

Monday, May 11, 2015

**9:00 AM CONVENE**

**PRESENT William L. Randash**, Chairman; **Steve Baldwin** and **Deb Ranum**, Members, **Lani DeBuhr**, Clerk

**9AM- COMMISSIONER MEETING**

**Baker Lake Lower Drainage:** Lance Wedemeyer, City of Baker Public Works Director, came in to ask the Commission what they would like him to do in submitting a permit for the bottom of the drainage channel. They discussed having gravel versus concrete in the bottom of channel and the permitting timeline it would entail.

**Prince Contracting Rental of Space:** The Commission received a voicemail from Mike with Prince Contracting asking if the County would rent out county space for them to store chips they will be using on the highways and to put 10 campers on. Commissioner Ranum agreed to rent the space to store chips but not allow campers. The Commission said they don't want to infringe on the local campsite businesses that have vacancies right now. There are a lot of spaces right now for campers that they can use and pay for. The Commission also wants the contract to specify they will not be allowed to sublease the land. The Commission discussed what to charge for rent. Commissioner Randash stated he didn't want the rent to be too high as the company is doing improvements to the area. Commissioner Baldwin & Commissioner Ranum said that may be true but the dollars they are earning for the work will not be spent in Fallon County so they are offering little benefit other than the road for the taxpayers. They suggested charging them a commercial rate for the use of the space. The Commission set the rental amount for \$2,000 per month. Commissioner Randash called and told Mike the rent amount and specifications of contract. The Commission will have Darcy draft a rental agreement up.

**New Seasonal Employees:** The Commission signed New Hire Approval Forms for the Weed, Golf and Fair seasonal employees for the 2015 Summer Season.

**Rifle Range Fencing:** Commissioner Ranum talked to Mike Kirschten, Rifle Range Board Chairman, and asked him to get quotes from Rieger Fencing and Gene Vennes for the fencing at the Rifle Range.

**9:50am: Debbie Wyrick, Deputy Clerk & Recorder joined the meeting.**

Debbie asked the Commission if there was water damage in the Road Building that leaked last week. She is wondering if an insurance claim needs to be submitted. Commissioner Ranum said Richard Griffith with Griffith Steel is coming over to pull the panels out and see if there is damage and where it is coming from. Debbie said she will wait until Richard looks at it before deciding if a claim needs to be submitted.

**9:55am- Debbie Wyrick left the meeting.**

**10AM- SHOP & ROAD UPDATES, Alba Higgins; Shop Foreman, Bobby Wiedmer; Road Foreman**

**SHOP UPDATES:**

**MAC 140:** The suspension is done and clutch needs to be done next.

**MAC 139:** A set of trunions has been ordered for it.

**MAC 213:** It is still up in Billings. They will use the MAC 160 for a backup if needed.

**Pickup Toolbars:** Six of the new toolbars are in and they are waiting on the other 3. Auto Advantage asked if they should install them or if the Road Department would install them. The Commission would like the Road Department to install them.

**Blades:** Alba is working on replacing tires on the Snowpatrol and Motorpatol and will continue looking at what other ones need to be changed out for the upcoming fiscal year.

**Loader 15:** When it comes in they will replace the broken glass.

**Barrels:** The new barrels haven't come in yet. They are getting cross contamination in the barrels so Alba ordered additional barrel pumps to use as well.

**Landfill Equipment:** Electronic injectors and overhead need to be reset in the loader. Alba is going to see if Tractor & Equipment can come down and do the work. The Landfill scraper is going to be brought into shop to be serviced.

**Roller Packer:** Alba will get the packer ready for the City to use.

**Health Nurse Vehicle:** Mitch replaced the water pump on Friday.

**Chuck Lee's Pickup:** Bringing it into shop to service it.

**Victor's Expedition:** Replaced the alternator pulley on his vehicle.

**Mower Tractor:** Replaced alternator on tractor.

**Air Conditioning:** Pickups are having issues with air conditioning, Alba & Mitch are working on this.

**Road Department Roof:** Commissioner Ranum asked Alba to let them know when Richard Griffith comes to take a look at the roof that leaked.

**ROAD UPDATES:**

**Chips:** Commissioner Randash asked Bobby if he needs or wants some chips for the roads and Bobby said he usually gets them from Glendive.

**Millings:** Bobby talked to Mark from the State about the millings west of Wibaux that are available. He told Bobby the millings were hard and he would need to bring a good loader. Commissioner Randash asked him if he was obligated to get these millings as it may be more work than it's worth. Bobby said he is under no obligation to take them. Commissioner Ranum asked Bobby to go look at the millings before taking a loader to get them. Bobby said he could do that.

**Gazebo Parking Lot:** Bobby said there is water coming from under the pavement and making the pavement very soft. The heavy trucks on the pavement are damaging the road too as it wasn't designed to have heavy trucks on it. Bobby said if trucks continue to use that road to haul dirt & millings the road will be destroyed and have to be redone. Bobby suggested not allowing the heavy trucks to use the road but instead they could come in from another direction. Commissioner Randash asked Commissioner Baldwin to contact Gamut Construction about not having their trucks drive on that road.

Bobby said the Road Department could take their track hoe to dig up the parking lot but suggested hiring someone to do it. Commissioner Ranum agreed and said she would like someone else to do the project completely if the road department can't do all of it. Commissioner Randash asked if they should just have Griffith Excavating do all the work per their quote and is wondering if they could get it done prior to the car show if they call them today. Bobby said he wasn't sure but suggested waiting until July to do it so they aren't fighting the mud. In July the millings from Glendive would be warm and easier to break up too. Bobby said when the work is done he wants to make sure they lay fabric down first to act as a water barrier and he could supply the fabric since it wasn't in the quote. Commissioner Baldwin said waiting until later in the summer is a good idea and at that time the City may have millings left over from their projects for the County to use. Commissioner Randash asked Bobby to get a hold of Griffith Excavating to put it on their schedule to do the work later in the summer. Bobby said half of the Gazebo parking lot should be roped off to keep trucks and cars off of it but the rest of the parking lot would be sufficient for the Car Show as that part alone is as big as the hospital's parking lot. Commissioner Baldwin called Tracy Bruha to let her know the Car Show could still be at the gazebo parking lot but that half of the parking lot would be roped off and Tracy said that would be fine.

Bobby said getting the cold mix has been delayed but when it is received they will put it on the gazebo road, giving it a 3-4 inch lift. He said it should adhere well as it would just go straight onto the pavement. Commissioner Baldwin told Bobby to check with Scott Rabbit, Parks Director, before doing anything to the roads as Scott is planning on eliminating or changing some of the roads once Iron Horse Park is complete.

**Oil Tanker:** Alba asked the Commission to think about what they may want to do with the oil tank trailer the Road Department has and never uses. Commissioner Ranum asked if specs could be drawn up and it could be put up for sale to the public. Commissioner Baldwin wasn't sure it could be sold outside of the County Auction but will ask Darcy Wassman, County Attorney, to make sure.

**10:45am- Bobby Wiedmer & Alba Higgins left the meeting.**

**11AM-CLOSED/PERSONNEL**

**12:00PM- RECESS**

**Commissioner Baldwin** made the motion to recess. **Commissioner Ranum** seconds the motion. 3 Ayes. 0 Nays. Motion carried unanimously.

Noon Recess

**1:15 PM RECONVENE**

**PRESENT William L. Randash**, Chairman; **Steve Baldwin** and **Deb Ranum**, Members, **Lani DeBuhr**, Clerk

**1:15PM-BAKER SENIOR CENTER ROOF BID OPENING**

**Dexter Thiel**; Thiel Bros. Roofing Inc. joined the meeting.

Commissioner Randash read aloud the Call for Bids for the Baker Senior Center Roof Project. Commissioner Randash opened two bids that were received and read the bid proposals aloud.

**Thiel Bros. Roofing Inc.** - \$103, 827.00; Completion date October 20<sup>th</sup>, 2015 (will furnish hail & puncture warranty)

**Metal Works of MT-** \$132, 989; Completion date August 30<sup>th</sup>, 2015 (will not furnish hail & puncture warranty)

**1:25pm- Dexter Thiel left the meeting.**

**1:30pm- Commissioner Baldwin made the motion to accept the bid from Thiel Bros. Roofing. Commissioner Ranum seconded the motion. 3 Ayes. 0 nays. Motion carried unanimously.**

The Commission asked Brenda Wood to draft letters to each of the Companies who submitted a bid proposal to notify them of their choice.

**2PM- HEALTH FACILITY ELECTION CANVAS, Brenda Wood**; Clerk & Recorder

Commissioner Randash read the election results.

**For: 474; Against: 272, Total Votes: 746**

Ballot details: 5 ballots rejected due to signatures not matching, 2 voided ballots, 826 returned ballots from voters, 805 ballots not returned, 74 ballots came back in the mail as undeliverable

**2:15PM- FOLDER REVIEW/MINUTES APPROVAL**

**BID OPENINGS:**

The Commission received a copy of the Iron Horse Splash Park Construction Project. The Bid Opening will be on May 18<sup>th</sup>, 2015 at 1:15pm.

The Commission received a copy of the Napa Auto Parts Retaining Wall Project. The Bid Opening will be on June 3, 2015 at 11am.

The Commission received a copy of the Kramlick/Sparks Reinforced Box Culvert Project. The Bid Opening will be on June 3, 2015 at 11:30am.

**CORRESPONDANCE:**

**Baker Lake Mitigation:** The Commission received a list of objectives for the Restoration/Mitigation Plan for Lower Baker Lake.

**Bureau of Land Management:** The Commission received an email dated May 8, 2015 from Jason Rittal, EPDC Executive Director, regarding a formal protest Todd Devlin, Prairie County Commissioner, submitted to the Bureau of Land Management (BLM) protesting the manuals of Conducting Wilderness Characteristics Inventory on BLM lands & Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process.

**MT Public Service Commission:** The Commission received a Notice of Application for Operating Authority dated 05/06/2015 from the Montana Public Service Commission for

Mission Mountain Express LLC, James Poitra dba Electric City Party Productions and Tom Kinghorn & Amanda Huf dba A and B Taxi Company.

#### **PURCHASE APPROVALS:**

The Commission approved purchasing a Smart Display Board for the Commissioners' Office. It will be purchased from T.E.S.T for the purpose of viewing GIS maps and other interactive modules with the public as needed.

#### **PROJECT UPDATES- Dwayne Bohle, Special Projects:**

**South Sandstone Project:** Eastside & Westside has had no leveling or seeding done.

**Rifle Range-**Landscaping around building and hauling in fill dirt. Continuing to work on floors & bathrooms. **Iron Horse Park:** Landscaping & hauling in fill dirt. Prepping ground for sidewalk installation. **Fairgrounds Cold Storage:** Installing inner wall protection barriers on west side, the east side is complete. **Fairgrounds Big Barn:** Installing electrical outlets, siding & new doors.

#### **ARMY CORPS OF ENGINEERS-**

**Bonnievale Road, Sandstone Creek Bridge Replacement:** The Commission was notified by a letter dated 05/08/2015 the Army Corp of Engineers reviewed the MT Joint Application to replace the existing deficient Kramlick Bridge over Milk Creek with a double 10 foot wide by 8 foot high precast concrete box culvert and to construct a temporary bypass road over Milk Creek with it being 24 feet wide with 3:1 side slopes. The Corps provided a preliminary jurisdictional determination for the project.

**NAPA Retaining Wall:** The Commission was notified by a letter dated 05/07/2015 the Army Corp of Engineers reviewed the MT Joint Application to remove an existing concrete retaining wall and replace it with a new block retaining wall to be constructed in same location. The letter stated a DA permit would not be required for this project and provided the MT DEQ CWA Section 401 water quality certification for the project.

#### **AGREEMENTS:**

**Intergovernmental Agreement:** The Commission signed the State of MT Intergovernmental Agreement for the Transfer of Monies to the State of Montana Department of Public Health & Human Services, Senior and Long Term Care for Fiscal Year 2015.

**Task Order:** The Commission signed the Task Order 16-07-5-01-013-0 to Fallon County Unified Governmental Master Contract for period 07/01/2012-06/30/2019 enabling Maternal and Child Health Services to be provided to residents of Fallon County.

#### **JOURNAL ENTRIES:**

**#4-** The Commission approved the amendment of the WIC budget to correct an error made in encumbered funds received in FY 2013.

#### **RECEIPTS:**

\$105.65 – Gas/Oil Royalties from Sands Oil Company

\$4,139 – Gas Tax Reimbursement, Road State Aid from MT DOT

#### **REPORTS/MINUTES/FLYERS:**

**Baker Rural Fire District:** April 2015 Warrants issued in the amount of \$6,138.27

**Plevna Rural Fire District:** April 2015 Warrants issued in the amount of \$1,035.30

#### **MISCELLANEOUS:**

**County Equipment:** The Commission received a copy of a letter dated 05/11/2015 from Tom Muckle, Fire Chief, specifying the protocol to be used when Fallon County road equipment is used for fire containment and/or suppression. The Commission reviewed the letter, Commissioner Ranum recommended changes be made to include the Commission be notified when County Equipment is loaned out for fires. Lani DeBuhr, Clerk, will contact Tom to make the changes.

**Board Member Notifications:** The Commission received copies of the letters mailed out by Brenda Wood, Clerk & Recorder, to Fallon County Board Members whose terms are expiring.

#### **3:00PM- PUBLIC COMMENT**

##### **3:25pm- Darcy Wassman, County Attorney, joined the Public Comment meeting**

**Dispatchers:** Darcy said she is still looking to see if a contract exists between the dispatchers and the County that specifies the wage and Sheriff Retirement System (SRS) benefits they agreed to when the dispatcher's left the union. Darcy said even if the SRS is specified in the contract the County may not

have any control over it as the SRS sets the requirements to be a part of their program, not the County. The Commission told Darcy about the idea to keep the current dispatchers in “detention officer” status so they can keep the higher pay and benefits but not offering the “detention officer” duties and higher pay to new employees. Darcy said she doesn’t think you can separate the “detention officer” dispatchers from the “non-detention officer” dispatchers in order for the current employees to continue to keep their higher pay and retirement. Darcy said she is working on determining what can be done to solve this problem. Commissioner Baldwin asked Darcy to find out for sure if the hiring of 4 detention officers would jeopardize the Sheriff Department’s ability to not be obligated to pay officers over time. There is a statute that allows Sheriff Departments with a law enforcement staff under 5 to base their “overtime” pay on a monthly basis rather than a weekly basis. This makes it where an officer can work over 40 hours but not accrue overtime as long as they don’t accrue over 160 hours per month. This statute is in place to protect Counties from not incurring excessive overtime pay due to the nature of officers having to be called out frequently in addition to their normal work schedule. Commissioner Baldwin said Trent doesn’t think the additional officers would put his Department over the “5” number as detention officers are not “sworn in” law enforcement. Commissioner Baldwin said he would like Darcy to research it and have an answer back no later than Monday, May 18<sup>th</sup>, 2015.

**Board Secretaries:** The Commission asked Darcy if it is legal to pay a secretary to do administrative duties for a volunteer board. The County has no other board that pays for a secretary except the Airport. Now that Ve Abrams is no longer the secretary for the Airport Board they are wanting to hire someone to take her place. The Commission is concerned if this is legal or fair as no other boards have a paid secretary. Commissioner Randash said they are also concerned that if they agree to hire a secretary for the Airport Board all the other County Boards will want one and it wouldn’t be a good use of taxpayer money. Darcy said she will have to research it and suggested the Commission to advise the Airport Board to find a volunteer to do their administrative duties.

**Renting of space to Prince Contracting:** The Commission asked Darcy to draft a contract between Fallon County and Prince Contracting for the use of County space to store their chips. They told Darcy to make sure the contract specifies no sub-leasing or campers/RVs on the space.

**District Court Judge Huss:** Commissioner Ranum asked Darcy what the process is for replacing Judge Huss now that he is resigning. Darcy said the Governor will appoint a committee that will work together to give him recommendations for a replacement.

**Board of Investments:** Commissioner Ranum asked Darcy to do research on the County forming a Board of Investments to oversee and guide the investments being made on behalf of Fallon County. Commissioner Ranum said it is hard to believe the County has boards for all kinds of things but not one for investing.

**Closed Meetings:** Darcy said she is concerned about meetings being “closed” without warrant. Darcy said a meeting should only be closed if privacy matters outweigh the public’s right to know. She also said the person who is being discussed in a closed meeting has the right to know and request the meeting to be opened or closed. If they want it open, the County would have to make the meeting open. She said the only person who can declare the meeting closed is the Board Chairman, which now is Commissioner Randash. Commissioner Baldwin asked if the other Commissioners could call for a meeting and she said yes they could but would have to notify the public. Darcy said if a person is being discussed in a Human Resource meeting they should be notified and given the opportunity to hear what is being said about them. The Commission said Julie Straub, Human Resource Manager, is the one who directs the Commission if a Human Resource meeting should be open or closed as she has to ensure the County is abiding by the State rules regarding employee management & privacy. The Commission will have Julie contact Darcy to discuss this matter in more depth.

**Commissioner Agenda:** Darcy said the Commission Agendas are not specific enough. She said the agenda should have more detail on what is being discussed so it meets the “informing the public” requirement. Lani DeBuhr, Clerk, will start making the agenda more specific.

**Jail Coverage:** Commissioner Ranum said the Sheriff’s Department is having a hard time covering the jail and wants to hire 4 new detention officers. She thinks the City and the County could work together to get jail coverage. She said there are enough officers between the two entities to cover the jail. Commissioner Baldwin said that may be the case but Montana Statute dictates how much coverage the County needs to have for their jail and the County is responsible for meeting those requirements. The Commission asked Darcy if there is a state statute that says the county jail has to serve as a city jail. The Commission thinks there should be some cost sharing between the City and County for the inmates. Darcy said she will research this.

**Fidelity Lease:** The Commission and Darcy discussed the terms of Fidelity’s lease with the county for using 1.84 acres of County land to store things such as tanks and barrels on. The Commission said

Fidelity has been using that land for free over the last 20 years but thinks they should be charging them an amount to lease it. Darcy said she can draft a contract for this and Commissioner Baldwin will contact Jason Bechtold to let him know about it.

**Attorney Workload:** Darcy said she is going to get caught up on County stuff but has had a lot of criminal things she has been working on. Darcy asked the Commission for a County computer to do her County work on. The Commission said they would talk to Don Dilworth, IT Tech, to get a computer purchased for her. The Commission asked Darcy to start meeting with them every other Monday for an hour to discuss the status of things she is working on and things the Commission may need her to do.

**5:00pm- Darcy Wassman left the meeting.**

**5:00PM RECESS**

**Commissioner Baldwin** made the motion to recess. **Commissioner Ranum** seconds the motion. 3 Ayes. 0 Nays. Motion carried unanimously.

**Tuesday, May 12, 2015**

**10:30 AM CONVENE**

**PRESENT William L. Randash**, Chairman; **Steve Baldwin** and **Deb Ranum**, Members, **Lani DeBuhr**, Clerk

**10:30AM- BAKER CORRIDOR PLANNING STUDY**

**The Commission attended the Baker Corridor Planning Study Conference Call.**

**12:00PM- RECESS**

**Commissioner Ranum** made the motion to recess. **Commissioner Baldwin** seconds the motion. 3 Ayes. 0 Nays. Motion carried unanimously.

Noon Recess

**1:00PM- RECONVENE**

**PRESENT William L. Randash**, Chairman; **Steve Baldwin** and **Deb Ranum**, Members, **Lani DeBuhr**, Clerk

**1:00PM- CAPITAL IMPROVEMENT PROJECTS**, Jason Rittal; Eastern Plains Economic Development Corporation (EPDC) Executive Director, Brenda Wood; Clerk & Recorder

**The Commission, Jason Rittal and Brenda Wood reviewed the Capital Improvement Project Plan together. A copy of the plan is filed in the Clerk & Recorder's Office.**

**2:00pm- Commissioner Randash left the meeting to attend the Eastern Region Juvenile Detention Coordinator Conference Call.**

**3:00PM- ADJOURN**

**Commissioner Ranum** made the motion to adjourn. **Commissioner Baldwin** seconds the motion. 3 Ayes. 0 Nays. Motion carried unanimously.

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ADJOURN  
s/William L. Randash, Chairman

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MINUTE TAKER:  
s/Lani J. DeBuhr, Clerk

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ATTEST:  
s/Brenda J. Wood, Clerk and Recorder