

BOARD OF MADISON COUNTY COMMISSIONERS
August 31, 2021, Meeting Minutes

On Tuesday, August 31, 2021, a meeting of the Board of Madison County Commissioners came to order at 9:31 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 Emilie Saylor, Kila Shepherd, Dave Reintsma, Kenneth Johnson, Stephen Garrett, Gail Nelson, Joe Brummell, Pam Birkeland, Jani Flinn, Britani Allhands, Dan Metzger, Bob Bates, Van Puckett, Mike Callahan, Ellis (Eli) Thompson, Peter Rossiter, Amanda Gundry, Suzanne Powers, Mark Davis, John (Shorty) Roberts, Jon Osborn, Shane Escott, Forest (Frosty) Armstrong, and Ray Rowberry. Ryan Wolter, IT Support Specialist, administered the Webex connection. Those who attended via Webex or by phone included Craig Erickson, Jeremiah Theys, Bob Stump, Tim Lahey, Gina Fleming, Tommy Luksha, Laurie Buyan, Andy/Abby Thomas, JM, Tammy Mahlstede, Lyn Baughn, Carmin Hill, Jolene Palmer.

Before calling the meeting to order, Dan Allhands asked for a moment of silence to remember our 13 fallen military members and pray for the Country.

Approval of Minutes: No minutes were available for approval.

Public Health Office: Emilie Saylor, Public Health Director, met with the Board to discuss the following topics. Kila Shepherd, HR Director, Gail Nelson, TRMCC Administrator, Dave Reintsma, TRMCC Maintenance, and Kenneth Johnson and Stephen Garrett, Ennis residents, were present for this portion of the meeting.

- **COVID Update including Nursing Homes Status:** Emilie presented an update on COVID status. Madison County has 27 active cases, 8 more than were active a week ago, and has had a total of 870 confirmed positives, 20 more than last week's total. There were 2 additional hospitalizations in the last seven days, and the COVID symptoms reported by local patients included severe weakness and fatigue, being unable to get up off the floor, and some hospitalizations have been short but enough for patients to get hydrated and gain some strength. Patients are not in the age group of 80's or older but are people who are otherwise fairly active, and almost all were unvaccinated. Montana's confirmed positive cases increased by 3,374 over the last week with active cases up 1,030, a significant jump of 25% over 7 days. Although there are currently 3 more active hospitalizations than last week there have been 168 hospital stays over the last 7 days, indicating that people are getting acutely ill for a brief time and with the right interventions are able to go back home. An additional 27 deaths occurred across the State in the last week. Emilie reviewed a chart of daily new cases in the State noting a couple of spikes and a marked increase over June and July, so the risk of contracting COVID is much higher now and much of the risk is attributed to the Delta variant which is much easier to contract and a powerful threat. Emilie said the County has a lot of cases and is not doing very well right now, and it would be really helpful for people to avoid gathering in large groups, selectively socialize, and take precautions since a huge increase in cases is anticipated with school starting. Reviewing cumulative cases by County, she noted there has been a lot of illness over the last year and a half. Vaccine doses in the County have increased but not enough to change the percentage of 43% of the eligible population, or 50% statewide, and Emilie reviewed vaccine uptake by age group. She noted that Public Health can provide information for those with questions, and people can call if they are having any difficulty accessing vaccines. Emilie clarified booster shots versus the third dose of the vaccine by saying the third dose is currently approved for people who are moderately or severely immunocompromised, while the booster shot is not yet approved for the general public but she expects it will be in a month or so and can be taken 8 months after the second injection of the initial vaccine. She pointed out that there are booster shots for most vaccines so this is not unusual. Both hospitals in the County are supplied with the Moderna vaccine. COVID vaccine clinics will be held in Virginia City on Friday, September 10, 2021, from 12-6 p.m., and in Ennis on Saturday, September 11, 2021, from 12-6 p.m., and both will also administer other types of vaccines such as flu and shingles.

Emilie reviewed COVID status at Madison Valley Manor, which is still in outbreak status with one staff member quarantined, but there have been no additional cases. There are 14 residents who are 100% vaccinated, and staff is 60% vaccinated. Visitation is limited while on outbreak status but window, phone, and video visits are encouraged.

Gail reviewed the status at Tobacco Root Mountain Care Center (TRMCC) which will have 27 residents after adding two this week, and there are no COVID cases. Residents are 70% vaccinated and staff is at 60%. She discussed staffing shortage issues prompting a cap on the number of residents, said she has issued a mask mandate at the facility and is encouraging distancing to use any and all precautions to keep everyone safe. There was brief discussion about the ramifications of the potential late-September Federal mandate that would require vaccinations for all Medicare/Medicaid-funded facilities.

Tobacco Root Mountains Care Center (TRMCC): Gail Nelson, TRMCC Administrator, met with the Board to discuss the following topics. Emilie Saylor, Public Health Director, Kila Shepherd, HR Director, Dave Reintsma, TRMCC Maintenance, Kenneth Johnson, Ennis resident, Stephen Garrett, Ennis resident, Pam Birkeland, Superintendent of Schools, and Joe Brummell, Director of Emergency Management, were present for all or a portion of these topics.

- **Infection Control Assessment / Renovation Projects:** Gail reported that the recent State assessment of TRMCC's infection control status was great overall with very minor changes to be implemented, until they got to the laundry room which needs to be improved. Barring a complete remodel, Gail and Dave discussed an improvement plan that will be less expensive and will solve the problems that were identified. They will continue to research other options and regulations.

Public Discussion on Items Not Listed on the Agenda but Within the Board's Jurisdiction: There was a brief discussion about a marijuana growing situation and multiple RV's potentially occupying a County subdivision. Kenneth Johnson, Ennis resident, Stephen Garrett, Ennis resident, Pam Birkeland, Superintendent of Schools, and Joe Brummell, Director of Emergency Management, were present for this portion of the meeting. Discussion ensued and it was noted that the Sheriff, County Attorney, Department of Revenue and the Sanitarian are now aware of the situation and the topic is on the Agenda for the next regular Commission meeting.

Superintendent of Schools: Pam Birkeland, Superintendent of Schools, met with the Board to discuss the following topic. Joe Brummell, Director of Emergency Management, was present for this portion of the meeting.

- **Mills for School Transportation and Retirement:** Pam presented and reviewed the mills for retirement and transportation including each school's requirement and noted that, all in all, mills are lower than last year because the taxable values are up, although individual school situations vary. She pointed out two special ed co-ops where the County pays a proportionate share of teacher retirements, and she reviewed the timing of fund distribution by the Treasurer. After discussion, Jim Hart moved to approve school transportation and retirement mills for fiscal year 2022. Ron Nye seconded the motion. All voted aye and the motion carried.

DES: Joe Brummell, Director of Emergency Management, met with the Board to discuss the following topic.

- **Rescind Resolution 33-2021 to Revert Back to Stage 1 Burn Restrictions:** Joe said he's discussed fire restrictions with all the fire chiefs and all are in favor of reverting back to Stage 1, as several surrounding counties and the Forest Service have done. Following discussion, Ron Nye moved to approve Resolution 39-2021, a resolution rescinding State 2 fire restrictions and burn ban Resolution 33-2021 in Madison County, and reinforce that Madison County is still in Stage 1 restriction. Jim Hart seconded the motion. All voted aye and the motion carried. Joe noted that last year it was November before the burn ban was lifted in the County, in prior years it was normally lifted in October, and he also pointed out that hunting season will begin this fall at the end of September.

Great West Engineering: Craig Erickson and Jeremiah Theys, Great West Engineering, met with the Board via Webex to discuss the following topics. Jani Flinn, Grant Administrator, Britani Allhands, Finance Administrative Assistant, and Dan Metzger, Madison Valley Golf Association, were present for this portion of the meeting. Bob Stump, Sheridan Mayor, participated by Webex.

- **Tourism Grant and Economic Development Association (EDA) Grant for Fairgrounds Arena & Madison County Arena Architectural Services RFQ:** Craig is working on the Tourism Grant application which is due on September 15, 2021, soliciting letters of support to submit with the application, and working with SMA Architects on an updated project description and cost estimate. He discussed the EDA grant requirements and recommended moving ahead with procuring architectural services to assist with the development of the project and EDA application (due no later than January 31, 2022), which includes the preliminary engineering report (PER), and once the EDA grant is awarded to help with the design of the project. Following discussion, Ron Nye moved to approve the request for qualifications for architectural services with corrections, and to advertise in the Madisonian as soon as possible. Jim Hart seconded the motion. All voted aye and the motion carried.
- **ARPA Reporting/Task Order #5 – Assistance in Administration of ARPA Funding:** Craig said ARPA Reporting/Task Order #5 for Great West's assistance with the administration of ARPA funding is being finalized and he will email it later today. The first ARPA report is due to be submitted today, and the next report is due by October 31, 2021. He updated the Board on the MVM project and timelines.
- **Allocating County ARPA Funds to Twin Bridges Stormwater Project:** Jeremiah said Twin Bridges received bids for their stormwater project and has subsequently awarded the project to SRS, and the bond council is requesting confirmation that the County is allocating \$225,000 in ARPA funds to Twin Bridges for the project. Discussion ensued about Bucket A and Bucket B funds, the application and reimbursement processes, tracking and accounting procedures, matching funds, and memorandums of understanding (MOU's). After discussion, Ron Nye moved to approve the ARPA funding request for Twin Bridges in the amount of \$225,000, \$100,000 from Bucket A and \$125,000 from Bucket B, as shown on the spreadsheet. Jim Hart seconded the motion. All voted aye and the motion carried.

Madison Valley Golf Association: Dan Metzger, Madison Valley Golf Association, met with the Board to discuss the following topic. Britani Allhands, Finance Administrative Assistant, was present for this portion of the meeting.

- **Contract Between Madison Valley Golf Association and Madison County:** Dan had a preliminary discussion with the Board regarding the contract for the Madison County Golf Course, an agreement between the County and the Madison Valley Golf Association. Before its expiration in early 2022 he intends to conduct a more formal presentation for the Board and outline community use opportunities, revenue and expenses, comparisons with similar courses in the State, clarification of responsibilities and ownership, and present a draft operational agreement for review. He compared course usage over the last two seasons, reviewed challenges such as drought and water line breaks, and mentioned potential improvements to the course.

Claims: The Board approved claims.

Resolution Declaring County Property Surplus Property: The Board reviewed a resolution declaring County property surplus property. Kila Shepherd, Human Resources, was present for this portion of the meeting. Dan read the resolution aloud, noting the surplus items listed on Exhibit A that will be advertised for sale using a sealed bid process. After review, Ron moved to approve Resolution 40-2021, a resolution declaring County property surplus property, as exhibited on Exhibit A, as presented. Jim Hart seconded the motion. All voted aye and the motion carried. Later in the meeting, after discussing the status of nursing home busses, Ron Nye amended the previous motion to add the old Madison Valley Manor bus to Exhibit A. Jim Hart seconded the motion. All voted aye and the motion carried.

Human Resources: Kila Shepherd, Human Resources, met with the Board to discuss the following topics. Van Puckett, Director of Environmental Health, Mike Callahan, Safety Coordinator, Bob Bates, Former Safety Coordinator, and Joe Brummell, Director of Emergency Management, were present for this portion of the meeting.

- **Request to Hire Assistant to Chief Administrator/Court Compliance Officer:** Kila said several candidates were interviewed for the Justice Court's Assistant to the Chief Administrator/Court Compliance Officer position and the hiring committee made a recommendation to hire a candidate currently employed by the County. Following review, Ron Nye moved to approve the request to hire Brooke Schandelmeier as the Assistant to Chief Administrator/Court Compliance Officer at a rate of \$19.91 per hour, with a start date of September 7, 2021, as requested by the HR Director. Jim Hart seconded the motion. All voted aye and the motion carried.

- **Vehicle Use for Safety/Sanitarian:** The Board and several attendees discussed County vehicle use, particularly a vehicle being used by the Sanitarian's office. Kila stated that vehicle use logs are being instituted for each vehicle which should help to answer any questions about mileage or location, and will also help to ensure regular maintenance is being done. There was discussion about condition and availability of various vehicles, positions and functions requiring permanent assignment versus occasional use of a "pool" vehicle, public perception and visibility, situations when a vehicle might be used or parked outside the County, and practical measures for reducing mileage and increasing efficiency. Van discussed the vehicle used by the Sanitarian-in-Training and reasons for the vehicle to occasionally be parked in Whitehall, Dillon, or Butte, noted a verbal agreement about parking the car in a monitored school parking lot, said he will discuss developing a formal agreement with a Whitehall school official, and pointed out the existing agreement with Beaverhead County to pay Madison County for Sanitarian services. There was further discussion about the Safety Coordinator's vehicle needs and the logistics of using a vehicle on weekends or evenings and it was agreed that he will continue to use a pool vehicle when needed rather than be assigned a permanent vehicle.
- **Closed Session:** Kila met with the Board in a closed session. An audio recording of this session was sealed and delivered to the County Attorney's office.

Beaverhead-Deer Lodge Forest: Tim Lahey, Butte District Ranger, and Gina Fleming, Butte District Realty Specialist, met with the Board via Webex to discuss the following topic.

- **Letter of Support for Acquisition of Land in Tobacco Roots:** Gina said the Forest Service is working with the Conservation Fund to purchase 588 acres in the Tobacco Root Mountains, located south of Mammoth in the South Boulder River valley. She presented a map of the area and described the property saying it is an excellent big game habitat, will provide opportunities for recreation activities, and she reviewed easements and the extensive trail system. She stated that the acquisition will help to manage Forest Service land and get rid of large inholdings, and it meets Forest Plan management objectives. They plan to file for land and water conservation for fiscal year 2023 and are seeking letters of support for the acquisition. Discussion included access and trails, taxes, allotments, proper management, fencing, grazing, and use of land and water conservation funding. Dan stated objections to seeing private property going into the public sector due to management issues, the potential for future use changes and road closures, and the lack of public input when changes are made. Discussion ensued about adding language that trails remain open in perpetuity or transferring the land to State hands under the Fish and Wildlife Commission. Tim stated he understands the objections, reviewed his background and how he manages land, saying this is a very popular area with the public and it makes sense to him that this parcel should be Forest Service land. Following discussion, Ron Nye moved to approve the letter of support for Westphal Parks Project, LWCF FY2023. Jim Hart seconded the motion. Ron Nye and Jim Hart voted aye, Dan Allhands voted nay, and the motion carried on a majority vote.

Grants: Jani Flinn, Grant Administrator, met with the Board to discuss the following topic. Britani Allhands, Finance Administrative Assistant, was present for this portion of the meeting.

- **Cliff and Wade Lakes Road FLAP Grant Documents:** Jani said she is continuing to work with Neal at Western Federal Lands (WFL) and Craig at Great West to complete grant documents for the Cliff and Wade Lakes Road project. She verified that Jim Hart's name will be listed as the "responsible/in charge" party. The number of miles for the project was discussed after some discussion Jim recommended listing 10 miles instead of the previously-discussed 8 miles to make sure everything is covered. Further discussion included providing a map to WFL, and timing of the bid process occurring in November, which will not allow work to be done this year.

Follow-up on County Road Issues: Ellis (Eli) Thompson, Virginia City resident, met with the Board to discuss updates on previously-discussed County road issues. Peter Rossiter, Amanda Gundry, and Suzanne Powers, GMA Mining USA, Mark Davis, Heroes and Horses, John (Shorty) Roberts, County resident, Jon Osborn, Virginia City resident, and Britani Allhands, Finance Administrative Assistant, were present for this portion of the meeting. Eli asked first about an egress route for Pony and Mammoth. Ron discussed alternate route feasibility and said discussions with stakeholders and legal matters are in process, and when these things have been worked out there will be a public process and hopefully a road could be built in the spring of 2022. Asked about Bertha-Kennett, Dan replied that he has been trying to find a surveyor since early June to survey the road, he received a message today from an engineering firm that can survey this fall and is submitting a proposal with

costs, and he said the location of the road needs to be clarified before any gates can be removed. Regarding Adobe Town Road, Dan didn't have much to report other than he has left messages with BLM personnel. Eli referred to a complaint filed with the County Attorney at the end of June but the Board was not aware of it. Peter Rossiter stated that as a Pit Manager at GMA Mining, allowing public access through their operation would jeopardize their business, introduce unsafe practices, distract the miners' ability to focus, and would be a public safety concern. He discussed the unwanted risk of receiving a stall order from the Mine Safety and Health Administration (MSHA), noting that the mine is a big tax base in the County and they want to remain part of the community for a long time. He discussed the road's disputed and alternate routes and pointed out that there are detour signs around the perimeter of the mine directing people back to more navigable roads. Eli discussed Road Review Committee reports describing established routes, the relationship between mines and roads, and expressed frustration about the length of time it has taken to address road concerns. Further discussion included Commissioner duties, title searches and extended title searches, finding alternatives and compromises that work for everybody, temporary operations versus roads that are part of history, following laws the way they are written or changing them, and using surveys as baselines before making decisions.

Finalize County Road Budgets: The Board discussed finalizing the County road budgets. Britani Allhands, Finance Administrative Assistant, Ellis (Eli) Thompson, Virginia City resident, John (Shorty) Roberts, County resident, Shane Escott, District 2 Road Foreman, Forest (Frosty) Armstrong, District 2 Assistant Road Foreman, and Ray Rowberry, District 1 Road Foreman, were present for this portion of the meeting. Dan discussed misinformation found on an Ennis Facebook site about possible road budget cuts, such as cuts to snowplowing in the Madison Valley and Big Sky. He stated that these allegations are not true, said he has spoken with several local residents and reassured them that snowplowing will continue to occur and no one will be stranded, and pointed out that snowplowing in Big Sky/Moonlight Basin is on a separate contract from Road 3's budget. The same holds true for upcoming road work on three miles of Jack Creek Road, and for the planned road work on Cliff and Wade Lakes Roads, since these projects are being funded by matching funds out the general road budget, INTERCAP loans, and grants – all with no effect on the Road 3 budget. He read aloud Resolution 34-2021 which was approved earlier in the month, clarified that the main reason for the resolution was to establish a methodology for future road budgeting, and it establishes a method that allocates funds equally based on the number of maintained road miles in each district. Further discussion included mutual assistance given and received by towns in the County, areas that are maintained by other districts due to proximity, and other factors that come up with road maintenance. It was determined that, in rough numbers, Road District 1 has approximately 220 miles of maintained roads, Road District 2 has about 320 miles, and District 3 has around 176.8 miles, so the funds work out to approximately \$5,620 per mile of road. The Board and Road Supervisors discussed helping each other with projects, the need to pool resources, pros and cons of having one road supervisor, and scheduling an uninterrupted planning session in the spring for a meeting of the minds.

Calendars: There was no discussion on this topic.

With no further business, the meeting was adjourned at 3:15 p.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, September 7, 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: October 5, 2021

Minutes prepared by:

Jane Bacon, Commissioners' Clerk

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