

Monday, September 13, 2010

Deb Ranum, Vice-Chair; William L. Randash, Member and Brenda J. Wood, Clerk and Recorder convened in regular session. Commissioner Rieger was excused as he was still out of state.

Commissioner Randash made a motion to pass Resolution 9-13-2010, calling for a public road abandonment hearing. Commissioner Ranum stepped down from the chair to second the motion. Commissioner Ranum called for those in favor to signify by saying Aye. 2 Ayes. 1 Absent. Commissioner Ranum called for those opposed to signify by saying Nay. 0 Nays. 1 Absent. The motion carried. The Commission signed Resolution 9-13-2010 calling for a Public Road Abandonment Hearing. The Resolution is filed in the Clerk and Recorder's office.

Bobby Wiedmer, Road Foreman met to present the weekly Road Report. Spencer stayed to discuss road issues with the group. The group discussed the roads the County may possibly give to the BLM. Spencer discussed the opinion received from the County Attorney. The question was, when trying to abandon roads in Fallon County, the BLM has submitted letters stating they do not want certain roads closed per 23-2-301 and 302, MCA. The problem being most of these roads are dirt trails, some were never built, some have bridges that would not hold an animal, much less a vehicle and some bridges are missing with a huge ditch in the middle. Spencer wondered what Fallon County could do to give BLM access and relieve Fallon County of the liability. Rich Batterman, County Attorney joined the discussion. Rich feels Fallon County can transfer an interest in its road easements. Rich feels the Commission should contact the FWP and BLM regarding their willingness to accept a road maintenance agreement or similar transfer of right. Rich feels this may require the County not to abandon the road but should allow all obligation of maintenance and liability to be transferred or Fallon County could consider whether a full transfer of the easement would be acceptable, which would remove the road from the County System. Rich further explained Sections 23-2-301 and 302 are generally aspirational statutes requiring that access to public recreation waterways be preserved. The statutes do not forbid the County from managing its roads, and Rich found no regulation authorizing the agency to prohibit local government from acting on its own interest. Rich suggests Fallon County consider requiring the agencies to identify the Class I and Class II waters lying in the public lands at issue. The statutes seem to require the county to maintain access at its cost, which sounds an awful lot like an unfunded mandate to the County Attorney.

The Commission feels they need to set up a meeting with the BLM or FWP to meet as a group and come up with a resolution that suits everyone's needs.

Commissioner Ranum asked if anything was done for Lynn and Doris Householder. Bobby stated the culverts are in but the road crew still needs to surface it.

Commissioner Ranum asked if we were doing anything for Brian O'Connor. Bobby stated nothing has been done with his road as of this time but Bobby stated we also do not have an easement from Brian.

Road Crew is blading the Anticline Road.

Tonquin Bridge-The Tonquin Bridge is finished; the only thing left to do is to fence by Sieler's property.

Mowing is almost complete.

Weeds-Bobby stated he feels the Weed Department did a good job on the roads.

Commissioner Ranum asked if there were plans to mow the old Sather road. Bobby and Spencer stated we have no easements on that road as of this time.

Commissioner Ranum asked if they Road crew was still hauling scoria to the NBWS (North Baker Water Sewer) project. Bobby stated yes they are. Spencer left the discussion.

Alba Higgins, Shop Foreman joined the discussion regarding equipment. Possible purchase of a portable rotary lift and platform were discussed. Alba would like to put it in the oil change bay or the cold storage area where they had the tinning completed. Alba feels the cost is close to \$50,000 but Alba feels he can get it for less than that. Alba also stated they may have to move one of the heaters to get it to fit, other than that, nothing should need to be changed. The Commissioner's will discuss further.

Kent Ehret, K & P cancelled his appointment with no certain plans to reschedule.

Wellness Committee Meeting-Those attending were: Alba Higgins, Bobby Wiedmer, Debbie Wyrick, Kathy Newell, Jessica Dinardi, Selena Nelson, Cindy Singer, Tammy Reetz and Jolene Setinc. Rachel Meech, Two Medicine phoned in to review items of business with the Wellness Committee. Rachel stated we are getting close to the launch of the program. Rachel will get busy and design the presentation. Rachel asked if there were any other wellness benefits the Committee would like Rachel to bring up. The group stated not at this time. Rachel will have her projector, presentation and letters ready for the employees. The entire presentation will last approximately 35-40 minutes.

Delbert Schweigert, Spencer Huether, Road Technician and Bobby Wiedmer, Road Foreman met to discuss two roads the County previously decided they were going to take easement on. The Commission made the decision to take easement on the east road discussed; they further agreed to take easement on the west road discussed, but they will only receive limited maintenance. Delbert signed the easements while in the Commissioner's office for Wiley Butte Trail and Willard Road East in Sections 1, 9 and 12-5-59. The Easements were filed for record in the Clerk and Recorder's office.

#### Noon Recess

The Commission reconvened at 1:00 PM with all present.

Joe Janz, Safety Investigator and Vera Abrams, Safety Supervisor met to review the safety inspections reports. Vera stated next year they plan to do this differently. They would like to divide the safety team into four teams, with each team receiving eight (8) locations to inspect and complete reports on. The Departments would need to return them by September 1<sup>st</sup> for next year's reports.

Shoe policy was discussed.

Landfill Inspection Report-The group reviewed the Landfill Inspection report, with Jessica Dinardi, Landfill Administrator, who was asked to join the group.

Vera Abrams, Librarian would like to purchase equipment to digitize the Library papers/documents. Vera will check on the cost and report back to the Commission.

#### **BUDGET HEARING-2:00 PM-Commissioner's Office.**

The Commission held the 2011 budget hearing with no one in attendance. The Commission thoroughly reviewed the budget and asked the Clerk and Recorder to make some changes. When those changes are made the budget will then be approved by the Commission and the budget then adopted.

Vera Abrams met to discuss paintings, etc that are donated to the Library. After much discussion the Commission and Vera agreed paintings donated to the Library should be taken to the Museum unless it is to the benefit of the public that it remains in the Library. This should be the same for all County Departments.

#### **ROAD ABANDONMENT HEARING-9-13-2010**

##### **FALLON COUNTY COURTROOM-3:00 PM**

**THOSE PRESENT: Commissioners Ranum and Randash; Brenda J. Wood, Clerk and Recorder; Spencer Huether, Road Technician; Bobby Wiedmer, Road Foreman; Bill Bickle and Joyce Straub, Public.**

Commissioner Ranum brought the meeting to order and the balance of the minutes are on file in the Clerk and Recorder's office.

The Commission met back in their office at 3:15 PM; after further discussion made the decision not to abandon Petitioned Road #128 and Petition #14-Road #108. Commissioner Randash made the motion to pass Resolutions 9-13-2010(1) to abandon Petition #30-Road #66; 9-13-2010(2) to abandon Petition #1919(21)-Road #84 and Resolution 9-13-2010(3) to abandon Petitioned Road #85. Commissioner Ranum stepped down from the Chair to second the motion. Commissioner Ranum called for those in

favor to signify by saying Aye. 2 Ayes. 1 Absent. Commissioner Ranum called for those opposed to signify by saying Nay. 0 Nays. 1 Absent. The motion carried and the above named resolutions are recorded in the Clerk and Recorder's office.

Jessica Dinardi, Planner/Landfill Administrator was asked to find out some information regarding a propane tank located at the Landfill. Jessica called Tom Barth, Landfill Manager about the propane tank and found out it belongs to Prairie Fuels. Commissioner Ranum asked Jessica to find out if the tank was legal to use. The Commission would like it removed if it is in poor condition.

Jody Strand, Museum Curator met to discuss the condition of the Museum basement. Commissioner Ranum stated we are checking to see if Jon Brosz, Brosz Engineering can get an estimate to the Commission of what it would cost to lift the building and pour a new foundation or place bracings. Jody would like to see if John Logsdon could get a grant for the work. The Commission felt they should hold off on the grant for the time being.

Mike Rinaldi, Sanitarian met to update the Commission on various items of business. The Commission asked if Mike was going to do the deliverables so the Health Nurse could get their PHEP money; Mike stated he should be receiving some of the funding. No decision made at this time.

### **MISCELLANEOUS**

David Espeland, CEO-Fallon Medical Complex wondered if the south parking lot could be seal coated, as Chad with Stevenson Design felt it would be a good idea to help unitize the surface and reduce degradation. The Commission granted permission to do so and signed the acceptance of estimate from Top Notch Coatings in the amount of \$5,709.65 to clean, seal and restripe the South Parking Lot. The cost will be shared equally between the Hospital, ParkView and Public Health. A copy of the signed estimate is filed in the Clerk and Recorder's office.

Commission reviewed the Radar Service Contract between the State of North Dakota, acting through the Atmospheric Resource and Fallon County. The Contract term is from January 1, 2011 to December 31, 2011 with a total cost of \$4,000.00 less a \$2,000.00 grant, leaving a total cost to Fallon County of \$2,000.00. After the review, the contract will be signed and filed in the Clerk and Recorder's office.

Permission was granted by the Commission for Scott Rabbitt, Park Supervisor to order (12)-6 foot picnic tables for the Gazebo at the Triangle Park due to safety concerns. 4 of the 12 tables will be handicap accessible. A letter will be written to Dakota Fence notifying them of this request.

Lynda Herbst, Custodian stated the carpet in the basement is over 10 years old and is starting to come loose making it virtually impossible to shampoo anymore as this will add to the problem. Lynda also noticed, while washing windows, some of the windows need to be replaced. There is definitely one window in the basement Lynda feels needs to be replaced as soon as possible. The Commission will view this.

The Commission received a news release from Senator Baucus's office regarding a letter of support for the TransCanada XL Pipeline written to the Honorable Hillary Clinton.

The Commission reviewed and approved for signature an Amendment to Professional Services Agreement between Fallon County and JGA Architects for the Grandstand Project.

The Commission wrote a letter to the FAA-Helena District Office regarding the bid award for the Wildlife Fence Construction project for the Airport Expansion. The recommended award of contract is for Frontier Fence Company in the amount of \$40,811.92. The awarded bid was 67 percent under the Engineer's estimate. All bids received were under the Engineer's estimate. The letter is filed in the Clerk and Recorder's office. The letter of award to Frontier Fence was also signed and is filed in the Clerk and Recorder's office.

The Commission wrote a letter to Wells Fargo thanking them for the Financial Package Offer for Fallon County. The Commission further explained they would be declining the offer as County Government's operate differently in the fact the Treasurer elect is the County Bank and invests money for the County.

### **REPORTS:**

The Commission reviewed and approved the following reports:

Plevna Rural Fire District Report-August, 2010 with warrants issued in the amount of \$14,078.38.  
Baker Rural Fire District Report-August, 2010 with warrants issued in the amount of \$242,834.51.  
Planning Board Meeting Minutes-July, 2010.  
New Harvest Energy Wind monitoring report for August, 2010.  
Fair Board Unapproved Minutes-August 9, 2010.

**JOURNAL VOUCHERS:**

JV#113-Moving a portion of BOSS invoices from WIC to Public Health in the amount of \$79.95.  
JV#130-Move Road Tech payroll and withholdings from Road Budget to Road Tech Budget- \$1,508.88.

**REVENUE:**

Bowers Oil and Gas, Inc.-Oil and Gas Royalties for July, 2010 in the amount of \$111.03.

Adjourned  
s/Deb Ranum, Vice Chairperson

ATTEST:

s/Brenda J. Wood, Clerk and Recorder