

Monday, May 24, 2010

Donald Rieger, Chairman; Deb Ranum and William L. Randash, Members and Brenda J. Wood, Clerk and Recorder met for a regular May, 2010 session.

Bobby Wiedmer, Road Foreman met to present his weekly road report.

Cold mix-Bobby reported the cold mix from Glendive should be ready this week.

Shell Oil Road-The cost to resurface the Shell Oil Road, by the Encore Office will be \$151,400. Material was purchased from Century Paving.

Road Policy-The Commission discussed putting a policy in place for individuals that have given easement and have a gate closing off the area going into their property such as the issues with Sandy Zupanik and Charlie Ferrel's properties. The group also discussed dropping the easements on these properties as long as they have the gates closed. Charlie Ferrel has a gate across his road but Charlie told Steve Gonsioroski that the agreement with the County was, when the scoria pit was closed, the auto gate going into the scoria pit would be pulled and placed in his road. Bobby will discuss this with Steve Gonsioroski and take care of the auto gate if in fact it is supposed to be moved.

Bobby stated a decision needs to be made on these items.

Commissioner Randash stated he would visit with Sandy Zupanik about her gate/auto gate or pulling the easement.

Cabin Creek Bridge-Bobby stated he has received no word from Jon Brosz, Brosz Engineering.

Pat Ehret, Don Buerkle, Dee Dee Geving, Courtney Dietz, Fair Board and Barb Lechler, Fair Secretary met to discuss the proposed plans for the grandstands and other business needed.

Wright Construction Claim-Pat stated she did not want to approve the claim to Wright Construction until the Commission had a chance to view the claim. Pat stated there were add-ons, in addition to the original bid for the kitchen and she did not want to approve it until the Commission had viewed it, in case they had questions about it.

Wanda Pinnow, Fair Board joined the discussion.

Anisole Hood-Barb stated the Fair Board had wondered if they could use the hood from the Hospital because they need a type 2-hood-not a type 1 hood.

Grandstands-Pat asked if the Fair Board will have input on this project. Commissioner Rieger stated yes but you (Fair Board) will not be in charge of this project. Commissioner Rieger stated the Grandstands chosen are patterned a lot after the Grandstands in Lewistown. The first row of seats starts 8' from the front. The grandstands will come within 14' of the existing arena. The group discussed the elevator stopping at all levels, etc. There are 3 tiers of proposed seating, 1450 seating capacity and 16 handicapped seats are available. There will be an enclosed box for lighting. Dee Dee asked if there would be any VIP seating in the front of the grandstands. Commissioner Rieger stated no. Dee Dee stated so there will be no grass in the front of the Grandstands either. Commissioner Rieger stated there will not be much room in the front of the grandstands. Dee Dee questioned the cost of the grandstands. Commissioner Rieger stated the project cost is expected to be close to \$3.5 million dollars. There was a question as to whether the beer booth and restrooms would be under the grandstands. Commissioner Rieger stated there will be concession stands, storage, two restrooms, seating for people to get in out of the weather and a furnace room under the stands. Commissioner Randash explained there will be no cooking under the grandstands due to the need for anisole hoods. Courtney discussed the stage and stated the crowd may have a problem being able to see when they are sitting on the bottom row.

Ticket booth-Commissioner Randash stated there will also be a ticket booth under the grandstands. Pat stated having a grand stand that is family friendly is what the Fair Board had discussed. Dee Dee stated she does not feel this design is family friendly.

Bleacher seating- Dee Dee stated she feels we will detract from the family age groups because of the seating chosen. Code-The group discussed the fact that this will have to be to code so we may have to sacrifice some things due to this issue.

Beer booth-The group discussed how the beer booth would be incorporated with the grandstands.

Restrooms-Wanda wanted to know if the restrooms would be useable to all the public or just those purchasing tickets. The group further discussed how the tickets could be collected as normal so those

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using the restrooms, seating, etc would be able to utilize all of those features. Don B. stated he feels he is a little more informed now as to what the plans for the grandstands might be.

Structure-This will be a cement and metal structure, built to last for many years. Wanda stated she was concerned about the amount of room between the rows. Commissioner Rieger stated they will have to comply with whatever the code is.

Seating-Wanda stated she would like the Commission to please ask about knee space regarding the seating. Commissioner Rieger stated he felt when the design comes back the Commission will schedule some public meetings.

List questions-Commissioner Randash suggested the Fair Board please make a list of questions to present to the Commission and they will be sure to address them. Don B. stated he has suggested that to the public as they (Fair Board) are being hammered.

Demolition- The Board stated Barb needs to be notified when the grandstands will be taken down due to various scheduled events. The Commission stated they felt it would be toward the end of August.

Soil samples-Commissioner's asked if anyone has come to take soil samples of the area near the grandstands. Barb stated she has not seen anyone as of this time.

Drainage-Don B wonders if the barn drainage could be changed. All of the buildings end up with water as does the center of the Fairgrounds. Also discussed the area where the sewer line was dug is sometimes a cesspool as they did not put the culvert back in. Courtney suggested possibly there could be some landscaping completed when the new grandstands are placed. Don B stated they will need to address all water issues from outlying areas as well.

Buses-The group discussed using buses during the Fair due to the parking issues that may come about due to the changes the updated Highway may pose, especially for the elderly and handicapped. Commissioners feel there could definitely be a means for transportation around the grounds.

Free stage-The group discussed the old TLC booth area that will now be used for the free stage may need a new roof; Pat stated the existing roof leaks. Commissioner Rieger discussed using a coating over the roof to make it more useable.

Big Barn-The group discussed the need to paint the big barn again.

Food vendors-Commissioner Rieger stated he does not want the food booth groups to leave uninformed and come back and say they were not asked to join in under the grandstands. Wanda stated they do ask that the food booths be used by non-profit groups.

Stage-Commissioner Randash asked how user friendly the stage is. Wanda they have the bands load their speakers, etc and then they pull the loaded stage in; it works pretty good. Don B. stated the Fair Board has discussed placing a cover over the stage but right now it is a work in progress. The Fair Board stated there are some groups that request a backdrop and a roof but as Don B said it is a work in progress. There will be no small stage down below.

Noon Recess

Reconvened at 1:00 PM with all Commissioners' present.

CLOSED PERSONNEL:

Tom Barth-Landfill Manager met to discuss various items at the Landfill and was asked by the Commission to discuss personnel issues.

Tree chipper-Tom first stated the tree grinder should supposedly arrive this week.

Oil tank-Tom explained he is not sure the oil tank that has been leaking can be fixed. It is an upright tank used to store spent oil. The group discussed ways to keep the oil tank from blowing away. Tom stated if the oil was down more than a shovel width it would be a concern. The oil is not more than a few inches down on the shovel though. Tom stated he has another tank, on wheels, that he can start using now.

New employee-Commissioner Rieger asked if Tom felt his new worker was working out well. Tom stated he did feel he was working out quite well.

Personnel Issue-The Commission handed Tom a letter to review. Commissioner Rieger stated the Commission wants to be informed of all large expenditures that take place at the landfill. Tom stated

he got behind and Jason Wyrick was available to help him; Tom received permission from Kit Anderson, Planner to have the work completed. Tom stated he would receive authorization before seeking services to be completed at the landfill over \$1,000.00. The Commission also asked for Tom's input regarding the implementation of financial protocols regarding cash transactions at the landfill. Specifically, the Commission felt they anticipated forbidding the creation of cash accounts at the landfill without the Landfill Administrator's (Jessica Dinardi) prior approval. The Commission also anticipates requiring a monthly reconciliation of the cash box at the landfill. Until those policies are formally adopted, Tom was notified that he will NOT establish ANY cash accounts or fail to present the cash box for reconciliation as directed by the Landfill Administrator. Tom was notified in this letter that violation of these directives may result in the imposition of disciplinary measures.

Tree chipper-Tom stated he will do the chipping in the designated chipping area. They will haul the chips in the dump truck out to the landfill for use at the landfill or to be used by other County entities.

New building-Tom asked if he would need to re-budget for the new building and MDU also. More discussion will need to be completed on this issue.

Grazing area-Commissioner Rieger asked if it would be possible to again use the area, (on County property-near the wind towers), that used to be used for grazing. Tom stated yes it would just need to have a gate installed. There are two dams located on the fenced 20 acres of that 640 acres. Commissioner Rieger stated the County may have to move Ron Haar to that location, if the pipeline would pick the other County property Haar's now use for grazing. The pipeline company would use this location as a campsite.

Cash Box-The group discussed cash that seemed to be missing. Tom stated he felt some if the cash may have been stolen from the landfill petty cash funds. Tom explained the cash bag handlings to the Commission. There will need to be some work completed on this to resolve these issues.

Jeraldine Newell, Kevin Braun, Faye Koenig, Peggy Hagadone, Commissioners Rieger, Ranum and Randash, members of the Salary Commission; Rich Batterman, Legal Counsel and Debbie Wyrick, Deputy Clerk and Recorder met as to discuss FY2011 salaries for the elected officials.

Commissioner Rieger stated Fallon County does not pay the extra \$2,000 to the Treasurer and Clerk and Recorder as Fallon County feels they pay the extra through their salaries. Commissioner Rieger further stated this year the Consumer Price Index is a minus four percent (-4%). Commissioner Rieger stated the County completed a salary survey involving other Montana Counties and there are many that are freezing wages and others that are going to give increases but the increases will not amount to much.

Rich reviewed the projected expected revenues with the group.

Commissioner Rieger stated now the question is, do we offer a salary increase or not.

Jerrie asked if there was a determination on the cost of the insurance this year.

Debbie stated the insurance would increase approximately .25 cents per hour for the employee. Debbie further stated the cost of the insurance to the County will be more than for the employee. Fallon County has looked at increasing the deductible and other options to bring the cost down. The employee is now responsible for a portion of the premium or \$30.00.

Commissioner Rieger stated we are starting a wellness program to try to help reduce the costs associated with our health insurance.

Commissioner Ranum stated she can not support a pay increase this year.

Jerrie asked her why.

Commissioner Ranum stated because I am happy to have a good job and medical insurance.

Jerrie asked Commissioner Ranum if this was her only income.

Commissioner Ranum stated she would be happy to show anyone her income tax papers.

Commissioner Rieger stated some counties are definitely not as fluent with revenues such as Fallon County is but we may not always be this fortunate either.

Kevin stated most all Federal offices have frozen their salaries.

Commissioner Rieger stated he feels Yellowstone County is going to take a decrease and also stated a lot of County services will be taxed this year. Commissioner Rieger made the motion he feels it should be a freeze.

Kevin stated he feels the pain but we all need to help out.

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Peggy stated she understands the insurance but also understands wanting to say the wages should be frozen. If it came down to it, Peggy feels she would say freeze them.

Faye stated she is a newbie and is just listening.

Rich made the motion to freeze elected official salaries and allow the employees a 10 cent increase.

Jerrie seconds the motion.

Commissioner Rieger called for discussion on the motion.

Clerk and Recorder stated sometimes when the employees are given a salary increase and the elected officials and deputies are not, the gap is narrowed between the employees and those individuals' salaries.

Rich stated if times are tough, but fiscally in this county we do not have fiscal revenue difficulties to speak of; you can tell your employee the reason behind the decision and they will understand because they have heard and know these are hard times.

Commissioner Ranum stated what if we make an increase comparable to the health insurance increase, would that make it fair.

Peggy stated if the insurance is going up 25 cents per hour maybe we should give a 25 cent per hour increase.

Commissioner Rieger stated the message we are sending to the public is his concern.

Kevin stated once you give the increase you can never give it back and when do you say slow down. Kevin made the motion to freeze the wages.

Commissioner Ranum seconded the motion to freeze the wages.

Commissioner Rieger asked for discussion on the motion.

Commissioner Ranum feels we have it good; Kevin feels it is being done nationwide; Jerrie feels if we are freezing their wages and putting up a new fire department building is kind of sending a mixed message; Commissioner Randash stated just because we spend money on projects does that mean everyone should get a raise.

Those in favor of freezing the salaries of the elected officials: Kevin, Commissioner's Ranum, Rieger and Randash.

Those opposed to freezing the salaries of the elected officials: Peggy, Jerrie, Rich.

Did not vote: Faye.

The motion passed- 4 Ayes, 3-Nays.

Commissioner Rieger stated the Commission would table the final decision until next week.

Commissioner Ranum made the motion to appoint Dale Butori as Deputy DES Coordinator. Commissioner Randash seconded the motion. Commissioner Rieger called for those in favor of the motion to signify by saying aye. 3 Ayes. 0 Absent. Commissioner Rieger called for those opposed to the motion to signify by saying nay. 0 Nays. 0 Absent. The motion carried unanimously.

The Resolution appointing Dale Butori as Deputy DES Coordinator is as follows:

5-24-2010
RESOLUTION OF THE COMMISSIONERS
OF FALLON COUNTY, STATE OF MONTANA
APPOINTMENT OF DEPUTY DES COORDINATOR

WHEREAS, the County Commissioners of Fallon County, State of Montana have a full time DES Coordinator.

WHEREAS, the regional DES supervisor notified the Fallon County DES Coordinator, that it is necessary to have a Deputy in the absence of said DES Coordinator.

WHEREAS, Dale Butori, Fallon County Weed Supervisor, volunteered to be the Deputy DES Coordinator whenever deemed necessary, effective 7-1-2009.

WHEREAS, the County Commissioners of Fallon County, State of Montana deemed it was necessary to fill the position of Deputy DES Coordinator.

WHEREAS, the County Commissioners did not budget a salary for this position for FY 2009-2010, and Dale Butori has agreed to serve for no additional salary pursuant to Section 7-4-2404, MCA.

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NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of Fallon County, State of Montana, hereby declare, decree and order that Dale Butori was hereby designated to serve as the Deputy DES Coordinator on July 1, 2009 and shall discharge the duties of said position.

BE IT FURTHER RESOLVED that the above designation shall be effective the 1st day of July, 2009, however, the 50/50 payroll split for (Weed/DES) budget purposes, will not begin until July, 2010.

Introduced and passed 3 Ayes; 0 Nays; 0 Absent

FALLON COUNTY COMMISSIONERS
Fallon County, Montana

s/Donald Rieger, Chairman

s/Deb Ranum, Vice-Chairperson

s/William L. Randash, Member

s/Brenda J. Wood, Clerk and Recorder

MISCELLANEOUS:

The Commission received a letter from the Fallon County Attorney regarding the creation of County Roads. Rich strongly stresses that easements do not create county roads. Rich reminds the Commission that County roads are created by (1) petition and acceptance; (2) dedication and acceptance; (3) eminent domain; (4) exchange with the state; and (5) court decree. Section 7-14-2101(2)(b)(i-v), MCA. The Commission expressed concern that the grant of an easement to the county created a county road. While an easement may be construed as a form of dedication by the landowner, that unilateral grant will not create a public road. The commission is required to accept the grant and establish a road by resolution. A copy of this letter is filed in the Commissioner's office with other Road files.

The Commission was informed; the City of Glendive had passed a moratorium on Marijuana businesses, but was bringing it back on their agenda May 18th to discuss it further. Glendive Commission was told that many caregivers in the city limits were going to move out into the County. The Glendive Commission feels the marijuana issue seems to be quite uncontrollable and unregulated. The Fallon County Commission agrees and hopes the next legislative session will address some of the problem issues that have arisen. Fallon County has taken no action as of this time but has completed research on this matter.

The Commission approved Encroachment Permit #510 for ENCORE Operating, LP to bore the Anticline Road in Section 15-8-59 located in the Pannel Field. The fee of \$150.00 was received and taken to the County Treasurer's office-A101 #19897.

The Commission was informed the plans are to repair the sidewalks from the new Parkview/Public Health Addition by way of pouring new cement. The plan is to start the work tomorrow as they were rained out today.

Scott Rabbitt, City/County Park Supervisor brought in a quote for installation of lighting around the Baker Lake. The Commission asked Scott to try to get at least one more quote.

The Commission received the new Workman's Compensation Quote from Victory Insurance. Debbie Wyrick, Deputy Clerk and Recorder stated the premium is up \$8,189.00 from last year's quote. However, they had misclassified the dispatchers and that was a considerable amount of difference in the premium dollars. Also there is an increase in payroll of \$110,340.00 from last year at this time. The rates per calls code; some have increased, some have decreased, overall there is a 1.11 increase. All of these factors result in the premium increase. Fallon County also had 3 minor claims turned in this past year.

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The Commission signed the 2010-2011 Emergency Shelter Grants Program (HUD- homeless prevention grant), administered by Action for Eastern Montana. These funds are used to help the two homeless shelters located locally with maintenance, utilities and furnishings.

REPORTS:

The Commission received the Treasurer's Cash Report for April, 2010. All funds are in balance with the exception of Drug Forfeiture fund which will need a claim moved from that fund to the Sheriff account in the General Fund; HB645 Mt Recovery Act is over but funds are coming in to offset that amount.

MINUTES:

The Commission reviewed and approved the April 19, 2010 Fair Board Minutes and they are filed in the Clerk and Recorder's office.

The Commission reviewed and approved the May 3 – May 6, 2010 Commissioner Proceedings.

REVENUES:

Oil and Gas Royalties from Continental Resources, Inc for March, 2010-\$9042.05.

Adjourned.

Donald Rieger, Chairman

ATTEST:

Brenda J. Wood, Clerk and Recorder