

Monday, October 5, 2009

Donald Rieger, Vice-Chairman; William L. Randash, Member and Brenda Wood, Clerk and Recorder met for a regular October session. Deb Ranum, Chairperson excused until further notice.

Dave Hall, Acting Road Foreman met in place of Bob Wiedmer, Road Foreman to present the weekly road report. The mowers are still at work. A portion of the Road Crew is working on pulling the shoulders on the North Plevna Road from the Pennel Creek Bridge to Four Corners. Dave stated he and another crew member are crushing scoria at the Allerdings Pit. Some of the Road Crew is picking up the pipe from the Bridge on the Anticline Road. They will be hauling gravel on the Anticline Road with all available crew members.

Dave stated Jon Brosz, Brosz Engineering would like to know what to do with the muck they dug out of the creek on Bridge Road. Dave stated Jon had reported that Wyrick has a place for it but Fallon County does not have a place for it other than the landfill.

Jon Brosz was placed on conference call regarding the Bridge Road Bridge muck. Jon explained there is a lot of muck left which is extra from the Wyrick bid. Jon explained the reason it was not in the bid is because they did not allow for that large a quantity of muck. Jon stated he felt it should be charged by cubic yard, rather than per mile. Jon will get the cost from Wyrick and get back to the Commissioner's.

Dave explained they are running behind schedule on the Park/Road building project.

Tim Barkley, Sheriff met to discuss increasing the daily housing costs for the Fallon County jail. The decision was made to raise the daily cost to house prisoners from \$50.00 to \$70.00 per day. Commissioner Randash made the motion to pass Resolution 10-5-2009 increasing the daily incarceration rates as stated above. Commissioner Rieger seconded the motion. Commissioner Rieger called for those in favor to signify by saying Aye. 2 Ayes. 1 Absent. Commissioner Rieger called for those opposed to signify by saying Nay. 0 Nays. 1 Absent. The motion passed and resolution 10-5-2009 is filed in the Clerk and Recorder's office.

The discussion continued on housing of prisoners, and related costs. The group discussed Law Enforcement areas receiving repairs. Tim was not sure that all work was complete with the heating and cooling duct work, but there are no workers over there at this time. Tim was very pleased with the work that was being provided by MTL.

Noon Recess

The Commission reconvened at 1:00 PM with Commissioner's Rieger and Randash present.

The Commission made the decision it was necessary to pass a County Resolution clarifying weapons on County property. Commissioner Randash made the motion to pass a resolution prohibiting weapons on County Property (with exceptions). Commissioner Rieger seconded the motion. Commissioner Rieger called for those in favor of the motion to signify by saying Aye. 2 Ayes. 1 Absent. Commissioner Rieger called for those opposed to signify by saying Nay. 0 Nays. 1 Absent. The motion carried and Resolution 10-5-2009(1) is filed in the Clerk and Recorder's office.

The Commissioner's reviewed and approved the September, 2009 Timesheets and Payroll and Withholdings in the amount of \$317,226.20 and they are filed in the Clerk and Recorder's office.

Mike Kirschten met to update the Commission on the Gun Range.

Jason Rittal, Executive Director for Eastern Plains Economic Development Corporation met for updates on various projects. Jason stated an ad will need to be placed in the paper for the NBWS (North Baker Water Sewer) District public comment period. Jason stated the engineers had a little bit of work to do regarding how the City of Baker will treat the extra sewage.

Jason is working on various grants; Prairie County for new pickups, etc. The Town of Ekalaka received a grant for a generator.

Jason explained the corporation has \$30,000 funding to loan to new area businesses.

Jason is hoping to have the NBWS bid awarded by the first of January, 2010.

Jason has been working with Mona Madler, SMART Director on some projects.

Jason stated he is working on the floodplain issue in Glendive. Commissioner Rieger wondered if Jason could assist the people from Miles City with their floodplain issues. Jason stated Miles City has had some success with their floodplain issues.

The group discussed housing issues for the people that will be coming in with the pipeline.

Jeff Gruizenga, Con'eer stated PVI work is coming along well and the work is looking good; the boilers are in and running. The lighting project is scheduled to start next week sometime.

Library updates-Jeff stated they plan to start working on the Library air handler the 12th-23rd. They will start on the Law Enforcement area also but will not be able to keep it down for more than a day. Jeff will try to stop on the 19th and check on the progress. Jeff stated the electrician will be in there next week to get his work completed.

Vera Abrams, Librarian was asked to meet with the Commission regarding the Library heating/cooling updates.

Jon Brosz, Brosz Engineering stated the cost to move the extra muck from the Bridge Road Bridge Project would be \$6.00 per cubic yard. Jon stated the yardage of muck to be hauled is approximately 800 yards.

Randy Hoenke, Baker Rural Fire Chief met to update the Commission on the new fire department building project. Randy stated the weather has held them up considerably. The mason caught a few errors; he stated they were off a few inches here and there on the building. Randy stated the masons should be done in three more days. The steel contractor is just getting started; Empire Building is the roofing contractor. They plan to pour concrete this week, Wednesday or Thursday, but Randy does not feel it will happen.

Commissioner Rieger asked about the Ambulance being located in the new fire hall. Randy stated he had not heard about it lately but also stated the sooner he knows about it, the better.

Tom Barth, Landfill Manager stated T & E came to fix the compactor. Tom would like to take the 627 scraper out to the Landfill, since he is by himself. Tom will need to check with the Road Department on scheduling.

Jason Rittal, Executive Director-Eastern Plains Economic Development Corporation and Chuck Lee, DES/911 Coordinator discussed the Disaster Grant funding. We had asked for \$114,000 in grant funding and we will receive \$91,400.00 as soon as all of the contracts, etc are finalized.

The Commission started to review and approved the September 30, 2009 claims.

Recess

Tuesday, October 6, 2009

The Commission reconvened at 1:00 PM with Commissioner's Rieger and Randash present.

Spencer Huether, Road Technician met to discuss the roads from the road abandonment hearing tonight. Spence will try to abandon portions of the roads. Commissioner Rieger feels any portion of the roads we can abandon is to our advantage.

Commissioner Randash made a motion to call for a Public Road Abandonment Hearing on November 2, 2009. Commissioner Rieger seconded the motion. Commissioner Rieger called for those in favor to signify by saying Aye. 2 Ayes. 1 Absent. Commissioner Rieger called for those opposed to signify by saying Nay. 0

Nays. 1 Absent. The motion carried. Resolution 10-6-2009 calling for a public road abandonment hearing is filed in the Clerk and Recorder's office.

Vera Abrams, Safety Supervisor met to present the Quarterly Safety Report. Commissioner Rieger wondered if we need to do more training for the seasonal workers. Vera explained the only training she goes over with the employees is the book work. The Department's do the balance to get their employee's trained. Discussed the training for November will be on slips and falls and winter preparedness.

Vera reported (1) near miss; (5) vehicle/property damage; (1) non-recordable; (1) recordable; (1) lost time accident and a contractor encountered a burned ballast in an outside light. Safety Team meeting attendance average was 64% and Safety meeting attendance was 63%. All alcohol/drug screenings were negative.

Discussed placing no smoking signs in the windows; the ones that were originally placed in the windows did not follow the law. Fallon County will have to pass a resolution stating how far away you must be from the courthouse regarding smoking. Commissioner Rieger stated the Commission asked to have the outposts placed in the garage and they will revisit this matter when Commissioner Ranum comes back.

Vera stated she is getting her employee schedules ready and would like to know what the decision will be regarding early closure for Christmas Eve. The Commission stated it will be 3:00 PM and the same rules apply as last year.

Commissioner Randash discussed being at the new container site and wondered if there could be some no smoking signs placed at the container site and on the building. It was discussed further and the request was put in to the Planner's office to have various signs made for the container site. Commissioner Randash stated he spoke to Brandi Griffith at G & G Garbage and she stated some of the items will be taken care of by G & G Garbage.

Mona Madler, SMART met regarding the Veteran's Memorial. Mona stated a group of people met at the City Park to mark out a location for the Memorial. Mona stated they are placing an article in the paper regarding getting names submitted to them, with a deadline so they can submit names for engraving. They also want people to make sure of the spelling of the names they have submitted so far. Mona stated Ken Griffith will complete the groundwork and the prep work for the placement of the granite Memorial; Mitchell's Oilfield is donating the cement and crane. Mona has 1200 names and she is still not finished. Drury Phebus joined the discussion. Mona stated anyone that donates \$1,000 can have a name engraved on one of the benches. They have \$45,000 in their account now; \$40,000 from Fallon County; the Caviar Grant of \$5,000 and will be hearing on the PPL grant of \$7,000. Mona stated before the Company will start they have to place ½ down and ½ when it is set. Drury stated they put this out to bid and Stevenson's was low bid and they also donated the benches. Mona stated they are planning to put an insert in the paper so the families may review the list. Commissioner Randash stated there will be ongoing expenses, sidewalks, names to add? Mona and Drury both agreed most definitely. The Commission expressed their concern there would be enough room to add names. Mona and Drury both stated they made sure there will be.

Dale Butori, Weed Supervisor met to discuss his fall Association training/meeting. Dale stated there were a few things he wanted to mention that he learned at his training. Dale reviewed the weed category list and changes being made to that list. Dale also discussed the State's recycling program for the chemical jugs.

Noon Recess

The Commission reconvened at 1:00 PM with Commissioners Rieger and Randash present.

The Commission completed reviewed and approving the September 30, 2009 claims in the amount of \$245,940.54 and they are filed in the Clerk and Recorder's office.

Rich Batterman, County Attorney and Nicole Brown, Justice of Peace met regarding the Commission's concerns of duplication of hours by Justice of Peace/City Judge.

Rich Batterman, County Attorney discussed the issues coming up regarding the Wildlife Federation. Rich stated we are arguing about the proper procedure to follow and the Wildlife Federation is going under NEPA.

Recess until the Road Hearing

**FALLON COUNTY PUBLIC ROAD ABANDONMENT HEARING
7:00 PM – FALLON COUNTY COURTROOM
DISTRICT 1**

PRESENT: Donald Rieger and William Randash, Commissioner's; Spence Huether, Road Technician; Brenda Wood, Clerk and Recorder; John M. Bertsch and Fred Hoff met for the public road abandonment hearing. Full minutes are on file in the Clerk and Recorder's office.

Recess

Wednesday, October 7, 2009

Reconvened at 10:00 AM with Commissioner Rieger present. Commissioner Randash attended an EPEDC (Eastern Plains Economic Development Corporation) meeting in Wibaux.

Dave Hall, Acting Road Foreman met to discuss a fuel tank, being towed behind a pickup and a blade, hit a soft shoulder and caused an accident. The fuel trailer broke away from the truck and the fuel pump broke free from the tank and spilled approximately five (5) gallons of fuel. Dave explained the proper authorities were notified. The soil will be removed and hauled to the landfill and Chuck Lee, DES Coordinator will file the proper reports.

Noon Recess

Commissioner Rieger attended the noon Health Board Meeting, at the Fallon Medical Complex.

The Commission reconvened at 1:00 PM with Commissioner Rieger and Commissioner Randash, who returned from his meeting in Wibaux.

Rich Batterman, County Attorney met to present the Commission with his letter of opinion regarding the Justice of Peace/City Judge.

Commissioner Randash made the motion not to abandon Petitioned Road #88 and Petitioned Road #137. Commissioner Randash further motioned after last night's hearing to abandon Petition #81-Road #131; Petitioned Road #126 and Petitioned Road #129 by Resolution. Commissioner Rieger seconded the motion. Commissioner Rieger called for those in favor of the motion to signify by saying Aye. 2 Ayes. 1 Absent. Commissioner Rieger called for those opposed to the motion to signify by saying Nay. 0 Nays. 1 Absent. The motion carried. Resolutions 10-7-2009, 10-7-2009(1) and 10-7-2009(2) are on file in the Clerk and Recorder's office.

The Commission approved and signed the change order for the Parkview I and Law Enforcement Center Project. Change order for Parkview I consists of removing damaged sheetrock on two walls in the Mechanical Room and replacing with new sheetrock to match existing-\$650.00 and provide and install two (2) low voltage thermostats, ½" valves and wiring for heaters in stairwell-\$2,930.00 for a total of \$3,580.00. Change order for Law Enforcement Center consists of providing and installing three (3) exhaust fans with duct work, roof jacks, storm collars and caps (replacements)-\$2,434.00 and deleting controls for exhaust fan EF-15 (credit)-\$360.00 for a total of \$2,074.00.

The Commission responded to the letter written by the Montana Department of Transportation, on September 23, 2009, regarding the Highway 7-Baker North speed zone study request. The Commission asked that the MT DOT proceed with the study

request, without the public meeting process, as it was felt the petitions received spoke for themselves.

BUDGET HEARING:

No one appeared for public comment regarding the budget. Some changes were made per allowable revenue and expenditures. The budget will not be adopted until the Commission meets with the City Council regarding the Justice of Peace matters.

Scott Rabbitt, Park Supervisor stopped by to discuss the Park budget with the Commission. The Commission explained, everything stayed on his budget but nothing can be purchased as of this time as they have not given the final approval.

Scott stated they had to quit working on the Park/Road building project for awhile. Commissioner Randash asked about the progress of the restroom at Ironhorse Park. Scott stated they are still waiting on the plumber, but they will also need electricity and per MDU, they probably will not get to that this year. The group discussed lighting for the walk path and the cost for the electricity. Scott was going to try to get more information on the best, most cost effective way to continue with this project.

Bob Nasset, RCD stopped by to visit with the Commission regarding the EPEDC.

The Commission signed the personal services contract between the Department of Military Affairs, DES and Fallon County for the County's Emergency Operations Plan revisions.

Recess

Thursday, October 8, 2009

The Commission reconvened at 10:00 AM with Commissioner's Rieger and Randash present.

David Espeland, CEO and Selena Nelson, CFO-Fallon Medical Complex met for the monthly reporting.

PVC(I)-John Billups has been hired to place the blue board along the building. They also plan to repair all doors and screen doors this fall. David stated they still have no cost estimates as of this time. The Commission stated they would like David to get some estimates together.

David explained Diamond J is going to pour the concrete slabs in the courtyard. Diamond J and McManus submitted bids to complete the parking for PV 1 and bring the sidewalk all the way down from PVII, to the front of PV1. This area was low and was causing drainage issues. The bids came in about the same for this work; Diamond J received the bid.

Commissioner Randash asked about the completion of the landscaping. David stated that will not be completed until spring, due to all the other work they will be having completed back there.

PVC(II)-Discussed the bad cement areas. David stated this work will be completed by Hardy Construction.

Expansion project-Things that need to be finished such as the above named and then they will complete the landscaping.

David will get Chad's (Stevenson Design) door estimates for the PVC(I) project.

Loading Dock on North Side of New Addition-David stated they need to make some decisions on how to finish it off and proceed with a freight lift. OSHA changed some laws and this was not in Hardy's contract. The Commissioner's will call Mike Stevenson, Stevenson Designs regarding this issue.

Parking lot-Issues with the parking lot breaking up was discussed.

Fischer is replacing the windows for PVC(I). Mike Stevenson specified Marvin windows and Fischer is using Pella; which Stevenson stated Marvin, or of the same quality, which it is felt Pella is also a good quality window.

The west wing of the Nursing Home is having problems receiving good cable TV. It will cost \$3,900 to repair the old cable. Permission granted. Commissioner Rieger stated to make sure and watch for wasteful spending. David stated they keep tight reins on the budget.

Purchase of the skidsteer-This will be included in the Hospital budget over and above the regular budget. Commissioner Rieger stated they also need to make sure they get all of the necessary attachments. Funding for this will be paid for largely from a Disaster Grant.

Size reduction of the Nursing Home-They are still waiting for the State to get back to them on their request to reduce the size of the Nursing Home.

PVC(I) Lighting-Gloria Boggs called David about the lighting in the storage area in PVC(I). This is in the contract from Star which has not yet been completed.

Debbie Wyrick, Deputy Clerk and Recorder joined the group to discuss the Health Insurance updates.

Noon Recess

The Commission reconvened at 1:00 PM with Commissioner's Rieger and Randash present.

Rich Batterman, County Attorney met to discuss some updates.

Bob Wiedmer, Road Foreman met to discuss the Pennel Creek box culvert. They will need to level the muck on one side of the culvert; this will probably be completed next summer.

Clayton Hornung, Mayor-City of Baker; Nicole Brown, Justice of Peace/City Judge and Angel Wyrwas, Fallon County Times representative met to discuss the office hours for the Justice of Peace/City Judge.

Commissioner Rieger stated the real crux of the issue is the portion of the letter of opinions that discuss the duplication of hours and the reimbursement from City or County for overlapping wages. The Commission wishes to have the office hours for the County separate from the City hours.

Clayton felt the City would be flexible on the hours and Nicole is paid for the job not the hours as City Judge.

Commissioner Rieger stated what the County is trying to do is get rid of compensation for the same hours worked and further stated the County can come to an arrangement with the City as far as the hours are concerned.

Clayton stated he wanted to know what was wrong with the Interlocal Agreement. Clayton stated the Commission stated they would keep the clerk and supplies the same and that was all spelled out in the Interlocal Agreement and he wanted to know why, after all of these months, nothing has been signed.

Nicole stated you are not solving the issues of jury trial or the issue of the City coming in during the County hours and the County coming in during the City hours. Nicole stated she did not feel they were doing the public any service.

Rich Batterman was phoned and later came to the Courthouse and joined the discussion. After a very lengthy discussion, Rich stated he would get together with Russell Culver, City Attorney regarding the Interlocal Agreement.

REPORTS:

The following reports were reviewed and approved.

September, 2009 Coral Creek Landfill report.

August, 2009 Library Board Minutes

June, 29, July 20, July 28, August 31, 2009 Fair Board Minutes.

September, 2009 Planning Department Plat Status Report.

MISCELLANEOUS REVENUES:

Encore Operating, LP-July and August, 2009 Oil and Gas Royalties-\$3,543.04.

Conoco Phillips Co-July and August, 2009 Oil and Gas Royalties-\$5,062.15.

Sands Oil Co.-August, 2009 Oil and Gas Royalties-\$214.39.

Baker Air Service-July-September Hangar Rental \$1,045.00.

Dept. Nat. Resource and Conservation-Refund for incorrect permit filed-\$125.00.

August, 2009-Treasurer Cash Report-All funds were in good standing.

Adjourned
s/Donald Rieger, Vice-Chairman

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