve the Emergency Facilities and Land Use Agreement between Madison County and Beaverhead/Deerlodge Forest for use of the Ennis Big Sky Airport, with Troy Hunter as the contact for the County. Ron Nye seconded the motion. All voted aye and the motion carried.

Alex Hogle, Planning Director, and Levi Simonson, Planner 1, met with the Board to discuss the following items. Justin Houser, Houser Engineering, William Johnson, Lost Lakes LLC, and Andy Willet, McLean, Younkin & Willett, LLC, were present for this portion of the meeting.

- **Amended Plat of Lots 329 and 331 YMC (Aggregation):** Alex reviewed a staff report for an amended plat of Lots 329 and 331 of Yellowstone Mountain Club Phase 3. He stated that the owners would like to aggregate the properties into one lot. Currently one of the lots is developed

with a residence. The other is undeveloped. The Exemption Review Board has reviewed the proposal and recommended approval. Per recommendation of the Planning Director, Jim Hart moved to approve the Amended Plat Aggregation of Lots 329 and 331 of Yellowstone Mountain Club Phase 3, to aggregate the two lots into single 9.45 acre Lot 329A. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Amended Plat of Lot 486 Lone View III Subdivision, YMC:** Alex reviewed the staff report for an amended plat of Lot 486 in Lone View III Subdivision in Yellowstone Mountain Club. He stated that the proposal would adjust the common boundaries of Lot 486A and Open Space 3A by extending adjacent boundaries of each property by an equivalent area of 3686 square feet resulting in no net loss of area for either property. The newly configured Lot 486B and Open Space 3B would maintain their original sizes of 25.02 acres and 44.85 acre respectively. He added that the Exemption Review Board has recommended approval. Based on the recommendation of the Planning Director, Jim Hart moved to approve the Amended Plat of Lot 486 in Lone View III Subdivision in Yellowstone Mountain Club. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Material Change Determination – Lot 486B (Happy Ranch) YMC:** Alex referred to the amended plat that was just approved which created Lot 486B in Lone View III Subdivision and reviewed the staff report related to a Material Change Determination for Happy Ranch. He noted that Lone View III Subdivision within Yellowstone Mountain Club received final plat approval in 2018. It included residential lots and several large open space lots. Foxtail Pine Road is the predominant road access through the subdivision and a large portion of the platted area is owned by 188 Foxtail Pine LLC. 188 Foxtail Pine LLC is requesting an adjustment of its holdings within Lone View III Subdivision. There are currently eight residential parcels and three open space parcels. They would like to make a modification that would result in four residential lots and three open space parcels, a net decrease for four residential lots. The total residential lot acreage would however increase from 36.15 acres to 55.85 acres, while the total acreage of the open space will be decreased from 118.03 acres to 98.33 acres. The deficit of open space would be created by a boundary line adjustment elsewhere within Yellowstone Club to create an additional 19.70 acres of open space, maintaining the total area of open space. Alex stated the purpose of the meeting today is to determine whether the proposed changes can be implemented through the standard amended plat process or if the changes constitute a material change and should be reviewed by the Planning Board in a public hearing. He offered three options. 1. Determine no material change. 2. Require public notice to adjacent owners for a period of 30 days and re-consider the matter after receiving comments. Or 3. Determine the changes constitute a material change. After much discussion, Jim Hart moved to go with Option 2 to provide public notice for 30 days and if there are concerns, to send it back to the Planning Board for a public hearing. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Lost Lakes Overall Development Plan (ODP) – 10 year Extension Request:** Alex reviewed a request from Lost Lake Development Company to extend approval of the ODP for an additional ten years. The original ODP was approved by the County on May 5, 2009, for a 10 year period, with an expiration date of May 5, 2019. On May 12, 2020, an extension of the ODP was granted with an expiration date of May 28, 2022, with the existing approval conditions still in place. Lost Lakes is now requesting an additional 10-year extension of the ODP with an expiration date of May 28, 2032. There was discussion regarding why an additional ten years is needed, difficulty in coordinating due to COVID, and the changing environment the property has to comply with. It was noted that the plan is to complete the project in the ten year time frame and not have to come back for another extension. Based on the request of Lost Lakes Development Company, LLC, and recommendation of the Planning Director, Jim Hart moved to grant an additional ten (10) year extension of the Lost Lakes Overall Development Plan, until May 28, 2032, with the existing approval conditions. Ron Nye seconded the motion. All voted aye and the motion carried.

Because the next appointment was overdue, the remaining Planning item was continued to later in the meeting.

Craig Erickson, Great West Engineering, and Becky Lawson, SMA, met with the Board via Webex to discuss the following topics. Jani Flinn, Grant Administrator, was present for this portion of the meeting.

- **Madison Valley Manor Project – Boiler / Generator Update:** Becky stated they are going through the contract with TW Enterprises and going through the department process. They are close to getting the contract underway.
- **Madison Valley Manor Project – Northwestern Energy Owner Approval for Transformer Work:** Craig and Becky discussed transformer work tied to the Madison Valley Manor project that needs to be completed by NorthWestern Energy. The agreement needs to be authorized by the owner but the funding is part of the contract with TW Enterprises so it won't come directly from the County. Based on the recommendation of SMA Architects, Jim Hart moved to approve the customer agreement between NorthWestern Energy and Madison Valley Manor to update the transformer at the Madison Valley Manor for the amount of \$7,072. Ron Nye seconded the motion. All voted aye and the motion carried. Craig also noted that Allison has asked about repairs to the freezer at Madison Valley Manor and CDBG has agreed to pay for the repairs. He added that since the work is less than \$2,000 it doesn't fall under Davis Bacon rules.
- **TRMCC Update:** Because the meeting was running late, Becky had to leave to attend another meeting. Craig will ask her to send an email to the Commissioners with an update on the TRMCC project.

**ARPA Funding Requests/Project Decisions:** The Board discussed proposed allocations for ARPA funds that have been received by the County. Vicki Tilstra, Finance Officer, and Jani Flinn, Grant Administrator, were present for this portion of the meeting. Gail Nelson, TRMCC Administrator, and Margie Edsall, former Weed Coordinator, participated in the meeting via Webex. Ron questioned funds that are designated for grant administration noting that the County has funds available for the new Grant Writer position. He stated he would rather see this money go toward projects. He also questioned the amount specified for a match for the CDBG funding for the Tobacco Root Mountains Care Center. There was discussion about radios for the Sheriff's vehicles and whether this is a normal update that could be funded through that budget. Jani will contact the Sheriff's Department to check on this. There was also discussion about sewer districts. Dan questioned whether the amount specified for the Harrison Sewer District was enough. After much discussion, it was determined that the Board would contact Jeremiah Theys, Great West Engineering, to ask these questions.

Alex Hogle, Planning Director, returned to the meeting at this point to continue with his agenda items.

- **Amended Plat of Lots 1B, 2B, 3B, and 4B of Airpark North No. 5:** Alex reviewed the staff report for the Amended Plat of Lots 1B, 2B, 3B, and 4B of Airpark North No. 5 stating that the project is located east of Ennis Airport and was formerly referred to as Lot 78 of Mustang Ranches. He noted that one person owns all four parcels and would like to aggregate them into one lot. He noted that the Exemption Review Board has recommended approval. Based on the recommendation of the Planning Director, Jim Hart moved to approve the Amended Plat to aggregate Lots 1B, 2B, 3B, and 4B of Airpark North No. 5 into single 20.50 acre Lot 78A. Ron Nye seconded the motion. All voted aye and the motion carried.

**Open Gravel Crushing Bids:** The Board received and read one bid for gravel crushing from Titan, Inc. in the amount of \$131,250 for crushing 15,000 to 20,000 cubic yard of  $\frac{3}{4}$  minus material. This bid includes set up and demobilization. The Board will take this bid under consideration.

**Beaverhead County Sanitarian Assistance:** The Board reviewed a proposed agreement with Beaverhead County for sanitarian services. Kacey Smart, Sanitarian's Assistant, and Kila Shepherd, Human Resources, were present for this portion of the meeting. After reviewing the draft agreement, Kila stated that it needs to have an end date, preferably December 31, 2021, and that if the services are still needed after that date, another agreement can be approved. There was also a couple typos to be corrected in the final document. Following discussion, Ron Nye moved to approve 2021-18 Agreement between Beaverhead County and Madison County, whereby Madison County agrees to provide sanitarian services to Beaverhead County in accordance with the terms of the agreement, beginning on August 9, 2021, until December 31, 2021. Jim Hart seconded the motion. All voted aye and the motion carried.

**Part-Time Justice Court Clerk:** Suzanne Nellen, Justice of the Peace, met with the Board to request a part-time clerk in her office. Kila Shepherd, Human Resources, was present for this portion of the meeting. Suzanne stated that she has reviewed the number of cases and they have gone up 20% in the last six months adding that they desperately need help. She stated her budget will support a third person; that Abby is working now and this position will replace her. There was discussion about previous trends in the office, whether this would be a temporary position or permanent, the effect COVID has had on the office, and the need to create a job description and go through the entire hiring process for the position. Following discussion, Ron Nye moved to approve Judge Nellen's request to hire a part-time Justice Court Clerk. Jim Hart seconded the motion. All voted aye and the motion carried.

Kila Shepherd, Human Resources, met with the Board to discuss the following topics. Vicki Tilstra, Finance Officer, was present for this portion of the meeting.

- **Updates to Policy Handbook:** Kila reviewed updates to the following topics.
  - **The Definitions of Full- and Part-Time Employees on Page 14, Probationary Period on Page 15, Compensation Rate for Holidays on Page 21, Rest Periods on Page 51, and Grievance Procedure on Page 68:** Kila suggested updating page 14 by adding – Full-time employee means one who is scheduled to work “30 to 40” hours a week; and Part-time employee means one who is scheduled to work less than “30” hours a week. She reviewed changes to probationary periods on page 15, stating that the new language increasing the duration of the probationary period to twelve months is required as the law has been changed. She requested to strike the entire paragraph for compensation rates for holidays on page 21 and discussed FMLA standards regarding hours not worked. She also requested that new language be added on page 51 to include “Rest periods are at the discretion of the employer and/or supervisor. As such rest periods may be forfeited based on business need. Additionally, rest periods may not be used to arrive late to work or leave early from work.” Kila's final request was to add language on page 68 to the grievance procedure stating “The decision of the Board of Commissioners during Step Two is final.” There was discussion regarding former employees in the probationary period and it was agreed that portion would be taken out. Following discussion and per recommendation of Human Resources, Ron Nye moved to accept the changes to the updated personnel policy as presented, with one correction. Jim Hart seconded the motion. All voted aye and the motion carried.
  - **Professional Dues, Fees, and Licensing (Suggested Addition):** Kila suggested an addition to the policy related to professional dues, fees, and licensing. She stated that if the County requires an employee to have a professional license as a condition of employment, Madison County will directly pay the fee or reimburse the employee who attained or retained the membership, license, or certification. She clarified that this pertains to supplemental licensing or fees that are not part of the actual position. For example CDLs or nursing certificates will not be paid for but listed other certifications that would be justifiably beneficial to the County but not a condition of employment. Following discussion, Jim Hart moved to approve adding the Professional Dues, Fees, and Licensing to the personnel policy manual. Ron Nye seconded the motion. All voted aye and the motion carried.
  - **Reduction in Work Force:** Kila suggested an addition to the policy related to reductions in work force, noting that it is a management decision that can be taken for non-disciplinary reasons, and listed reason for reductions. It was noted that it could not be used to get rid of an employee. She outlined the process that would be followed if a reduction in work force becomes necessary. There was discussion about the difference in a reduction in work force and a layoff and also discussion about the length of time that the position that was reduced must remain vacant before refilling the position. After much discussion, it was determined that Kila would make some changes to this language and bring it back to the Board at a later date.

**Facilities Request for Full-Time Hours:** Dave Baldwin, Custodial Supervisor, met with the Board to request full-time work hours. He is currently approved for seven hours a day but has been working eight. He would like to make eight hours his official schedule. Following discussion, Ron Nye moved to approve Dave Baldwin's request for full-time hours. Jim Hart seconded the motion. All voted aye and the motion carried.

**County Road Budgets:** The Board discussed County road budgets. Vicki Tilstra, Finance Officer, was present for this portion of the meeting. Ron asked about the \$100,000 in the lease line in the District 3 Road Budget and questioned whether Jim is still planning on leasing three new trucks. Jim responded that he is planning on the new trucks and discussed various roads that need repairs such as North Meadow Creek Road, stating that it will need to be lifted and that's a project that can't be completed in one season. He added that leasing trucks will give them the opportunity to get it done quicker. He noted that a five-year lease would be the same cost as buying the trucks. There was discussion about increasing gravel funds, using BARSSA funds, justification for three new trucks, and the possibility of losing SRS and/or PILT funds. Jim asked the Board to keep in mind that all the road districts have had increases in their budgets and his increase is going to lease new trucks. Dan stated that District 1 increases are going towards gravel and mag-chloride and that he can't support leasing. Jim responded that he has to have equipment and manpower and that he has a plan, adding that if anyone has a better plan, he would like to hear it. Ron stated that new or used, you're going to have repairs and suggested a used truck rather than new. He also asked why they need three trucks and suggested that each road crew should get the same amount of money per mile. Jim stated that this might not be a fair argument but asked where the money comes from. Ron replied that three miles of Jack Creek Road and all of Cliff and Wade Lakes Road are being repaired and will have no impact on the District 3 Road Budget. After much discussion, Jim again asked if they don't approve his budget, what their plan is for his road district. Dan stated that he didn't see a problem with the budget as long as it's not to buy three new trucks. He asked if the current trucks have been evaluated. Jim listed some of the things that are currently wrong with the trucks and stated that they're worn out. He added that Dan could inspect the trucks but that he is not going to let Shorty inspect them. After further discussion, Jim stated that he will figure out how to get rid of \$100,000 in leasing but won't reduce the budget by \$100,000.

**Claims:** The Board approved claims.

**Journal Vouchers:** No journal vouchers were presented for approval.

**4-H Fairgrounds Property Agreement:** This agreement was not available for approval.

**Calendars:** The Board reviewed calendars.

**Closed Meeting Regarding Litigation:** At 3:29 p.m. the remainder of the meeting was closed to discuss pending litigation with Chris Christensen, County Attorney.

With no further business, the meeting was adjourned at 3:55 p.m.

**Next meeting:** The next regular Commission meeting will be held on Tuesday, July 27, 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: August 24, 2021

Minutes prepared by:

---

Laurie Buyan, Executive Assistant

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