

**9:00AM CONVENE**

**PRESENT: Steve Baldwin, Chairman; Deb Ranum, William L. Randash, Members; Lani DeBuhr, Clerk**  
**FALLON COUNTY COURTHOUSE**

**9:00AM COMMISSION WORK SESSION**

The Commission organized and filed items from the previous week.

**9:15AM HAIL DAMAGE LOSS UPDATES**

**Present: Jason Rittal, County Development Advisor; Debbie Wyrick, Deputy Clerk and Recorder**

Jason Rittal and Debbie Wyrick gave the Commission updates on the County's hail damage claim. Jason said they are currently waiting on the adjuster's report and EMC Insurance's findings. Jason said Krueger Windows from Miles City is coming to the Fairgrounds this week to look at placing a sheet of glass in the exhibit hall window temporarily. Commissioner Baldwin said Larry Neimerg said he could get the window replaced before Fair. Jason said he will speak to Barb Lechler, Fair Manager, about it because it would be better to have the window replaced before Fair if possible. Jason and the Commission discussed the water damage to a section of the floor in the Courthouse basement and whether it should be submitted to insurance or have it repaired in-house.

Debbie Wyrick said DuWayne Bohle, Special Projects Worker, notified her this morning that men from Precision Roofing were at the Rifle Range reviewing the hail damages. DuWayne said the men told him they were at the Weed Building and Landfill yesterday and EMC Insurance was with them. Debbie said she wasn't aware EMC was coming to Baker to do site visits. The Commission asked who gave Precision Roofing access and permission to look at the County buildings if EMC isn't here and Debbie said she didn't know.

Debbie said Ken Zander with EMC Insurance notified her that they were going to combine the County's three open insurance claims and have one adjuster handle them all. Debbie said because of this the claims are being reassigned to home office claims and they will have to wait on them for payment. Jason said he and Debbie are working on documenting hours that were spent cleaning and repairing things from the hail damage for insurance purposes. Debbie said she is still waiting for Replacement Cost figures also.

**9:32am- Jim Leischner with D&J Insurance joined the meeting.**

The Commission asked Jim Leischner if he knew if EMC representatives were in Baker showing a contractor the hail damage to County buildings and Jim said he did not know of any. Debbie Wyrick called DuWayne to get clarification on the men at the Rifle Range. Debbie said the men at the Rifle Range told DuWayne that Scott Signor with EMC Insurance sent them to look at the buildings to follow up on the adjuster's work. The Commission asked Jim if he could go to the Rifle Range and speak with these men to get more information since they weren't notified of them coming to do this and Jim said he would.

Debbie asked Jim if he had any Replacement Cost figures yet and he said no. Jim said there are 24 buildings that are not on Replacement Cost currently but this shouldn't affect how they are adjusted. Jim said ideally all buildings would be on Replacement Cost but it comes with a higher premium. Jim said insuring buildings at Replacement Cost is more expensive so if there are any buildings the County wouldn't replace if destroyed it may be a better fit to have them insured at Actual Cost Value (ACV) since the premium is cheaper. Jim said the Commission should review and discuss each building to decide if it should be insured at Replacement Cost or ACV and have their decision for each building documented in the record. Jason said if the County decided to insure buildings at ACV or not insure them it would be wise to set money aside, similar to a self-insured fund to pay for repairs and replacements in the event the buildings are damaged or destroyed and the ACV coverage isn't adequate or there is no insurance at all. Debbie said her and Jason will gather the information for those buildings and will meet with the Commission regarding this in the future.

**9:57am- Jason Rittal, Debbie Wyrick and Jim Lieschner left the meeting.**

**10:00AM ROAD UPDATES**

**Present: Mark Sieler, Road Foreman**

**ROAD UPDATES-** Mark Sieler told the Commission the Road Crew will be blading south of town and hauling gravel to Ismay this week. Commissioner Randash said he spoke with Alba Higgins, Shop

Foreman, about placing reflector signs by the exits at the Golf Course and Airport Road so drivers can see those turnoffs better.

**10:05am- Mark Sieler left the meeting.**

**10:05AM REVIEW AND SIGN JOURNAL ENTRIES**

The Commission reviewed and Commissioner Baldwin, as Chairman, signed the following Journal Entries: #791 to move Ambulance claims from accounts receivable to an expenditure account; #792 to reverse Journal #774 as other corrections in the Ambulance account needed to be made first; #793 to record FY2016 Ambulance bookkeeping in County records; #798 to adjust Solid Waste cash to match Treasurer’s cash; #799 to reverse Journal #798 to debit liability account; #800 to correct entries to Solid Waste expenditure account; #803 to reverse Journal #788 that closed Fund 7528-ST Equal/PEN & INT/INV Earnings into Fund 7527 St Equalization Aid Levy per Treasurer’s Office; #804 to reverse Journal #789 that closed Fund 7532 HS Equal/PEN & INT/INV Earnings to Fund 7531 HS Equal Ad Valorem per Treasure’s Office; #805 to reverse Journal #790 that closed Fund 7530 Elem Equal-Non Levy into Fund #7529-Elem Equal Ad Valorem per Treasure’s Office.

The Commission reviewed and Commissioner Baldwin, as Chairman, signed various Journal Entries for FY2016 Fund Balances to be rolled forward to FY2017.

**10:15am- Shannon Hewson with Brosz Engineering joined the meeting.**

**PROJECT UPDATES-**

**Cooper Bridge-** Shannon Hewson gave the Commission the Grant of Temporary Construction Easement between Fallon County and Bickle Cattle Company for the Cooper Bridge Box Culvert project. The Commission reviewed and signed the easement.

**Webster and Coal Bank Creek Bridges-** Shannon said he has almost everything ready for these two bridges to go out to bid.

**10:17am- Donald Mackay and Laurie Mackay joined the meeting.**

Donald and Laurie McKay brought in the Land Lease Darcy Wassmann, County Attorney, drafted. Laurie said the lease deals with the hunting issue they had but does not address fencing the land as was previously decided on by the Commission. Laurie asked the Commission why she and Donald couldn’t monitor the use of the land since they are the ones leasing it. The Commission said it is dictated by Statute because it is public land and tax payers own it. Laurie asked to see the Statute and the Commission said they will contact Darcy to have her give it to Laurie. Laurie said they have people in there all the time since it is next to a public road and is not fenced. Laurie said because they use it for their cattle they would rather not have anyone in there unless they know what they are doing and give them permission. Laurie asked the Commission why they made the lease a one year lease when it has always been a ten year lease. Commissioner Ranum said she wasn’t sure how the one year was put in the lease because they had decided to have them be 5 year leases to allow future Commissioners an opportunity to have input on the land leases during their term. Laurie said she understood that but having a one year lease is very difficult because you can’t plan on anything since there is a possibility the lease would not be renewed every year. Laurie said they have tried to talk to Darcy about these issues but they aren’t getting addressed and the Commission said they will talk to Darcy about the lease.

**10:24am- Donald Mackay and Laurie Mackay left the meeting.**

**10:30AM COOPER BOX CULVERT BID OPENING**

**Present: John Peila with Diamond J Construction; Dave Shepherd with Shep’s Welding; Shannon Hewson, Brosz Engineering; Mark Sieler, Road Foreman**

Shannon Hewson opened the bids submitted for the Cooper Reinforced Box Culvert Project and they were read aloud. All bids had the bid bond in place. The bid amounts were:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alternate “A” Precast Box Culvert</b>	<b>Alternate “B” Cast in Place Box Culvert</b>	<b>Total Base Price w/ Alternate “A”</b>	<b>Total Base Price w/ Alternate “B”</b>
Diamond J Construction	\$208,074	0	\$97,425	0	\$305,499
Shep’s Welding	\$107,126	\$129,417.36	0	\$236,543.36	0

Shannon recommended the Commission postpone awarding the bid to give him an opportunity to review the bids and calculations before making a recommendation to the Commission this afternoon.

**10:37am- John Peila and Dave Shepherd left the meeting.**

**Commissioner Randash made the motion to table awarding the Cooper Reinforced Box Culvert Project to give Shannon Hewson time to check the bids and calculations. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**

**10:40am- Shannon Hewson and Mark Sieler left the meeting.**

**10:50AM BAKER RURAL FIRE DEPARTMENT (BRFD) TORNADO RELATED INVOICE**

**Present: Kimberly Jensen, Accounts Payable Clerk**

Kimberly Jensen said BRFD submitted a claim for food items that were purchased for the tornado relief effort in the amount of \$239.28 and asked the Commission if they approved paying it. The Commission said yes and asked Kimberly to code it to the tornado account.

**10:53am- Kimberly Jensen left the meeting.**

**11:00AM BAKER RURAL FIRE DEPARTMENT (BRFD) BUDGET REVIEW & DISCUSSION**

**Present: BRFD Volunteers: Turk Stark; Fred Hoff**

Turk Stark said BRFD is considering purchasing a 2007 Aerial Dash Pierce 75 Foot Ladder Truck in Dallas, TX. Turk said the truck appears to be in good condition and they are sending two people from BRFD to Dallas to look at it. Turk said the price is \$425,000 which is \$50,000 less than they were originally quoted. Turk said this is also considerably less than a new truck. Turk said the City of Baker's Fire Department has been considering purchasing a new truck as well since they have a truck with issues they are planning on phasing out. Turk said the idea is to purchase this Aerial Fire Truck with the City's Fire Department and BRFD both using it. Turk said the City can contribute \$200,000 towards the purchase but would like to pay it in increments over 5 years. Turk asked the Commission if BRFD could purchase the truck and then lease it to the City for a yearly lease amount. Turk said this could hopefully alleviate problems that could arise as to who is responsible for maintenance and repairs and the amount of time each entity would use it.

Commissioner Randash said there is a used fire truck in Mandan for \$7000 that looks brand new but is older and asked Turk if it might be a good fit for them. Commissioner Baldwin said Turk mentioned in an earlier discussion that fire trucks need to be certified every year and wondered if that would be possible with an older truck. Turk said fire trucks do need to be certified every year and Alliance is the company they use to perform the necessary tests. Commissioner Randash asked if the age of the truck would prohibit it from being certified. Turk said he isn't sure but he would assume the certification is based on the functionality of the truck not the age of the truck. Turk said they are willing to consider other trucks but having an Aerial truck would be very beneficial since the City has two and three story buildings. Commissioner Ranum asked why the company in Dallas is getting rid of the truck and Turk said it is because they have a lot of trees and want a newer truck that has the technology to swing and maneuver around trees better.

Turk asked the Commission what their thoughts were about BRFD and the City of Baker sharing the truck and the Commission agreed it was a good idea and didn't have a preference on how it was handled. Turk said they will have a conversation with the City to see what their thoughts are.

**11:20am- Turk Starks and Fred Hoff left the meeting.**

**11:20AM SHERIFF BUDGET REVIEW CONTINUED**

**Present: Trent Harbaugh, Sheriff**

The Commission and Trent Harbaugh continued to review his FY2016-17 Budget for the Sheriff's Department. Trent's capital expenditure request for the Care of Prisoner's account was \$11,000 to replace the porcelain sink and toilet in the women's cell, to fog or tint the window between the holding cell and the women's cell and to purchase a freezer for additional meals. Trent said he is also waiting for two more beds to be installed in the back cell. Trent gave the Commission a quote to replace the porcelain sink and toilet for \$8,500. The Commission asked if the training budget could be reduced and Trent said yes but he does want to keep enough funds in the account to pay for one 4 week training course. The Commission asked Trent why the operating supplies increased so much and Trent said it is because of the increased meal cost. Trent said his prisoner numbers have increased and stayed consistently high which increases the cost of meals. Trent said he also needs to purchase a new FB printer for \$1,000 that will come out of that account too. Trent asked the Commission to think about what they want to do for TV service in the jail cells since cable TV will no longer be available after October. Trent asked the Commission if he should contact DirecTV and Dish Network for pricing and the Commission said yes.

Trent told the Commission he is still waiting to find out if CI will renew their meal contract this year and he has been looking at other alternatives in the event the contract is not renewed. The Commission asked if he could get meals from Fallon Medical Complex. Trent said he looked into that last

year but their prices were \$9-\$12 per meal versus CI charging less than \$3 a meal. Commissioner Baldwin said he will talk to someone at Fallon Medical Complex to see if there is any way they could reduce the cost of their meals. Trent said that would be helpful and he would like the meals to be \$3 or less.

Trent and the Commission reviewed his FY2016-2017 Coroner Budget. Trent did not have any capital expenditure requests this year. The other budget items were 7% less than last year and the Commission did not recommend any changes at this time.

Trent and the Commission reviewed his FY2016-2017 Budget for the Search and Rescue Department. Trent did not have any capital expenditure requests this year. The other budget items were the same as last year and the Commission did not recommend any changes at this time.

#### **11:45AM PUBLIC COMMENT**

**No one appeared for Public Comment.**

**12:05pm- Trent Harbaugh left the meeting.**

#### **12:05PM NOON RECESS**

**Commissioner Randash made the motion to take a noon recess. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**

#### **1:15PM RECONVENE**

**PRESENT: Steve Baldwin, Chairman; Deb Ranum, William L. Randash, Members; Lani DeBuhr, Clerk  
FALLON COUNTY COURTHOUSE**

#### **1:15PM COOPER BOX CULVERT BID REVIEW & RECOMMENDATION**

**Present: Shannon Hewson, Brosz Engineering; Mark Sieler, Road Foreman; Jason Rittal, County Development Advisor**

Shannon Hewson gave the Commission a detailed bid tabulation for the project to review. Shannon said he reviewed the two bids and spoke to Bobby Wiedmer, Road Supervisor, about them also. Shannon said the project is \$15,000 more than expected but is considerably less than they have been in the past. Shannon said he and Bobby are ok with awarding the project to the lowest bidder. Shannon said Shep's Welding plans on starting the Cooper Box Culvert right after the Westmore and Dryfork Box Culverts are completed.

**Commissioner Ranum made the motion to award the Cooper Box Culvert project to Shep's Welding for \$236,543.36. Commissioner Randash seconded the motion. Commissioner Baldwin asked if there was any other discussion. Commissioner Randash asked if they could handle all the bridges that are planned for this year and Commissioner Baldwin and Commissioner Ranum said yes. 3 Ayes. 0 Nays. The motion carried unanimously.**

**1:20pm- Shannon Hewson, Mark Sieler and Jason Rittal left the meeting.**

**1:25pm- Dale Butori, Weed Supervisor, joined the meeting.**

Dale Butori reminded the Commission that the Fall Weed Regional Meeting will be held in Baker this year and he has \$2,000 budgeted for it. Dale asked if there was any stipulation on what the money set aside for this can be spent on since he is planning on using it to purchase food for the event. The Commission said there are no stipulations other than alcohol cannot be purchased with County funds.

**1:30pm- Dale Butori left the meeting.**

#### **2:00PM MINUTES APPROVAL**

The Commission reviewed the Commission Minutes for the week of July 25-29, 2016.

**Commissioner Ranum made the motion to approve the Commission Minutes for the week of July 25-29, 2016. Commissioner Randash seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**

#### **2:00PM JULY CLAIMS APPROVAL**

**The Commission reviewed and approved the July End of Month Claims in the amount of \$996,374.06 and they are filed in the Clerk and Recorder's Office.**

**3:00pm- Commissioner Baldwin excused himself from the meeting.**

#### **4:30PM EVENING RECESS**

**Commissioner Randash made the motion to recess for the evening. Commissioner Ranum seconded the motion. 2 Ayes. 1 Absent. 0 Nays. The motion carried.**

**9:00AM RECONVENE**

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

**GUEST: Dave Havens, Member of the Public**

**FALLON COUNTY COURTHOUSE**

**9:00am- Lane Stanhope, Member of the Public, joined the meeting.**

Lane Stanhope asked the Commission if he would be able to remove his trailer from the shoreline of Baker Lake because his insurance company won't pay him for it until it is removed. Commissioner Randash said they think their hands are tied with moving anything until they get FEMA's approval to begin the clean-up project and Commissioner Ranum asked Lane to talk to Jason Rittal, County Development Advisor, about it to be sure.

**9:05am- Lane Stanhope left the meeting.**

**9:10am- Lane Stanhope returned to the meeting.**

Lane Stanhope said he spoke with Jason Rittal about it and Jason told him he could remove it from the shoreline since they are past the time frame of it affecting anything on the County's end. Lane said Jason advised him to be careful about removing it and try to disturb the ground as little as possible and the Commission said he could remove it.

**9:12am- Lane Stanhope left the meeting.**

**9:15AM EMC INSURANCE RECOMMENDATIONS DISCUSSION**

**Present: Jim Leischner, D&J Insurance; Debbie Wyrick, Deputy Clerk and Recorder; Julie Straub, Human Resource Manager; Jason Rittal, County Development Advisor**

The Commission and all present met to create an action plan for the recommendations EMC Insurance gave them earlier in the year.

**Fairgrounds Grandstand Sprinkler System-** EMC notified the Commission the sprinkler system in the Fairgrounds should not be turned off during the winter months as it has been. Jim Lieschner said they went and looked at the sprinkler system and it is a good system that was designed for a cold facility. Jim said it is a "dry system" meaning pressurized air is in the pipes and water only comes into the pipe when the system is activated. Jason Rittal said even though there is no water in the pipe moisture can still accumulate from the pressurized air. Jason said the main problem with the system is condensation builds up and freezes in the two pipes that run along the outside walls of the grandstands during the winter months. Jason said this area is also the lowest spot of the system so when the compressed air cools and warms it creates condensation that collects and eventually freezes, causing valves to break. Jim said it was recommended the system be drained every 30 days to combat this problem. Jason suggested also putting heat tape on the pipes and/or putting a dryer in the mechanical room where the compressor is. Debbie Wyrick said she wasn't sure these things would meet code and suggested they call Gary Ostlund with Ostlund Fire to get his opinion since he is familiar with the system.

**9:30am- The Commission called Gary Ostlund with Ostlund Fire and he joined the meeting by conference call.**

Jim explained the problems they are having with the Fairgrounds sprinkler system to Gary Ostlund. Gary said now that Barb Lechler, Fair Manager, is draining it correctly they shouldn't have much water in the system this year. Gary said there was a mistake made when the piping was initially installed that could also be contributing to the problem and they will be fixing it. The Commission asked how the pipe was installed improperly and Gary said he suspects the pipe the contractor had was too short and instead of getting a longer pipe they took shortcuts to make it work. The Commission asked if this would be considered negligence and Gary said possibly. Gary said the key is to drain the lines every 30 days and thinks Barb wasn't given proper instruction on how to do this after the system was installed so he will be giving her more training. Gary said they could also put heat tape made by Simplex/Tyco on the pipes so in the event all the water wasn't drained it would be a lot more forgiving. Gary also suggested having Barb drain the pipes every week until September and charting the amount of water collected each time. Jim asked if a dryer could be introduced into the system to cut down on the condensation. Gary said yes and they are now using nitrogen dryers since it displaces water and oxygen causing no moisture to accumulate in the pipes when they aren't being used. Gary said it is a more expensive dryer but it adds life to the pipes since it eliminates the possibility of rust developing. Gary said the cost of the dryer is

around \$10,000 but it could possibly add 30 to 40 years to the life of the pipes. The Commission said this would make the investment of the dryer worth it if the pipes were to last that much longer and asked Gary to get them information on that type of dryer and the Simplex/Tyco heat tape.

**9:45am- Gary Ostlund ended the phone conversation and thereby left the meeting.**

Commissioner Ranum asked Julie Straub to include the draining of the pipes as suggested by Gary to the Fair Manager job description. The Commission and Jim discussed the other recommendations EMC Insurance gave.

**Motor Vehicle Record (MVR) Checks-** EMC recommended the County do yearly MVR checks on all County employees. The Commission asked if this was necessary as a large majority of their employees do not drive for the County. Jim suggested doing MVR checks every 4 years on 25% of County employees that do drive regularly for the County. Jim said it could be a random selection and it should be sufficient enough to meet EMC's requirement. Debbie Wyrick recommended it be put into their policy as well and Julie agreed.

**Defensive Driving Classes-** EMC recommended the County offer Defensive Driving classes to all County employees. Julie said although the County doesn't offer Defensive Driving classes they teach safe winter driving through the County's Safety Program. Jim said they don't need to focus on it right now but will discuss it more at a later time.

**10:00am- Jim Leischner, Debbie Wyrick, Julie Straub and Jason Rittal left the meeting.**

#### **10:00AM COMMISSION WORK SESSION**

**GOLF CART PERSONAL PROPERTY-** Jason Rittal, County Development Advisor, advised the Commission the sit down shelters at the Golf Course are owned by the County but the golf cart sheds and Clubhouse are not.

**BOARD AGENDAS/MINUTES-** The Commission reviewed Board Agendas and Minutes.

**REVENUES-** The Commission reviewed revenues received during the week.

**DEPARTMENT REPORTS/NOTICES-** The Commission reviewed Department Reports, Newsletters and Notices.

**EMAILS-** The Commission reviewed emails sent to them from State agencies and other entities that required no discussion, action or decision.

#### **11:00AM REC. DEPARTMENT UPDATES**

**Present: Angie Rabbitt, Rec. Department Director**

Angie Rabbitt gave the Commission updates on the activities in the Rec. Department this month. Angie said she is working on her Fall schedule and activities. Angie said she is also waiting for her budget approval from the City of Baker.

Angie asked if there were any available vehicles that could be used to transport the Legion youth baseball games for out of town games next year. The Commission asked who would drive and Angie said it would most likely be coaches. The Commission said that could pose as a problem because drivers of County vehicles have to be County employees and Angie said one of her coaches is a County employee. The Commission said they will check into it for her.

Angie said she is wanting to talk to the Baker City Council and Baker Police Department on designating a Trick or Treat time the weekend before Halloween since Halloween is on a Monday this year. The Commission said they thought it was a good idea.

**11:30am- Angie Rabbitt left the meeting.**

#### **11:30AM LANDFILL EQUIPMENT OPERATOR PAY DISCUSSION**

**Present: Julie Straub, Human Resource Manager; Tom Kachel, Landfill Manager; Mike Kirschten, Landfill Operator**

The Commission and all present met to discuss Julie Straub's findings regarding the Landfill Equipment Operator Pay. Julie's findings were given in response to the meeting on July 25, 2016 and were presented to the Commission in letter form. The letter stated Julie thoroughly examined the work performed by both Road Operators and Landfill Equipment Operators and while the work is similar, the complexity and responsibility of constructing, repairing and maintaining public roads is of greater proportion. Her findings also stated a mistake in constructing, repairing and/or maintaining a public road could result in injury or death of a citizen. Julie gave wage comparisons for both types of operators in Richland, Yellowstone and Rosebud Counties showing Landfill Equipment Operators in these Counties are paid less than their Road Operators. Julie said she tried to get wage comparisons from Custer and

Dawson Counties as well but was unable to. Julie stated she also contacted Theresa Sroczyk, a Compliance Specialist with the Montana Department of Labor, Wage and Hour Division about this issue. Theresa confirmed the County is in compliance with what they are paying their employees and do not have to pay the same rate of pay to different departments. Julie's findings also included an attachment showing a comparison of the job duties of both positions.

Mike Kirschten said he knows the County is in compliance with what they pay but wants them to know how he feels about the pay difference. Mike said even though the County may be in compliance with their wages there are other things the State said they would be willing to pursue. Julie asked Mike what these things were and Mike said he isn't going to tell her. Julie said it sounds like Mike is making a threat to the Commission and Mike said he was not. Julie asked Mike if he was aware of anything the County wasn't in compliance with as it sounds like he is alluding to it and Mike said he wasn't going to talk about it. Mike said he thinks the Road Operators and Landfill Equipment Operators responsibilities are even and both are responsible for the safety of the public. Julie said their responsibilities are not the same but the Landfill employees do an awesome job with what they are responsible for. Mike said if that is how they feel then they should put their "money where their mouth is". Commissioner Baldwin said the wages they are currently pay reflect that already. Mike said if you are an Equipment Operator it shouldn't matter what department you work for or what piece of equipment you run, all Equipment Operators should be paid the same. Commissioner Baldwin asked the other Commissioners what their thoughts were. Commissioner Ranum said she couldn't make any comments since she is related to Mike. Commissioner Randash said what Julie presented makes sense and that Mike accepted the position at the set wage and since then has been given the raises due for that position and the COLA increases like everyone else. Commissioner Randash said they would have people in here constantly if they let every County employee come in and compare their pay with what others get paid just because they do some of the same duties. Mike said he sees it as a discrepancy and one he has brought up to the Commission in the past. The Commission said the wage will stay what it is. Mike said he expected that to be the answer when he came to the meeting and if he needs to do what he needs to do he will but it will bring unnecessary things to the table.

The Commission asked Tom Kachel if he had any further comments he wanted to make. Tom said Mike is correct in saying they have to keep things safe out there for the public and are trained to do it. Tom said if they aren't responsible for keeping things safe for the public he may have to stop driving his dump truck to the Container Site since he uses a County road to do so.

**11:45am- Tom Kachel and Mike Kirschten left the meeting.**

The Commission asked Julie if she had any further comments. Julie said as an employer you have to look at what is fair, what is legal and what is right for your employees. Julie said the County is doing what is legal, what is fair and right are things the Commission need to decide. Julie said according to her knowledge the County is in compliance with how their employees are paid and treated and doesn't know what Mike is insinuating when he said he would bring "unnecessary things to the table". Commissioner Ranum said when previous Commissioner, Dennis Afrank was in office the Landfill employees received a large pay increase. Julie said she isn't sure what can be done other than throw money at them. Commissioner Baldwin said they are doing what is fair and right by giving them everything they need to do their job well and paying them a good wage that many people would be glad to have. Commissioner Randash agreed and said they were hired at that wage and by accepting the position they were accepting the wage.

**11:55am- Julie Straub and Dave Havens left the meeting.**

**11:55AM NOON RECESS**

**Commissioner Ranum made the motion to take a noon recess. Commissioner Randash seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**

**1:15PM RECONVENE**

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

**GUEST: Dave Havens, Member of the Public**

**FALLON COUNTY COURTHOUSE**

**1:15PM CITY OF BAKER UPDATES**

**Present: Clayton Hornung, City of Baker Mayor**

Clayton Hornung gave the Commission updates on things that are happening in the City of Baker. Clayton said the Wastewater Easements for the Stanhope Addition will be signed tomorrow night at the City Council meeting. Clayton asked if the County had budgeted \$1 million for the City's

water project and the Commission said yes, those funds have been accounted for in the Capital Improvement Plan. Clayton said a committee has been set up to recruit for the Public Works Director and they will be working on recruiting for the position soon.

Clayton and the Commission discussed Scott Rabbit's request to hire an assistant in the Park's Department. The Commission said they would like Scott to be able to have an employee who could help manage the summer help so Scott can focus on getting his projects completed before winter.

Clayton said Baker Rural Fire District will be at the City Council meeting tomorrow night to discuss the ladder truck that will be shared between the County and City. The Commission asked Clayton how the Council felt about the ladder truck and Clayton said they have been discussing this for some time and is supportive of them purchasing one. Clayton said they plan on discussing the best way to fund their portion of the truck and they are receptive to leasing it from the County as Turk Stark suggested.

**1:40pm- Clayton Hornung left the meeting.**

#### **2:00PM JULY TIME SHEETS REVIEW**

**The Commission reviewed and approved July 2016 time sheets, payroll & withholdings in the amount of \$550,858.53 and they are filed in the Clerk and Recorder's Office.**

#### **4:00PM REVIEW 1<sup>ST</sup> QUARTER 2016 OIL, GAS AND COAL REVENUE REPORT**

The Commission reviewed the 1<sup>st</sup> Quarter 2016 Oil, Gas and Coal Revenue Report.

#### **4:45PM AIRPORT BUDGET REVIEW & UPDATES**

**Present: Roger Meggers, Airport; Jason Rittal, County Development Advisor**

The Commission and Roger Meggers reviewed his FY2016-17 budget for the Airport. Roger's capital expenditure request is for a new mower at a cost of \$30,000-\$40,000. Roger said if it isn't possible to purchase one this year then next year would be ok since his is still working. Roger said he would like to update the fuel pumps also as the existing tanks are 30 years old but this wouldn't happen until next year when the new ramp is built. Roger said he would like to have the engineering for the ramp project to be done this year at a cost of approximately \$150,000 and said all costs associated with the new ramp are reimbursable. Roger said he would like to add a Professional Services line item in his budget for \$75,000 to pay for KLJ and David Turch's services. The Commission asked Roger if he was still needing David Turch's services and Roger said yes, that David is doing a good job and has been able to get a couple of items to go before the legislature session coming up. All other budget items were 23% less than last year's budget and the Commission made no changes to make at this time.

Roger said he also would like to do an airshow next summer at a cost of approximately \$50,000 with half of the cost being recouped in ticket sales and asked the Commission's opinion on doing it. Commissioner Randash said he isn't sure about doing it since the revenues have dropped considerably and Roger said he understood and asked if they could discuss it next year to see if things have changed with revenues. Roger asked the Commission if the mill levies that can be assessed for the Airport are still capped at 2 mills. The Commission asked Brenda Wood, Clerk and Recorder, to join the meeting to answer Roger's question.

**4:50pm- Brenda Wood joined the meeting.**

Roger said he remembers the Airport was capped at two mills in the 1980's and asked Brenda if it was still that way. Brenda said she would have to look at the law because she wasn't doing budgets during that time. Roger said he is concerned if his budget is dropped it won't be able to be increased when his big projects come up and Brenda said she will do research on that.

**4:52pm- Brenda Wood left the meeting.**

**5:00pm- Roger Meggers and Dave Havens left the meeting.**

#### **5:00PM EVENING RECESS**

**Commissioner Ranum made the motion to recess for the evening. Commissioner Randash seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**

**9:00AM RECONVENE**

**PRESENT:** Deb Ranum, William L. Randash, Members; Lani DeBuhr, Clerk

**ABSENT:** Steve Baldwin, Chairman

**GUEST:** Dave Havens, Member of the Public

**FALLON COUNTY COURTHOUSE**

**9:00AM 911/DES JOB CLASSIFICATION DISCUSSION**

This meeting was canceled and rescheduled for next week due to Commissioner Baldwin not being able to attend.

**9:30AM COUNCIL ON AGING BUDGET REVIEW & UPDATES**

The Commission moved this meeting to 11am today.

**9:30am- Dave Havens left the meeting.**

**9:30am- Commissioner Ranum asked Chuck Lee, 911/DES Director and Brenda Flint, Sheriff Secretary to join the meeting to discuss the IT needs for their Departments since they scheduled an appointment for next week to discuss hiring an IT Tech for Dispatch and the Sheriff's Department.**

Chuck Lee said the mapping system and the SWIFT system they use in Dispatch and the Sheriff's Department are complex and must be working at all times. Chuck said they can't afford the systems to be down for any length of time and Brenda Hoeger, Dispatch Supervisor, has been frustrated because at times they have been. Chuck said Andy Fujimori, IT Tech, isn't familiar with the systems and has admitted the programs are above him. Chuck said this is why he would like the Commission to consider hiring or contracting an IT Tech who has the knowledge to work in their Department's specifically. Commissioner Ranum thanked Chuck and Brenda for coming in to let them know what the meeting is going to be about and that they will discuss it then.

**10:00AM CLOSED/PERSONNEL**

**Health Department Administrative Assistant-** Julie Straub asked the Commission for permission to recruit for the Health Department Administrative Assistant position with a starting wage of \$14.85, 6 month increase to \$15.70 and one year increase to \$16.55. Julie said these wages are in line with this type of work and the Commission gave permission.

**11:00am- Dave Havens joined the meeting.**

**11:00AM COUNCIL ON AGING BUDGET REVIEW & UPDATES**

**Present:** Carla Brown, Council on Aging Budget Review

The Commission and Carla Brown reviewed her FY2016-17 budget for Council on Aging. Carla's capital expenditure request this year is \$12,500 for the County's portion of the new bus that is expected this year.

The Commission and Carla reviewed each budget item and reduced some of the accounts to where the other budget items were 17% less than last year's budget.

The Commission and Carla discussed what should be done with the Sprinter once the new bus is received. Carla said normally the Sprinter could not be titled to the County until 7 years after purchase or a certain number of miles are reached. Carla said because of the problems they have had with it and the amount of money the County has spent for repairs they can make a request to the State to get rid of it before then. Carla said if this request was granted the State would release the lien to the County and then the County could sell it.

**11:15am- Commissioner Baldwin joined the meeting.**

The Commission asked Carla if she was providing bus services to rural residents yet. Carla said yes although they haven't had any requests yet. Carla said she is planning on calling Mr. and Mrs. Fost to see if they can provide them transportation.

**11:20am- Tom Kachel, Landfill Manager, joined the meeting.**

The Commission asked Carla how she was doing on bus drivers and she said right now they are ok although one of her substitute drivers has been gone this summer.

**11:25am- Carla Brown left the meeting.**

**11:25am-** Tom Kachel said he stopped in to talk to the Commission about the contaminated soil at Cenex. The Commission asked him to make an appointment for next week so the discussion is on the agenda.

**11:30am-** Tom Kachel left the meeting.

**12:00pm-** Dave Havens left the meeting.

#### **12:00PM HEALTH BOARD MEETING**

**The Commission left to attend the Health Board Meeting at the Fallon Medical Complex.**

#### **1:15PM RECONVENE**

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

**GUEST: Dave Havens, Member of the Public**

**FALLON COUNTY COURTHOUSE**

#### **1:30PM HAIL INSURANCE CLAIM REVIEW AND DISCUSSION**

**Present: Scott Signor, EMC Insurance; Terry Shear, EMC Insurance Adjuster; Jim Lieschner, D&J Insurance; Jason Rittal, County Development Advisor; Debbie Wyrick, Deputy Clerk and Recorder**

The Commission and all present met to discuss the Hail Insurance Claim for the July 20<sup>th</sup>, 2016 Hail Storm. Before any discussion began, Scott Signor said DSI Holdings was the company reviewing the buildings last week and they were sent by EMC Insurance to do so. Scott apologized for not notifying the Commission about this beforehand. The summary points of discussion were:

- The Fairgrounds Stables are covered under the policy at Replacement Cost.
- If there are damages that are not caught immediately and are discovered later EMC Insurance will come back and if the damages are determined to be from the hail storm they will be included in the coverage.
- Loss of business income due to hail damage will be covered. The Commission said the speaker damage at the Fairgrounds could affect the Fair's business income if they aren't working during Fair. Because of this Scott Signor gave the directive for Terry Shear to purchase replacement speakers and get them installed before the Fair to avoid loss of income. Scott said these expenses will be paid for now and not included in the large claim with the rest of the damages.
- The County has blanket coverage with an expected \$39 million worth of coverage for everything. Scott said if repairs cost more than estimated the insurance will pay for what the repairs cost, even if it exceeds the coverage amount.
- The hail damage from 2013 will remain separate from this current hail damage claim so their funds do not overlap. There is \$490,000 still remaining in the 2013 hail damage claim that has not been used to repair the damages incurred during the 2013 hail storm. Scott said because of this the value to repair the remaining 2013 damages will have to be deducted from the current coverage since the funds are still available from the 2013 claim. For the repairs that still need to be done from 2013, insurance will only pay the original repair estimate from 2013 even if the repair costs have increased since then. Scott said this is because those repairs would have cost that amount had they been done at that time.
- Scott said the tornado claim and this hail damage claim will be separate claims but wants to combine the scope of the work for both claims for the bid process.
- Personal property replacements will be the responsibility of the Department Heads. All replacement items will need to stay under the location number assigned to them. If the broken globes for the lights around Baker Lake cannot be replaced then the whole light fixture will be replaced and only if they are a covered item.
- Scott recommended putting the entire scope of repairs in the same bid as it is the easiest way to get a large volume of repairs done quickly. The Commission said they would like to have the repairs be separated to allow local contractors the opportunity to submit bids. Jason agreed and said he doesn't want to close out local contractors from bidding because putting all repairs into one claim may be too large of a project for any of them to do.
- Scott told the Commission he would like them to contact DSI Holdings when the project goes out to bid so they can submit a bid. Jason said they have to ensure contractors don't have an unfair advantage in the bid process so they will treat them the same as all other contractors when the bid goes out. Scott said DSI Holdings has done a lot of work on EMC claims and can handle a large scope project. Scott said they are also a company that will purchase all supplies locally and work with local contractors. Jason said the County has to follow procurement laws and cannot give any contractor an unfair advantage and by law they have to choose the lowest

bidder through the sealed bid process. Scott asked if this project could qualify as an emergency and Jason said no as they don't have enough underinsured items to qualify for an emergency. Jason said it also isn't a wise thing to try to circumvent the bidding process.

- Scott said they will be focusing on the cost of repairs when looking at the bid process. Scott said if it is cheaper to get the repairs done in one bid versus in multiple bids they will pay for the lowest bid and to keep this in mind when determining how they want the bid process to go. Scott said if the bids are separated he would want one bid to be all the roofing repairs, one bid to be all siding repairs, the other all window repairs and so forth. Scott said this is because it would save money in materials and labor by using one contractor for all facets of repairs. Jason said he would be concerned about different contractors working on the same building and getting in each other's way. Scott said they should be able to work together and the important thing is they don't want to pay more for repairs than they have to.
- The Commission and Jason said they would like to see the scope of repairs before making the decision on how to put it out to bid.
- The library roof needs to be replaced immediately and is scheduled to be replaced this month.

**2:45pm- Scott Signor, Jim Lieschner, Terry Schear, Jason Rittal and Debbie Wryick left the meeting.**

**2:45pm- Steve Baldwin excused himself from the meeting.**

### **3:30PM TUNBY LAND LEASE DISCUSSION**

**Present: Randy Tunby, Land Lessee**

**Present by Conference Call: Darcy Wassman, County Attorney**

Randy Tunby and the Commission met to discuss changes he wanted made to his Land Lease. Randy said he would like the lease to state something about him having the last option to purchase the land if the County ever decided to sell it. Darcy Wassmann said she will add language to the lease that gives the lessee preference to purchase the land as laid out in 7-8-2511, MCA. Darcy and Randy discussed specifying the types of damage the Lessor and the Lessee would be paid for in regards to the Oil, Gas, Coal or Mineral Exploration section of the Lease. Darcy said she will add "permanent" damage and "temporary" damage to make it more specific.

Randy asked if they were going to address hunting in the leases. Darcy said the County leases are open to hunting since they are public land but the Commission has recently been asked by a lessee to include a "no hunting" clause in their land lease. Darcy said if no hunting is specified in the lease it is an "all or nothing" thing meaning hunting is prohibited to everyone, including the Lessee. Randy said the State allows hunting to be limited rather than prohibited if it interferes with the Lessee being able to do their business. Randy said he doesn't want to prohibit hunting on the land but has one person who wants to drive their vehicle on a corner crossing to BLM land. Randy said this "back door" access causes a sticky situation with neighbors and the County and doesn't want this person to do this. Randy and the Commission discussed the details of people hunting on public land and where they can drive their vehicles in those areas. Darcy added the language that was discussed and Randy signed the lease and paid his yearly lease payment.

Randy thanked the Commission for the additional dollars put towards predator control saying their number loss is down this year.

**4:05pm- Randy Tunby and Darcy Wassman left the meeting.**

### **4:30PM GOLF COURSE BOARD UPDATES**

This meeting was canceled due to no Golf Course Board Members attending.

**5:00pm- Dave Havens left the meeting.**

### **5:00PM EVENING RECESS**

**Commissioner Randash made the motion to recess for the evening. Commissioner Ranum seconded the motion. 2 Ayes. 1 Absent. 0 Nays. The motion carried.**

**9:00AM RECONVENE**

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

**GUEST: Dave Havens, Member of the Public**

**FALLON COUNTY COURTHOUSE**

**9:00AM BEACH PIT DUST CONTROL DISCUSSION**

**Present: Mark Sieler, Road Foreman; Shawn Wiseman, Member of the Public; Jasen Wyrick, Wyrick Construction**

Shawn Wiseman asked the Commission if they could do something about dust control when the County trucks start moving gravel out of the Beach Pit south of town since they create a tremendous amount of dust. Mark Sieler said they haven't received very many complaints about the dust when the trucks haul gravel and if they drive slow there isn't much dust. Shawn disagreed and said he followed a 10 wheeler into town this morning that wasn't going all that fast and it created a lot of dust since the road is almost pulverized. Mark said it may be because it was just bladed and they will have to be more careful about only blading when there is moisture. Shawn said he was told they will be pulling gravel out of that pit for 3-5 years and when they do they run 5 trucks at a time. Shawn said with that many trucks there will be a big dust problem if nothing is done to the road. Jasen Wyrick agreed and said the road is in bad condition and trucks will kick up a lot of dust in this condition. The Commission and all present discussed laying chloride or apple juice on the road to control the dust but there was concern of how long these treatments would last and if the high cost would justify it. Mark said they recently put a new layer of gravel on the Anticline Road and it ended up glazing over nicely with very little dust and suggested doing this to the road. Shawn said that would be fine, he just wants something to be done to control the dust. Shawn said there was gravel and a tack coat put on the road going to Camp Crook and it eliminated the dust also. Jasen said that method does work but isn't cheap and the minute you get a pot hole on the road it is ruined. Mark said they will make sure to put gravel on the road before they start hauling from that pit and see if that helps.

**9:15am- Mark Sieler, Shawn Wiseman and Jasen Wyrick left the meeting.**

**9:15am- Jason Rittal, Economic Development Advisor and Chuck Lee, 911/DES Coordinator joined the meeting.**

Jason Rittal told the Commission he doesn't think the tornado claim should be combined with the hail claim because the County's insured tornado damages are minimal in comparison to the hail damage. Jason said they already know what the tornado damages are and doesn't want to have to wait for the hail damage assessment to be completed before doing the tornado repairs. Jason asked if he could push for the claims to be separate and the Commission gave permission. Commissioner Ranum asked Jason to check with Scott Rabbitt, Parks Director, about the heavier gauge fencing at the Splash Park before it is replaced.

**9:20am- Jason Rittal left the meeting.**

Chuck Lee notified the Commission that the FEMA team will be in Baker next Tuesday to start working on the Baker Lake Clean-Up Plan. Chuck and the Commission discussed where to have the meeting since the Library basement is reserved already. Commissioner Ranum said the Library basement was built with federal dollars to be an Emergency Operation Center and because of this any time Chuck needs it to conduct business he should get preference. The Commission said they can look into this later and for now they will meet in the conference room by the Extension office.

**9:30am- Chuck Lee left the meeting.**

**9:30AM COUNTY ATTORNEY UPDATES**

**Present: Darcy Wassmann, County Attorney**

Darcy Wassmann and the Commission met to discuss items she has been working on. The specific items discussed were:

**Sewer/Drain Field Permit Fee-** Darcy told the Commission that during the last Health Board Meeting Rich Menger, Sanitarian, said he wants to raise the Sewer/Drain Field Permit Fee from \$50 to \$200. Darcy said Rich wants to raise the rate because \$50 doesn't cover the cost of the service since he often has to make multiple trips before issuing the permit. Darcy asked if inspecting the sewer/drain fields are part of Rich's job duties and if so, does he get paid to do this. The Commission said yes, Rich

gets paid to provide that service but it is a service that taxpayers shouldn't be responsible for so a fee is assessed to the landowner who is putting the sewer or drain field in. Darcy said the fees should always be proportionate to the time spent by your employees plus the cost of supplies and mileage and are not in place to make money. Darcy said in this situation, the fee shouldn't cover Rich's wage because it is part of his duties and he gets paid to do it but it could cover travel and other expenses related to providing the service. Darcy suggested the Commission have Rich give his basis for the increase as it seems \$50 already covers his mileage, even with three trips.

**Mackay Lease-** The Commission told Darcy that Donald and Laurie Mackay still had items they wanted addressed in their Land Lease. The Commission said the MacKays are under the impression if they install fencing on the land they would need to remove it if their lease was terminated. Darcy said the lease gives the next Lessee the opportunity to purchase any improvements on the land and if they opt not to purchase them then the current Lessee has 60 days to remove the improvements. Darcy said if the improvements aren't removed within 60 days they become a part of the land. Darcy said she has revised their lease to include the no hunting clause and to allow them to dig a well with the water rights remaining with the County. The Commission told Darcy to include the current Lessee having the last option to purchase in all the Land Leases for next year.

Commissioner Ranum asked Darcy if it was legal to close public land to hunting. Darcy said she spoke with Zach from Fish, Wildlife and Parks and he said many people have a clause that no hunting is allowed in their leases. The Commission said Randy Tunby mentioned in his meeting that the State allows hunting to be limited if it interferes with a Lessee's business. Darcy said she will do more research on this and suggested putting a notice in the land leases stating the law supersedes anything in the lease. The Commission asked Darcy why the leases were set for one year and Darcy said it was because the Commission wanted to be able to review the rates each year.

**Parks Dept. Easement-** Darcy said she is going to follow up with Scott Rabbitt, Parks Director, to double-check the easement documents for the pathway around the lake.

**Library Basement-** Commissioner Ranum told Darcy the Library basement was funded with federal money to be used as an Emergency Operation Center and thinks Chuck Lee, 911/DES Coordinator, should have preference in using the room to conduct his business. Darcy said if they want to do this they should bring this before the Library Board and post it in the Library and Library basement.

**WBI Easement-** The Commission told Darcy they will be meeting with someone who works for MDU to discuss the WBI Easement changes and Lani DeBuhr, Clerk, has questions about the meeting. Lani told Darcy the person they are meeting with has requested to meet with the Commissioners individually and she thinks the person should meet with them all together with minutes being taken since the information they will be given may lead them to a decision about the County's WBI Easement. Darcy agreed and asked why the person would want to meet individually. Commissioner Baldwin said it is only an informational meeting, no decisions will be made and it's only being held to inform the Commission about changes that were made to the WBI Easements in the event they are asked by the public. Darcy said even if the Commission doesn't make a decision during the meeting they eventually will have to make a decision on the County's WBI Easement and the information presented may factor into their decision. Commissioner Baldwin said he doesn't have a problem with having them all together and minutes being taken. Darcy said she is concerned the person may be trying to get around having an open meeting and advised the Commission to meet all together with minutes being taken.

**Pinnow Lease-** Darcy said she is almost done with the Pinnow lease.

**Insurance Claim-** The Commission told Darcy Scott Signor with EMC Insurance brought in a contractor to assess the hail damage to County property and now wants this company to be notified when the project goes out to bid so they can submit a bid on it. The Commission asked if this would be considered a conflict of interest and Darcy said possibly. Darcy said more importantly, the contractor could have an unfair advantage if they are given the insurance estimates.

**10:22am- Darcy Wassmann left the meeting.**

**10:30am- Debbie Wyrick, Deputy Clerk and Recorder, joined the meeting.**

Debbie Wyrick joined the meeting to ask the Commission if they wanted to insure the trolley cart Commissioner Baldwin will be using to transport people during the Fair. Debbie said the trolley is homemade and because of this it's impossible to set a value on it. Debbie said the deductible to insure the trolley cart is \$2,500 and suggested the County self-insure it and the Commission agreed. The Commission asked if they could have liability insurance on it to cover if someone got hurt while riding it and Debbie said yes but it wouldn't cover any damages to the trolley or if it was stolen. Debbie said the front seat of the cart will not be able to be used because there is nothing that would prevent someone

from falling forward and out of the cart if they sit in the front seat.

**10:40am- Debbie Wyrick left the meeting.**

**10:45am- Brenda Wood, Clerk and Recorder, joined the meeting.**

Brenda Wood joined the meeting to notify the Commission an item in the Justice Court budget was overlooked during their meeting with Nicole Benefiel, Justice of the Peace. Brenda said Nicole requested and budgeted \$21,000 to microfilm files and documents but this wasn't discussed during her budget meeting. Brenda said the account for this item was reduced to \$10,000 by the Commission and asked the Commission what they wanted to do. Commissioner Baldwin tried to contact Nicole but was unable to so they advised Brenda to leave the account at \$10,000 for now.

Brenda gave the Commission their budget to review. The Commission reviewed the budget and had no changes to make at this time.

**11:00am- Brenda Wood and Dave Havens left the meeting.**

**11:00AM ADJOURN**

**Commissioner Randash made the motion to adjourn the meeting. Commissioner Ranum seconded the motion. 3 Ayes. 0 Nays. The motion carried unanimously.**