

**9:30 AM CONVENE**

**PRESENT: Roy Rost, Chairman; Steve Baldwin, Kevin Braun, Members; Brenda Wood, Clerk and Recorder  
FALLON COUNTY COURTHOUSE**

The Pledge of Allegiance was held in the Commissioner's Office to start off the week.

**9 :30 AM PUBLIC COMMENT –AGENDA/NON-AGENDA ITEMS**

No one appeared for public comment.

**9:45 AM COMMISSIONER MINUTES APPROVAL FOR November 29-December 3, 2021**

Commissioner Baldwin made the motion to approve the minutes from November 29-December 3, 2021, with corrections. Commissioner Braun seconded the motion. Commissioner Rost asked for any other discussion; being none. 3 Ayes. 0 Nays. The motion carried unanimously.

**10:00 AM ROAD REPORT/PROJECT UPDATES/Bobby Wiedmer, Road Superintendent and Carl Overland, Mechanic**

**Road updates**-RDO is installing a wing on the last new blade; it should be delivered soon. The crew is hauling gravel on the Anticline Road. The Commission scheduled a meeting with the MT Department of Transportation and the Contractor for the culvert replacement on East Highway 12. The meeting will be held this afternoon and would like Bobby to attend. Bobby will return for the meeting to discuss the County roads used for the detour route.

**Shop updates**-Carl stated the turbo for the Ambulance should be here this week. Yetti stated they would honor the warranty for the turbo that was returned. The programming will be sent also; Carl is not sure if there will be a cost associated with that. Truck 160 has a fuel tank that needs to be repaired. Since the existing tank needs repaired, and is only a 65-gallon tank, they would like to get a larger fuel tank for capacity reasons. Bobby explained there are times they do not have enough fuel to complete a job. Permission granted to replace the 65-gallon tank with a larger tank.

**10:05 AM Bobby and Carl left the meeting.**

**10:30 AM Shannon Hewson, Brosz Engineering and Rich Menger, Sanitarian joined**

**PROJECT UPDATES**-Ismay Bridge plans were reviewed; there are a few changes that need to be made. Rich discussed anything over one acre would need a SWPPP inspection. Shannon explained the Contractor will pull the SWPPP permit. Shannon will notify Rich if a project is more than one acre. Contracts are written so the contractor has to keep SWPPP open until stabilization of the area. Discussed the cost saving comparison for cast-in-place verses a cured-in-place box culvert. Shannon explained the cast-in-place box culvert is a savings to the County. Shannon is waiting on the extension of the DEQ 318 permit for both the Ismay Road North and Bonnievale Road Bridges. Should be able to bid both bridges the first of January; hopefully, they will have the contracts back by February, so the permits do not expire.

**2021 Projects**-Contractor has not responded. Shannon plans to add the remaining parking lot to the contract that contains the waterfall project.

**Parking Lots**-Commissioner Rost stated the Courthouse parking lots need resurfacing. Discussed possibly repairing all of the parking lots at the same time. May need to wait to complete the south parking lot of the courthouse until the Museum project is complete (if and when that happens).

**Airport**-Discussed getting a baseline elevation for the Airport if we do not already have it.

**10:55 AM Rod Morris, Public Works Director; Mary Grube, Planner Administrative Assistant and Steve Zachmann, Mayor-City of Baker joined.**

**11:00 AM REVIEW OWNERS PLAN FOR UPPER DAM/5 YEAR INSPECTION**

**The meeting today is to review the plan and try to meet the engineer's reported expectations:**

**Removal of cottonwood trees from face of dam;** this has been completed. The City of Baker and the Weed Department sprayed them as well. From this point forward the Weed Department will monitor and spray the tree seedlings and weeds. Mary stated the Weed Supervisor reported there was also an issue with some noxious weeds on the face of the dam. The Weed Supervisor reported she would monitor the face of the dam

and area surrounding. The group reviewed the inspection photos attached to the inspection report. Rich stated it is best to spray the trees when the leaf cover is substantial.

**Letters to Airport Authority and WBI:** Mary wrote letters to both the Airport Authority and WBI.

**Slope stability analysis-**Shannon stated he notated in his report the slope stability analysis should not be required unless the operation of the Dam is changed. Under the current operation the Dam is empty from September 30 through April 1 annually, this operation creates minimum head pressure along the dam which typically has minor seepage due to the short detention time. Sam Johnson reported the slope stability analysis shall be a discussion topic and may be required after the next 5-year inspection in 2026 but it has not been required as of this time.

**Concrete-**May need to be resurfaced if cracks start to show or spalling occurs.

**Additional culvert-**Rich discussed his thoughts of an additional culvert between the lakes. Shannon explained the concerns in doing so and the importance of protecting the wetlands. Any changes would have to go through the NRCS.

**Gates-**Discussed holding water in the upper dam and the release dates; also contacting NRCS to see if dates to open the gates can be changed, due to existing conditions. Shannon state documentation and communication are key items. Mary needs all information for her files as well.

**Channel through town-**Discussed mowing and the way the cattails are mowed in the channel. Mary stated Forrest Sanderson, Contract Planner feels we should have a plan for that and the drainage area at McClain Park. Mary stated if a 5-year plan was developed it would be a matter of following the maintenance plan; there would not be a need to get permission each time maintenance is necessary.

**11:20 PM Mary, Shannon, Steve Z and Rod Morris left the meeting.**

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

## **NOON RECESS**

**1:15 PM RECONVENE**

**PRESENT: Roy Rost, Chairman; Steve Baldwin, Kevin Braun, Members; Brenda Wood, Clerk and Recorder  
FALLON COUNTY COURTHOUSE**

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

No one appeared for Public Comment.

**1:25 PM Mel Mader, MT Department of Transportation; Tate Kick and BJ Martin, Martin Construction joined.**

**1:27 PM Bobby Wiedmer, Road Superintendent joined.**

**1:30 PM HIGHWAY 12 DETOUR ROAD REPAIRS**

**Detour Roads:** The Commission wants to know what the plan is to get the detour roads, (Shell Oil and Windy View), back to the condition they were, “as stated in the agreement.” It was noted, the Detour Agreement is between Fallon County and MT Department of Transportation. Mel read from the agreement, “the condition of the road is in equal or better condition than it was at the beginning of utilization as the detour.”

Commissioner Rost stated the County had just bladed the road and hauled gravel to fill potholes. Bobby noted the shoulders have been knocked down, a lot of gravel is now in the ditch; the roads have been further flattened and widened. The Commission and Bobby felt the County Road crew would complete the work if the state would pay for the loss of road material.

Commissioner Braun discussed his concern with the condition of the roads when the mag chloride leaves the road. BJ stated he spoke to a County Commissioner from another County; they use mag chloride on their county roads. The Commissioner felt the use of mag chloride will make this a better road than the County’s other roads. Roads with mag chloride cannot be bladed when the road is dry, only when wet. BJ feels the County should have no issues with the road, it should go back to gravel, just as it was before use of mag chloride. Commissioner Braun is concerned the road may fall apart if the county does not continue to use mag chloride; he also feels the road is a lot wider and flatter.

Bobby stated before the project started the tops of the hills were 24’ to 28’ wide; he also discussed how they will repair the roads next spring. The road crew will blend what is in the shoulders with what is remaining on the road and will cover with 2” of gravel. Discussed there is 7 miles of road surface which is approximately 7,000

yards of gravel at \$8.50 per yard, or \$59,500. Bobby stated, as discussed earlier the County has bladed the road and hauled 180 yards of gravel to date.

Mel stated this will have to go through Shane Mintz, MT DOT-District Administrator as he is unable to make any decisions.

Bobby feels the shoulders need to be pulled; get roads back to where they were before the State culvert project and haul gravel on top. The Commission stated they felt it was up to the Contractor to maintain the roads during the project; it is up to MT DOT to get the roads back to what they were, or better, before the project.

Mel will contact the state and get back to the Commission; all will stay in contact.

**1:55PM Bobby, Mel, Tate and BJ left the meeting.**

**1:56PM Sara Berger, Weed Control Coordinator joined.**

## **2:00 PM WEED DEPARTMENT UPDATES**

Sara reviewed her check list of items she completed and things she wants to complete this winter. Completed the special weed grant in October; Ollie Grant will be sent off very soon; discussed the Lawn & Turf and Aquatic licensure; held an applicator license day December 1<sup>st</sup> in Ekalaka; Spray Day for Baker and Ekalaka will be held February 15-16, 2022; the billing was completed last month; attended a Southeast Area Meeting last month.

Prairie Fuels is not going to charge for the propane tank, (for the shop), as long as we purchase propane from them; the only charge was delivery and set-up of the tank. The Commission thank Sara for her assistance maintaining the weeds on the face of the upper dam. Sara was glad to do it and has the proper licensure and chemical to treat areas located near water.

**2:03 PM Matt Borchgrevink, Nathan Stone, David Anderson and Josh Miller, Denbury joined.**

Sara will be attending the Annual MWCA conference in Billings, January 31-February 3, 2022. If any of the Commissioner's wish to attend, please let Sara know and she will make the arrangements. Sara and the Weed Board will be conducting an early job interview for an applicant that will be leaving for basic training but won't be back until May. Discussed all the hay that is being delivered from out of area and weed issues this brings as well. Sara stated, there have already been issues; they have been discussing this for quite some time at the meetings she has been attending.

**2:08 PM Sara left the meeting.**

**2:15 PM PERMISSION TO RESTRUCTURE/PERMISSION TO HIRE/Julie Straub, HRM; Kim Bryan, Public Health Nurse**

**Resignation/Permission to Restructure/Due to the resignation of the Public Health Administrative Assistant, Kim would like to restructure her department by moving Connie Moore, Home Health Aide into that position. Connie has been performing some of the Administrative Assistant duties; Kim would like to start her at Step 3 on the salary schedule due to her previous experience. Discussion on Salary Schedule steps for Connie.**

**Permission to Hire/Julie stated they would then like to choose from the pool of previous applicants to fill the Administrative Assistant position. Since this is within the legal timeframe, they would not have to complete another recruitment. They would like to hire Penny Askin as Home Health Aide; Penny will be available the beginning of January and would start at Step 1, according to the Salary Schedule.**

The group discussed cross training employees and Therese Thompson would help, if needed.

### **DECISIONS:**

**Commissioner Baldwin made the motion to hire Penny Askin at \$14.17, which is Step 1 on the Salary Schedule. Commissioner Braun seconded the motion. Commissioner Rost asked for any other discussion; being none. 3 Ayes. 0 Nays. Motion Carried Unanimously.**

**Commissioner Braun made the motion to move Connie Moore into the Administrative Assistant position at \$14.85, which is Step 1 on the Salary Schedule. Connie will start a new Probationary Period; after 6-month probation period wage will be reviewed. Commissioner Baldwin seconded the motion. Commissioner Rost asked for any other discussion; being none. 3 Ayes. 0 Nays. Motion Carried Unanimously.**

**2:24 PM Julie and Kim left the meeting.**

**2:30 PM CCA PIPELINE PROJECT UPDATES/Matt Borchgrevink, Nathan Stone, David Anderson and Josh Miller Denbury**

CO2 Project is mechanically complete; they will start flowing through the pipe next year; not positive on a date.

Greg Benjamin, Stahley Engineering will get the post construction report completed and sent to Denbury. The clean-up is almost finished. David asked if the Commission had received any feedback on their project. The Commission has not heard anything either way. David stated they currently have other projects they are working on as well. The AAA (Airport Affected Area) permit was discussed. CO2 facilities were discussed; David reported most of the facilities are prebuilt. Denbury will return to meet with the Commission after the Stahley study is complete. Commissioner Rost asked about the possibility of a tour of the field in the fall of 2023 for the Oil, Gas and Coal Coalition. David felt they would probably be able to make that work.

**2:35 PM Nathan, Matt, Josh and David left the meeting.**

**3:25 PM Rich Batterman, Attorney joined**

**3:26 PM Julie Straub, HRM joined**

**3:30 PM Jeraldine Newell, Clerk of District Court; Deanna Herbst, General Office Clerk, Keli Bertsch, Deputy Clerk of District Court joined.**

**3:30 PM REQUEST INCREASE IN WAGES**

Julie asked the Commission if they feel the County Attorney should be contacted since the employee is represented by Counsel. Clerk and Recorder phoned and found the County Attorney was out of the office.

Jerrie stated the wages all came to light with the posting of the Justice Court Clerk position. Deanna saw the pay and brought it to Jerrie's attention; Deanna does not make anywhere near that amount of money. Deanna was hired as a part-time General Office Clerk. Apparently, \$18.50 is the starting wage for the Justice Court Clerk position and Deanna does not make that much. Jerrie felt in Deanna's case, she needs to be updated to a Deputy.

The group discussed the Justice Court Clerk job description was similar to Deanna's job description. Commissioner Braun felt this should be discussed just before budget time, but we need to adjust the job description.

Deanna stated the job description is correct, the pay is incorrect. Commissioner Baldwin agrees we need to bring Deanna's wage up to where it needs to be if it is incorrect. Rich discussed what Deanna has not received since she was hired in 2016 (as an injury). Rich stated when Deanna was hired her wage was \$14.85. Rich provided information in his letter as well as attachments regarding what Deanna should have been paid, and what she should be paid going forward. Rich stated Deanna did not receive a COLA for four (4) years; it was just recently Deanna received an adjustment which totaled that of the COLA Deanna did not receive those 4 years. Rich further stated there is a shelf life on this offer.

**3:40 PM Darcy Wassmann, County Attorney joined.**

Darcy was brought up to date regarding what information was provided as of this time.

Rich further stated Deanna waived PERS due to what she was making. Discussion on Clerk job description/position and Deputy job description/position. Per the conversations there was much confusion as to what position Deanna felt she should be paid as, Deputy or Clerk.

Keli asked for clarification as initially she felt they were talking about the difference between Deanna's current classification verses a Clerk and now we are also discussing the Deputy classification. Keli explained the elected offices have an Elected Official, the Deputy and Clerk positions.

Discussion as to whether Deanna does the same work as Keli (Deputy), Clerk Duties or General Office Clerk duties.

**3:45 PM Debbie Wyrick, Deputy Clerk and Recorder joined**

Julie stated in 2015 there were no starting or entry level wages on the salary schedule. We introduced entry level wages in 2016 and that is when they were placed on the salary schedule. Julie further stated when Deanna was hired, Jerrie was specific in stating this was not the same as a Clerk, it was a General Office Clerk. Julie asked, what is the predominant work performed by Deanna, and what does she spend most of her time doing. Deanna stated Julie wrote the job description, she should have known it was almost identical to the Justice Court Clerk job description. Julie explained she wrote the job description based upon a meeting with Jerrie.

The Commission feels everyone needs time to digest all of this information. More research will be completed.

**3:53 PM Everyone left the meeting with the exception of Debbie.**

**3:55 PM Debbie left the meeting and will return after the next meeting.**

**3:55 PM Barry Damschen, Damschen Consulting; Mary Jo Hendrickson, Landfill Contractor and Jeff Frank, Manager of Landfill Operations joined.**

**Letter**-The Bank of Baker has the paperwork explaining what is needed to move the Coral Creek Trust Funds from the Wells Fargo Bank to the Bank of Baker.

**Amending area at Landfill**-Discussed an area at the landfill to place the wind tower blades. Barry wrote a letter to DEQ on August 9<sup>th</sup> to find out what will be required of the County to construct an area to dispose of wind tower blades. The group discussed the 30-acre area Barry has designated for the blades. Barry researched and found the blades weigh 12 ton and will use 45 cubic yards. If the County were to dig a 30' trench, the County should be able to place 57,000 blades in that area.

There is no other disposal area in the State of Montana at this time. Discussed how the blades would be unloaded. Since this is a Class 2 waste, they will need to apply for an exemption, so the blades do not have to be covered daily. Waiting on the DEQ to respond to the plan submitted by Barry.

To complete the work necessary, the contract fees could range from \$50,000 to \$100,000, currently Barry is tracking his time; the license application fee would range from \$5,000 to \$10,000.

**Inspection**-Barry and Mary will go out and inspect and review everything while they are here.

**4:17 PM Barry and Mary left the meeting.**

**Equipment**-Jeff would like permission to have someone from the Road Department assist him with the landfill scraper; it has been down for three (3) weeks. Permission granted to contact the Road Department

**4:20 PM Jeff left the meeting.**

#### **4:20 PM COMMISSION WORK SESSION**

The Commission reviewed, revenues received, reports, emails and other correspondence, board minutes and agendas. Commissioner Rost signed the Outlay report and request for reimbursement for the Airport Construction project.

**4:24 PM Debbie Wyrick, Deputy Clerk and Recorder joined.**

#### **PROPERTY/CASUALTY INSURANCE REVIEW**

**Meeting**-Debbie has scheduled Jade Boggs, Insurance Agent to meet with the Commission. The group will present a list of questions and further review the property and casualty insurance; the hope is to develop a plan that will protect our assets and save taxpayer dollars. Debbie is still waiting on answers from the Auditors regarding legalities pertaining to the budget. Will need to set some parameters as guidelines, such as increased deductibles, what value to set for equipment, buildings, vehicles for full coverage reasons, etc.

**4:45 PM Darcy Wassmann, County Attorney joined.**

Darcy stated there is a response deadline for a meeting held earlier today. Darcy will prepare a response.

**4:45 PM Debbie and Darcy left the meeting.**

**5:00 PM Commissioner Braun made the motion to adjourn. Commissioner Baldwin seconded the motion. Commissioner Rost asked for any other discussion; being none. 3 Ayes. 0 Nays. The motion carried unanimously.**

**ADJOURN**

s/Roy Rost, Chairman

ATTEST:

s/Brenda J. Wood, Clerk and Recorder