

**9:00 AM CONVENE**

**PRESENT: Deb Ranum, Chairman; Steve Baldwin, Member; Kelsey DuCharme, Recording Clerk**

**ABSENT: Roy Rost, Member**

**FALLON COUNTY COURTHOUSE**

The Pledge of Allegiance was held in the Commissioner's Office at 9:00 AM to start off the week.

**PUBLIC COMMENT –AGENDA/NON-AGENDA ITEMS**

No one appeared for public comment.

**MINUTES APPROVAL FOR WEEK OF SEPTEMBER 30 – AUGUST 4, 2019**

**Commissioner Baldwin made the motion to approve the minutes from September 30-August 4, 2019, with corrections. Commissioner Ranum seconded the motion. Commissioner Ranum asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent (Commissioner Rost). The motion carried.**

**COMMISSION ACTION PENDING – ITEMS TO BE REVIEWED/DISCUSSED/DECISIONS**

The Commission reviewed the spreadsheet of items that have yet to be discussed, reviewed, or decided upon. Darcy Wassmann, County Attorney, is currently reviewing the Procurement Policy, Denbury Road Agreement Contract, and the Gotta Questions that were received by the Commission. The Commission discussed the Upper Dam Repairs that are still needing to be made. Dustan Davis, IT TECH, has been working on the County Employee Absent Calendar. The Commission is needing to finalize the Purchase Request Procedure for Fallon County Employees and Boards.

**Permission to Purchase Mower-** Robbie Christiaens, Parks Supervisor, was unable to make it to the meeting today. Last week, he had asked the Commission permission to purchase a new mower for the Parks Department.

**Commissioner Baldwin made the motion to approve the purchase of the 48-Inch Bobcat Predator Pro 5000 Series Professional Quality Mower for \$7,500.00 from Midland Implement. Commissioner Ranum seconded the motion. Commissioner Ranum asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent (Commissioner Rost). The motion carried.**

**9:55 AM Alba Higgins, Shop Foreman; Bobby Wiedmer, Road Supervisor joined the meeting.**

**10:00 AM Shannon Hewson, Brosz Engineering joined the meeting.**

**10:11 AM Rich Menger, Sanitarian joined the meeting.**

**County Auction-** Alba and the Road Crew have been busy getting items ready for the County Auction. Most of the items have been collected from various departments. They are now working with JK Kinsey to get the items put into numbered lots.

**10:16 AM Mary Grube, Administrative Assistant to Planner joined the meeting.**

**Road Department Updates-** The Landfill dozer was looked at by RDO last week. The parts have been ordered to hopefully repair it. The Road Crew is taking out the County boat to pull the buoys and aerators from Baker Lake for the winter. They are also working on blading today, particularly Pennel Road.

**10:30 AM Alba left the meeting.**

**Plevna North Structure Bridge-** Shannon gave the Commission an estimate from Ethnoscience, INC. for completing the paperwork and guidelines that are being required by the Army CORPS for the Plevna North Structure Bridge. This will also follow the National Park Services qualifications. The Commission signed the agreement from the Army CORPS of Engineers for the adverse effect caused by the removal of the Pennel Creek Bridge, stating that they will follow their documentation guidelines.

**10:42 AM Bobby left the meeting.**

**Commissioner Baldwin made the motion to hire Ethnoscience, INC. for the HAER documentation of the Pennel Creek Bridge in Fallon County, Montana, for \$6,499.71. Commissioner Ranum seconded the motion. Commissioner Ranum asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent (Commissioner Rost). The motion carried.**

**Baker Lake Aeration-** Shannon has completed the preliminary drawings for the rock waterfall for the Baker Lake Aeration Grant. Rich and the Commission reviewed the drawings. These will be less maintenance friendly because they have to be anchored down and fiberglass will not be able to be used. If the depth of them could be reduced, it would help some.

**10:52 AM Mike Johnson, WBI Land Agent joined the meeting.**

Discussion on the aerators running during the winter. The waterfalls will not run during the winter; however, the diffuser would be running continuously. Brosz Engineering also gave their opinion of the cost for the services provided. Shannon explained that this is a more costly project because of the amount of work needed.

**10:56 AM Forrest Sanderson, KLJ Contract Planner; Darcy Wassmann, County Attorney joined the meeting.**

An Airport Area Affected permit needs to be completed before the project can begin, as well as a joint application.

**11:02 AM Rich left the meeting.**

**Questions on Dedicated Street on Plat #90494-** Mike explained that WBI is preparing for a pipeline replacement project. It is three miles long, right alongside the edge of Highway 7. He asked for help identifying the dedicated street on plat #90494, as he is unable to find any other records of it. They plan to be boring under Highway 7, in which they have already had contact with MDT. According to the plat, it appears that it has been dedicated as a right-of-way to the public. WBI will send a letter to the County for notification purposes.

**11:13 AM Darcy, Forrest, Shannon, Mary and Mike left the meeting.**

**11:27 AM Beth Epley, Eastern Plains joined the meeting.**

**Lake Signage-** Shyla Hadley, Fairgrounds Manager, was able to create different designs for the Baker Lake Signage Grant. Beth showed the Commission the eight different signs to choose from. The Commission gave their input on the pictures attached and asked to include the picture of the Baker Women's Club as well. Beth will give Shyla the proposed changes before they are sent off to be made.

**11:43 AM Beth left the meeting.**

**11:45 AM Commissioner Baldwin made the motion to take a noon recess. Commissioner Ranum seconded the motion. Commissioner Ranum asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent (Commissioner Rost). The motion carried.**

## **LUNCH RECESS**

**1:15 PM RECONVENE**

**PRESENT: Deb Ranum, Chairman; Steve Baldwin, Member; Kelsey DuCharme, Recording Clerk**

**ABSENT: Roy Rost, Member**

**FALLON COUNTY COURTHOUSE**

## **PUBLIC COMMENT –AGENDA/NON-AGENDA ITEMS**

No one appeared for public comment.

**Commissioner Ranum excused herself from the meeting, as she is related to the parties involved. She will stay in the room but refrain from any comments or decisions.**

**1:24 PM Chris Crawford, Member of the Public joined the meeting.**

**1:25 PM Bobby Wiedmer, Road Supervisor joined the meeting.**

**1:28 PM Trent Harbaugh, Sheriff; Nic Eisele, Undersheriff; Darcy Wassmann, County Attorney; Cindy Irgens, Recording Clerk joined the meeting.**

**Road from Highway 12 East of Willie Duffield's-** Chris has asked the County to abandon the road off of Highway 12, east of Willie Duffield's property. Some of the road is also in North Dakota. The west ditch is in Montana. He is looking to abandon about three quarters of a mile. Darcy explained the process with abandoning a County Road. A petition must be signed, and a public hearing needs to take

place. If there are any objections to the road abandonment, there is nothing further that the County can do. Chris will also need to check in North Dakota to see if there are any relating easements.

**1:43 PM Chris, Trent, Nic, Darcy, Cindy and Bobby left the meeting.**

**1:43 PM Commissioner Ranum re-joined the meeting.**

**2:05 PM Greg Benjamin, Stahley Engineering joined the meeting via phone call.**

**Road Assessment-** Stahley Engineering did a pre-assessment on Fallon County roads prior to ONEOK starting their pipeline project. The post-assessment is partially completed. They plan to have them fully complete by the end of October. They are coordinating directly with Bobby Wiedmer, Road Supervisor. Commissioner Baldwin explained the issues with the roads that they used mag chloride on, due to the amount of moisture the County has gotten. The mag chloride was applied for dust control. Bobby has created a summary of the extra work Fallon County has done since the ONEOK pipeline started, which includes the extra hours of blading and hauling gravel. It is stated that the 101 Road had the most impact in the area. Overall, the other roads did hold up with minimal issues.

**2:17 PM Greg hung up the phone, therefore leaving the meeting.**

#### **COMMISSION WORK SESSION**

Commission reviewed Revenues, E-mails/Letters, Reports, Board Minutes and Agendas. They also signed the Joint Application for the Baker Lake Aeration Grant. The WIC Program Satellite Agreement was reviewed and signed as well.

#### **CLAIMS APPROVAL**

**The Commission reviewed and approved the End of the Month Claims in the amount of \$338,715.49 and they are filed in the Clerk and Recorder's Office.**

**5:00 PM Commissioner Baldwin made the motion to recess for the evening. Commissioner Ranum seconded the motion. Commissioner Ranum asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent (Commissioner Rost). The motion carried.**

#### **EVENING RECESS**

**TUESDAY, OCTOBER 8, 2019**

#### **9:00 AM RECONVENE**

**PRESENT: Roy Rost, Steve Baldwin, Members; Brenda Wood, Clerk and Recorder**

**ARRIVING LATER: Deb Ranum**

**FALLON COUNTY COURTHOUSE**

#### **PUBLIC COMMENT – AGENDA/NON-AGENDA ITEMS**

No one appeared for public comment.

**9:15 AM Julie Straub, HRM; Kim Cuppy, Director of Public Health; Debbie Wyrick, Deputy Clerk and Recorder joined the meeting.**

**School Nurse Stipend-**Julie was recently approached by Kim regarding the Stipend for School Nurse duties for the Baker Public Schools. Due to the fact Public Health no longer has a staff nurse, Kim has assumed those duties again, along with the rest of her duties. Kim would like permission to again receive the Stipend for the additional duties. This will be completed through the current agreement with the Baker Public Schools, which is in effect through June 30, 2021.

Commissioner Baldwin reminded Kim; a separate agreement will need to be negotiated with Plevna Public Schools.

**9:20 AM Commissioner Baldwin made the motion for Kim Cuppy, Director of Public Health to receive the Stipend, per the current agreement with Baker Public Schools, for School Nurse duties.**

**Commissioner Rost seconded the motion. Commissioner Rost asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent. (Commissioner Ranum). The motion carried.**

**9:24 AM Kim, Julie and Debbie left the meeting.**

**9:30 AM Carla Brown, Council on Aging Coordinator; Angel Wywras, Council on Aging Program Assistant, Julie Straub, HRM; Debbie Wyrick, Deputy Clerk and Recorder joined the meeting**

**Discuss Cost of Living Increase**-When Angel first came to work for Fallon County her beginning pay rate was \$14.50 per hour; her second step (at completion of probation) was \$15.25 per hour; the final step, (after completion of an additional 6 months), will be \$16.00 per hour. Angel received the COLA of .75 effective June 22, 2019. This brought her rate of pay to \$15.25. On August 4, 2019 Angel completed probation. As the COLA brought her to the second step rate of pay, her rate of pay did not change.

Angel disputes not receiving the COLA. She feels she should receive the benefit of the COLA, after the second step was reached (bringing her rate of pay to \$16.00) and again at her third step (bringing her rate of pay to \$16.75). Julie expressed when an employee is offered the position, they are sent an offer letter which lists the starting wage, the step increases, per the Salary Schedule. When the employee signs, they are acknowledging the information contained in the letter. Angel acknowledged she did receive and sign the offer letter.

**9:33 AM Commissioner Ranum joined the meeting.**

Julie stated the COLA is basically figured into the incremental steps. Debbie explained there are other employees that would fall into this same scenario and feels we will have to go back and research and resolve those individuals as well. Debbie also stated this will need to be addressed in County Policy. Commissioner Baldwin stated this will need to be addressed at orientation as well. There was further discussion on the COLA and Steps built into wages of newly hired employees. Julie explained the steps are examined every 2 years and set, with Commissioner approval. Julie further stated COLA and steps are two different things.

Angel feels even though this is the way it has always been done, does not mean it is the correct practice and would like it to be reviewed. Debbie feels we need an answer from the Commission within a week due to the length of time it takes to make the adjustments and would like Angel's to be resolved through this current pay period. Other employees will have to be reviewed and resolved later.

Commissioner Baldwin did not feel this was something that could be resolved today. This will be placed on next week's agenda. When a decision is reached Debbie and Julie will be notified.

**9:43 AM Debbie, Angel, Julie and Carla left the meeting.**

**10:00 AM Darcy Wassmann, County Attorney, Julie Straub, HRM joined the meeting.**

**Discuss Employee Time off for Workman's Compensation Appointments**- Julie was asked by an employee, when injured at work, why should they have to use their Vacation or Sick Leave for that time off. Julie explained normally the employee would take Sick Leave and also this would be a policy change. Julie would like to see this changed in policy so this would be paid time off. Julie explained there would be rules built into this policy so there is NO abuse. Julie listed some of her thoughts as to possible rules for the policy and encouraged Darcy and the Commission to add to or express their thoughts.

Darcy stated it is the perspective of the employee they have 5 days of work and their days of rest. They can schedule appointments on a work day, however, if they attend appointments during their time off, the employee will lose a rest day and therefore should be compensated.

Julie does not feel an employee should have to use Sick Leave or Vacation for appointments. Julie also mentioned that County Policy also allows for people to flex their hours.

The Commission granted permission to move forward with writing a Policy for this to be reviewed by the Commission for possible implementation at a later date.

**10:35 AM Darcy left the meeting.**

**10:35 AM Debbie Wyrick, Deputy Clerk and Recorder joined the meeting.**

**Colonial Life Insurance Discussion**-The group discussed this is mostly a duplication to what is already offered to the employees. The Commission made the decision at this time not to pursue a relationship with Colonial based on past service regarding customer service issues from representatives. The Commission prefers to continue, as is, with what Fallon County currently offers the employees.

**10:45 AM Julie and Debbie left the meeting.**

**11:00 AM Bobby and Missy Thielen, Members of the Public; Darcy Wassmann, County Attorney; Cindy Irgens, Recording Clerk joined the meeting.**

**Access off Pennel Creek and Westmore Roads:**

**Pennel Creek Road**-Cindy found the original road abandonment for Section(s) 20 & 21 - Township 8N-Range 59E, which was completed in 1933. There was also a newer road abandonment signed after the Public Hearings the Commissioners held in 2011. The Thielen's would like access to that portion of the Road. After further discussion, the Commission felt it would be best for Thielen's to contact the individual Landowners that adjoin the portion of road relating to this discussion. Thielen's could ask each Landowner for an easement. The Thielen's stated they will take care of that.

**Access off of Westmore Road**-The location in question is between Section(s) 2 & 11- Township 8N - Range 56E. Thielen's would like maintenance (an easement), from the County, on this road into their property. This area starts at Bickle's, then goes by BLM property and on in to the Thielen property. Bobby stated all they

are asking is the road be bladed once per year. No snow removal or anything else is needed. Cindy stated she found Bill Bickle gave easement to the County from Westmore Road into his place. Cindy also has an easement from the Bickle's to the Schell's that is not notarized or recorded. Cindy needs more time to complete further research. After further research is completed it can be further discussed at a later date.

**11:20 AM Bobby, Missy, Darcy and Cindy left the meeting.**

**11:20 AM Commissioner Rost made the motion to take a noon recess. Commissioner Baldwin seconded the motion. Commissioner Ranum asked for any other discussion; being none. 3 Ayes. 0 Nays. The motion carried unanimously.**

## **NOON RECESS**

### **RECONVENE**

**PRESENT: Deb Ranum, Chairman; Roy Rost, Steve Baldwin, Members; Brenda Wood, Clerk and Recorder**

**FALLON COUNTY COURTHOUSE**

### **1:15 PM-1:30 PM PUBLIC COMMENT – AGENDA/NON-AGENDA ITEMS**

**County Vehicle**-Joe Janz, Outside Building Maintenance Supervisor

Joe asked if he would be able to take the County Vehicle, designated for his Department, home. The Commission asked to have this placed on next week's agenda.

**1:30 PM Julie Straub, HRM, and the Commission attended a Safety Review.**

**2:30 PM Julie and the Commission returned to discuss the Safety Review.**

**3:00 PM Julie left the meeting.**

**3:30 PM Commissioner Baldwin was excused.**

**3:45 PM Mary Grube, Administrative Assistant to Planner; Forrest Sanderson, KLJ Contract Planner joined the meeting.**

**Planner Updates/Waterfall/Aeration Project**-Forrest explained the diffuser, which will work in conjunction with the waterfall/aeration project, has triggered various permits that will have to be processed.

**TransCanada**-Forrest explained the Permit Specialist from TransCanada phoned the Commission and had given inaccurate information. After gathering further information Forrest stated there will be no changes made to the original plan. TransCanada has announced the construction project has been pushed back to 2020.

**Gun Range**-Commissioner Ranum asked if the Planning Department needed to be notified about permission to have water extended from the City of Baker to the Gun Range. Forrest explained that would be up to the City of Baker to make that decision.

**2019 Subdivision Regulations updates**-The Planning Board had no quorum, so they could not complete any of the necessary changes. There are three (3) changes that need to be made:

1) Legislative changes due to the Agriculture Exemptions

2) The Evasion Rebuttal is being removed as a change by legal counsel.

3) Road Length-This issue was discussed and promises made during review of one of the newer Subdivisions. They will look at extending the minimum or maximum road lengths.

**4:10 PM Marjorie Losing, FMC-CFO; David Espeland, FMC-CEO joined the meeting.**

**WBI Pipeline Replacement**-Forrest explained this will affect the Floodplain. WBI will need permits at two locations, due to crossings on the Sandstone Creek.

**4:12 PM Mary and Forrest left the meeting.**

**4:13PM FMC UPDATES/Margie Losing, FMC-CFO; David Espeland, FMC-CEO**

**Parkview 1 Apartment Complex Renovations**-David explained currently there are 4 vacant Apartments. The Architect explained mid December is the best time to bid and have the bids due in January to receive the best prices. Commissioner Ranum reviewed the project remodel work as proposed. Commissioner Ranum feels priority items should be completed and feels strongly about quality products being used. Commissioner Rost feels we could do some portions of the renovation a

little bit at a time. David discussed the reason for wanting to complete all of the work at one time is because you will get better pricing because the contractors are already here.

David felt it would be a good time to complete the four (4) apartments that are currently empty now. They could move 4 residents to newly renovated Apartments after they are completed. This would allow the resident's apartments to be completed. They could continue this process until the Apartments are all completed.

Commissioner Ranum stresses the need for the Commission to preapprove the quality of the products used. Commissioner Rost stated the specs should cover the quality. Commissioner Rost asked if there were any water issues in Parkview 1. David stated they do have a few areas that did not get addressed with previous repairs. The Commission explained they did not budget the full amount as presented for the renovation. David stated they could look at cutting some items for now.

David will meet with the Architect and present the questions and concerns from the Commission, as well as the budget constraints and see what they can do. David will then schedule a meeting with the Commission and the Architect to review any changes and prepare to go to bid.

**Parking**-David stated the signage for the south parking lot will be completed soon. There will be four (4) parking spaces signed for Parkview Residents.

**Fiscal Year End Report**-Marjorie reviewed the FY19 Year End Report with the Commission. Marjorie encouraged the Commission to contact her with any questions or concerns regarding the report.

**HPSA (Health Professional Shortage Areas)**-David explained this was discussed with Washington, DC during lunch today. These are designated areas that indicate there is a shortage of Healthcare providers in primary care. David stated, the way they have it set up now, the only places that benefit from HPSA are Indian Reservations.

**5:18 PM Marjorie and David left the meeting.**

**5:20 PM Commissioner Rost made the motion to adjourn the meeting. Commissioner Ranum seconded the motion. Commissioner Ranum asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent, (Commissioner Baldwin). The motion carried.**

#### **MEETING ADJOURNED**

ADJOURN  
s/Deb Ranum, Chairman

MINUTE TAKER:  
s/Kelsey DuCharme, Recording Secretary/ Clerk  
October 7, 2019

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