

Monday, November 3, 2008

Deb Ranum, Chairperson; Dennis Afrank and Donald Rieger, Members and Brenda J. Wood, Clerk and Recorder met for a regular November, 2008 session.

Iven Felt, Cemetery Caretaker would like to work at the Cemeteries as long as the weather allows. The Commission gave Iven permission to work the extra hours as long as the weather allows.

Bob Wiedmer, Road Foreman met to present his weekly report. Bob stated the road crew would like to take the day after Thanksgiving off. Commission granted permission for the Road Crew to take the day after Thanksgiving off unless it is a snow day. Commission reminded Bob they would have to take vacation for this day off. Bob stated he thought everyone was aware of that fact and would remind them. Commission asked if everyone wanted the day off. Bob stated he did not ask everyone but if there is an employee that wishes to work that day, he will also work that day. Discussion on the Smoking Policy 4.02.

Bob stated they are still working on taking the bridge out on Bridge Road. The following work is being completed in the respective districts:
District 1-Blading and we are planning to start graveling on the North Plevna Road where they left off last year.
District 2-We will be putting the culverts in on Tower Road on Wednesday, weather permitting.
District 3-Blade South of Plevna. Last week they mulched the Green Acres Road on Thursday and Friday.
Today the crew is out working on road signs and changing oil and servicing equipment.
The Commission received the engineer's estimate from Brosz Engineering of Bowman, ND in the amount of \$79,610.00 to replace the existing bridge on Bridge Road with two 96" CSP.

Alba Higgins, Shop Foreman feels it would be in the County's best interest to put a set of scales on both of the loaders instead of going with the yardage to save on paperwork, etc; we could show what we have crushed and stock piled. Then we are paying by the ton. Alba stated the cost would be between \$5,000 and \$10,000 for the scales. The Commission agrees and granted permission to order the scales for the loaders.

Cattle Guard Policy:

Bob Wiedmer, Road Foreman and Spence Huether, Road Technician met to discuss the provisions for a cattle guard policy in Fallon County. Will continue to work on the policy until complete.

The Commission reviewed and approved the October 31, 2008 payroll and withholdings in the amount of \$386,478.69 and they are on record in the Clerk and Recorder's office.

Noon Recess

CLAIMS APPROVALS, PUBLIC COMMENT OR BUSINESS AS OR IF NEEDED:

The Commission reviewed and approved the following October, 2008 claims in the amount of \$257,217.72 and they are on record in the Clerk and Recorder's office.

The Commission reviewed and approved the following special warrant for October 31, 2008 in the amount of \$2,376.92 and that warrant is on record in the Clerk and Recorder's office.

The Commission signed the Bills of Sale for Rodney T. and Valerie J. Johnson, JTROS for the purchase of hangar A106; The Everett Mitchell Family Revocable Trust for the purchase of hangars A107 and A105.

The Commission received the Treasurer's Cash Up report for October, 2008 from the Deputy Clerk and Recorder.

The Commission received notification from the Department of Administration regarding the audit report for fiscal year 2007. Their review of the audit report disclosed that pages 9 and 43 contained reporting errors. The DOA requested the auditor revise the audit report to correct the errors. Those pages were recently revised and DOA notated they are accepting the revised report as such.

The Commission received the outlay report for the Baker Municipal Airport environmental assessment for the runway extension project. This portion of the project is 91.1% complete.

The Commission received a copy of the Range Grant applied for by the Fallon County Shooting Range Board in the amount of \$16,200.00 to create a Cowboy Action Shooting Range on an existing area within the current range facilities. The grant was sent to the NRA Foundation, Inc. The total projected cost is estimated at \$21,200.00

PUBLIC COMMENT:

Tana Taylor met to clarify a few things regarding the barn user fee at the Fairgrounds. Tana stated in a previous meeting she felt Commissioner Afrank made the statement the money needed to be given back, regarding the barn users that had paid the new fee, until a definite decision had been made. Commissioner Afrank stated yes that statement was made. Tana stated the person that paid their \$25.00 user fee went to Barb Lechler, Fairgrounds Secretary and asked to get her money back and Barb told her she could not have her money back. Tana wants to know how much the barn costs her and she never gets any answers. The Golf Course is all broke down all nice and neatly but the Fair does not have to break theirs down and she wants to know why. Clerk and Recorder stated everyone has to break down their budgets. Tana wants the barn expenses broke down. Commissioner Afrank explained she needed to come in during the budget hearing. Tana did not know what the budget hearing was. Commissioner Afrank explained when the Departments turn in their budgets, the Commission views them and before the budgets are finalized, the public gets to come and voice their opinion at the budget hearing. Tana feels the barn needs to be broke down into its own account. Clerk and Recorder left the room to get a three (3) year detailed break down of the Fair expenditures for Tana. The Clerk and Recorder explained the budget reports to Tana and stated sometimes you can not tell if the supplies were purchased for the barn or the exhibit hall because there is not enough room in the description part of invoicing. Tana was happy with the reports and felt she could take it and view it more closely. Tana paid for the reports printed for her.

Spence Huether, Road Technician met to discussed the Anticline Road.

Clayton Hornung, Mayor-City of Baker met for his monthly report. Clayton stated he did not have much to discuss this time. Clayton has received three applications for the Recreation Director position. Christina Shepherd, Recreation Director will work until February 1, 2009. Clayton would like to review the applications Thursday at 4:00 PM. Clayton would also like a place for the Recreation Director to work within the Courthouse. Scott Rabbitt, City/County Park Supervisor stated he would share his office with them. The Commission agreed this would be workable.

The Commission received a letter from Fidelity Exploration and Production Company regarding placing proposed wells on Fallon County Landfill Expansion property. The Commission replied back stating the Commission had consulted with the Engineering Firm in charge of the project and the Fallon County Attorney regarding the available uses of the land within the landfill. The consensus at this time is that Fidelity E & P Co. would not be allowed to drill in the landfill expansion site given the liabilities involved and lack of available space. Fallon County gave a deadline of November 21, 2008 to receive their response before closing this file.

Recess

Tuesday, November 4, 2008

Election Day Holiday

Wednesday, November 5, 2008

Reconvened at 10:15 AM

PUBLIC COMMENT AND/OR BUSINESS AS OR IF NEEDED:

The Commission reviewed and signed the WIC Program Satellite Agreement for Fiscal Year October 1, 2008-September 30, 2009. That agreement is on file in the Clerk and Recorder's office.

The Commission called Barb Lechler, Fair Secretary regarding the Fair Board meeting on Monday. The Commission wanted to know what decisions were made regarding the user fee. Barb stated the decision was to charge \$25.00 per individual; \$75.00 per family and \$10.00 daily usage fee. No one under the age of 9 would have to pay a fee. Barb stated for now, Don Selle and Bill Bagley will make sure they have the arena worked. Barb stated she felt the meeting went well. There were some complaints about lights in the alley ways that have been out for quite some time now. Barb stated she had Barth Electric fix all the lights before the Fair and some of them may have been missed or just went out. Barb stated she has to wait for Barth Electric to come and change the lights because she does not have a ladder tall enough to do this. Barb stated she had someone offer to change the lights but the Fair Board did not think the liability would cover them to do something like that. The Commission stated they need to have a qualified electrician change the light bulbs as they have the necessary equipment to do so.

Debbie Wyrick, Deputy Clerk and Recorder met to discuss County Insurance.

Pat Hanley called in regarding the Baker TV Booster and what will happen after February 1, 2009. The Commission feels they should take the fee off the taxes; consolidate the two TV Districts and distribute the funds. The Commission called Rich Batterman, County Attorney regarding disbanding the Districts. 7-1-203 MCA if you can not fill the board, the Commission assumes the duties. They would have to hold a public hearing to do this and issue a resolution. Rich asked would there even be any duties after they go digital? No one knows at this time. Commissioner Afrank asked if we should advertise for the hearing. Rich stated you need to decide what you are going to do first. Rich stated you could issue the resolution right away and assume the duties. We could also call Mid-Rivers and see what they can tell us about the dissolving the board. No final decision at this time.

CLOSED-LEGAL/PERSONNEL

Noon Recess

Reconvened at 1:15 PM.

Dr. Stefani Hicswa and Carol Hudson, Miles Community College are trying to figure out a way to provide more services in Fallon County regarding the Miles City Community College. They are in hopes they can get more people to come over to the small, local colleges in Montana instead of all of our students going to another state. Mile City does get quite a few from the Baker area and feel it is because of those reasons; they are close to home and a smaller college. They would like to provide more on line classes or have more classes in the High School. They would like the County to be a tuition donor if they can get this program to work. Commissioner Rieger asked do we need to get the School involved in this. Dr. Hicswa stated she can do that. Regarding Custer County and in district tuition the cost is \$1,000.00; for out of district tuition the cost is \$2,000.00; for out of state tuition is \$3,000.00. Dr. Hicswa stated Montana does not offer reciprocity. Commissioner Rieger questions the 6 mill for the Universities. Dr. Hicswa stated we do not get that funding other than if their students transfer on to the universities and may benefit from that aspect of it. Commissioner Rieger stated we may be interested if we had more information. Commissioner Afrank felt there may be a possibility that MACO (MT Association of Counties) would be interested in sponsoring

something like this with the legislative sessions. Carol discussed the fact that small community colleges are nice for high school students and two year students.

Bob Wiedmer, Road Foreman; Alba Higgins, Shop Foreman; Jerry Martinson, Tractor and Equipment; Troy Combs, Western Plains and Machinery Co. and Mark Feland, RDO met for bid opening for the Diesel Powered, Articulated Frame Motor Graders.

Commissioner Ranum read the bids aloud:

Western Plains-Troy Combs-submitted no bid but was in attendance to watch and listen.

Tractor and Equipment submitted their bid at 1:35 PM on the 5th of November, 2008. Bid Bond was included and was in order.

2009-CAT 160 M Tandem \$250,440 trade amount for 150's-\$150,000. (2005) Model 2009-CAT All-Wheel \$276,440. trade amount for 163's-\$164,000. (2005) Model Ripper included in the prices quoted above; if do not want the ripper, deduct \$11,000.; 5 year warranty; 4.5 to 4.8 fuel consumption; available March 15, 2009; equipped with joy sticks.

Repurchase-Tandem-3 yrs-\$182,000.; 4 yrs-173,800.; 5 yrs-149,000.

Repurchase-All Wheel-3 yrs-201,500.; 4 yrs-192,300; 5 yrs-\$164,000.

Jerry further stated CAT will honor full warranty until the new blades come in.

RDO submitted their bid at 1:50 PM on the 5th of November, 2008.

Bid Bond was included and was in order.

2009-John Deere 870G Tandem-\$232,500 trade amount for 150's-\$130,000. (2005) Model

2009-John Deere 872G All Wheel-\$276,300 trade amount for 163's-\$153,000. (2005) Model. The 872G has 14 HP more than the 772G.

Alternate bid also: 2009 772G-\$248,500 (Mark added this alternate because it meets the weight and horse power specifications we are calling for and is a very popular machine. Rear ripper not included in the price-\$8,500 additional if the ripper is wanted; 5 year warranty; no joysticks; no fuel consumption report available at this time; John Deere will probably always have a steering wheel; Delivery date April 15, 2009; they have a resident field tech to work on equipment, snow removal equipment will be compatible with our equipment; tires are compatible to Fallon County's CAT's;

Repurchase-Tandem-3 yr-\$155,500; 4 yr-\$140,500.; 5 yr-125,500.

Repurchase-All Wheel-3 yr-\$192,600; 4 yr-177,600; 5 yr-167,600.

Repurchase for the 772G-3 yr-\$171,300; 4 yr-\$156,300; 5 yr-146,300.

Commissioner Afrank asked how many hours were on the blades we have now. Alba stated they average 2500 to 2600 hours. Each District has one (1) All Wheel Drive. We normally bid four (4) tandems and three (3) all wheel drives.

The Commission met with each bidder separately and stated they would not make a decision today. Each individual will be notified.

BUSINESS AS OR IF NEEDED AND/OR PUBLIC COMMENT:

The Commission signed the following road easement:

Thelma Kay Rustad Witt-Bridge Road in Section 22-10-60.

Recessed at 4:00 PM

Thursday, November 6, 2008

Bob Wiedmer, Road Foreman and Alba Higgins, Shop Foreman met to go over the bids. Commissioner Afrank stated he is against trading the blades in three years. Commissioner Ranum would still like to keep one of the blades. The group stated they did not think this would be feasible due to the budget and warranty. After further review of the bids and much discussion, Commissioner Rieger made the motion to purchase four (4) Tandems and three (3) All Wheel drive motor graders with the cross slope systems from Tractor and Equipment. Commissioner Afrank would not second the motion.

Commissioner Ranum stepped down from the Chairman position and seconded the motion. All in Favor. 2 Ayes. 1 Nay. Motion Carries.

The group discussed purchasing loader scales from T & E. T & E will install, set up and train all the operators for \$13,000.00 each loader. This will also include a three (3) year warranty and they would calibrate the scales also. They would need two (2) scales with the total then being \$26,000.00. This would allow for the accuracy of each load. Permission granted to purchase two scales from T & E.

David Espeland, CEO-FMC and Selena Nelson, CFO-FMC met to present their monthly report. David reported the Parkview 1 energy audit is completed but there are no reports back as of this time. Some of the doctor's contracts are up for renewal. Selena reported on the financials for the facility. Commission reported they had not seen an ambulance report lately. Selena stated Renee was supposed to be giving them to the Commission. The Clerk and Recorder reported she was getting them but forgot to make copies for the Commission. She will do that and get them into to the Commission. Debbie Wyrick, Deputy Clerk and Recorder joined the discussion regarding the additional insured for the Parkview residents. David will modify the clause and get it over to Rich and get his approval also.

Noon Recess

Commissioner Afrank was excused for the balance of the week.

Sheena Veazey and Tana Taylor met to update the Commissioner's on what was decided at the Fair Board meeting.

Sheena wondered why none of the Commissioner's went to the meeting. Commissioner Ranum stated she has never gone to the meetings. Commissioner Rieger agreed he did not attend their meetings either. Tana wondered if they did not have to pay the fee if they got the insurance. The Commission stated they have to get the insurance; the fee is a user fee, separate from the insurance required. Commissioner Rieger wondered what the Commission's function is in this when there are all these problems. They felt the Commission could tell the board if they did not think they should carry out new fees and rules. The Commission had already suggested they not charge the fee but that did not seem to change their minds. Sheena stated she is concerned if you have a specific amount named on your liability policy, then it opens them up to a lawsuit. Tana stated they are going to chase people out of the barn and there will be no one there to use the barn. Sheena asked when the Commission ever made the decision on a dollar amount for the liability insurance. The Commission did not know where the amount stated had come from. Sheena feels all of those in high school should be able to use the barn for free. The Fair Board was going to put an age limit on those who could be in the building by themselves. The Fair Board did say if they pay this fee now then they don't have to pay again until 2009. Commissioner Rieger asked is the 4H being charged. Sheena stated no they are considered part of the group. Sheena stated the Fair Board is going to do a news letter. Sheena and Tana felt that would be a good thing. Sheena stated age 9 and under is the cut off for getting to use the barn for free. Tana discussed the outdoor arena has metal, bolts and all kinds of other things coming up out of the dirt. Tana stated this is a liability to the County. Sheena stated people could purposely hurt themselves to get the money from those with the insurance. Sheena stated her insurance agent will not put the amount on the statement because it would set her up for a lawsuit if people know how much insurance she carries. Sheena wondered if that would be acceptable. Sheena's insurance agent is concerned the Fair Board is making the liability amount public. The Fair Board is going to put it in the paper and on a board in the barn. Sheena stated if the County attorney sends a certified letter to Sheena's agent stating this needs to be done then he will send the certificate with the amount listed. Sheena asked is the Commission going to go to the Fair Board and make a decision on this. The Commission stated they are the Board and are in charge of running the Fairgrounds. Sheena asked will the Commission stand behind them if they decide to charge 4H. Commissioner Rieger stated we have to stand behind our Boards.

Nicole Brown, Justice of Peace met to update the Commission on the duties of her office. Nicole stated she feels she can not do all the work alone as she once thought she

could. Commissioner Rieger feels she should advertise for some help. Nicole presented a help wanted ad and a job description for the Commission to review. Commission granted permission for Nicole to proceed and hire someone. Nicole received more information for the school in Reno and she has proceeded with the grant process. If she becomes a member of the National Judges Association they would offer a \$1,000.00 grant and there is another grant she may apply for which would hopefully pay for the schooling.

Randy Hoenke-Fire Chief, Larry Singer, Robert Singer, Turk Stark-Board Members of the Baker Rural Fire Department, Jim Berve-Fisher Construction and Terral (Terry) Sukut- JGA; met to discuss the new building. Randy stated they are still leaning toward the block building. Randy stated they received a quote from Jim on his steel buildings and the cost was only 5% lower with a pure metal building. Commissioner Rieger stated with the expansive type soil; you are not concerned about that with a block building. Jim stated no because of the fill and the soil they are planning to bring in and prepare before the building goes up. Randy stated they are trying to get through all the hurdles this winter and then next April they can have the full construction season to get it going. Terry has a time frame worked up and a draft schedule. They wanted to get the concrete completed in the early package due to the cost of the concrete. They felt the local cement contractors would have been contacted by the dirt workers and that did not happen. They therefore pulled the cement work out of the early package. They will put a construction period to start in mid April due to the weather. Completion date would be late 2009 and early 2010; so it will now slip into another season. This will be reviewed and permitted at the state level. The international building codes will change the way they look at things such as snow loads and how things will stand up in our area. They will get the important information factors regarding the international building codes to the Commission. The building will have a steel frame, steel standing seam roof, sky lights, insulated with a decking. Command center is up on the second floor so you can see what is going on in the bays with trucks and personnel. They could also add one more bay to the east side of the building. They are trying to get the best product/approach to a situation for the best price. Heating system was discussed; they feel the overhead radiant heat system is the best way to go due to the quick recovery of heating when all the doors open. It would be nice to look at ground source heat but they have the large wells to drill and then the front end cost is high but the return would be good over a period of years. Not sure the savings would justify the expense. Commissioner Rieger asked if there would be cooling in the bay areas. Jim stated there will be exhaust system ventilation due to the trucks firing up all at once. It will have a communication system, piping for water for filling the trucks, some lighting but not of a lot of significance and will follow fire sprinkling requirements. There will also be a training area, kitchen and space that could be used by the Community on the main floor. Safety to the Community discussed; by having this built so they come off the Highway rather than the street. They are going to use some metal siding on the upper level to lighten the load of the building. Commissioner Rieger asked about the insulation. Terry stated they will use R19 bat insulation in the wall. They added some windows for viewing weather; they could take some out if it was felt it would be a cost savings. Commissioner Rieger asked where the assurance comes from Jim that their Board and Commission are getting a bid that is the best deal for the price. Jim stated the more people that bid the projects the better it is for the project. Commissioner Rieger stated who decides on the bids. Jim will go through and make recommendations and 95% of the time it is the lower responsible bidder that gets the bid. Then he gets together with everyone or whoever is designated to meet with him; that becomes the team that makes the decision. Jim stated they go one step further by letting people look at their books, etc. at any point in time. Commissioner Rieger stated the Commission was told that Fisher got the concrete work and the Commission did not know that and the locals never got to bid. Jim put the scope of work out for dirt work, cement work, etc. They only got two local bids and those contractors had excluded the concrete work. There were five places from Billings that bid and some of those were the concrete contractors from Billings. Commissioner Rieger asked was the Fire Department included in the bids. Jim stated yes and I understand the Commission wants to bid the projects. Commissioner Rieger stated yes because someone locally wanted to bid the cement and never got the opportunity. Jim stated yes and we want to find those people because they don't like to go too far for cement. Terry stated he develops the plan which is the basis for the project and they review the project to make sure it meets specs

of design, etc. Commissioner Rieger asked if the Commission can see the specs of the bid when you send them out. Jim stated yes you can. Randy stated he felt that was his fault; he thought the Commission wanted the specs of the building. Jim stated they do not spec the amount of dirt, they tell them how big the hole is and etc. and the contractor decides on the quantity. Jim feels there will be a savings at the end or he will be losing money. He wants the building to be first class and it will be and he will stand behind it. Fisher Construction is 30 years old; JGA is 41 years old. Terry stated they went with a block building due to the durability and that is what they work with the most in their area. Commissioner Rieger stated the reason they wondered about the decision is because of the basements in the area, sidewalks, etc. Terry stated that is the reason they have the compaction and site preparation figured into this.

Recess

Friday, November 7, 2008

Kit Anderson, Planner met per request of Commissioner Ranum. Commissioner Ranum asked about updating the Growth Policy.

Bob Wiedmer, Road Foreman met to discuss cattle guards for Bob Thielen.

CLOSED-HIPAA

Misti Breitbach, Public Health Nurse met to present her report. Misti stated they gave 480 flu shots and have 150 flu shots left. The cost was \$20.00 per flu shot; they also give a lot of other vaccinations. Misti stated she gets \$29,000.00 per year to do her emergency preparedness grant paperwork; she would like to hire someone to prepare it. It is due in one month. Commissioner Rieger asked how it differs from what Chuck Lee, DES/911 Supervisor does; Misti stated ours is health related. Commissioner Ranum asked if this would be a part time position. Misti stated yes, I would think 8 to 16 hours per week would be plenty to complete the paperwork. Misti stated it does not have to be a nurse but it may help to do this. Misti stated she also has to go to training and put on trainings and has no time to do this. Misti also report the Ekalaka WIC only has two clients every other month. Misti would like to quit going to Ekalaka because those people already come to Baker. The County would then not take the \$400.00 from Carter County for this. The Commission feels that is okay as long as there aren't a lot of complaints. Misti stated they could wait until they would get more clients; then they would go back to Ekalaka. Commissioner Ranum asked what WIC pays for. Misti stated they will pay for formula, milk, cheese, beans, cereal or peanut butter. Vaccinating was also a topic of discussion.

CLOSED HIPAA

Noon Recess

BUSINESS AS OR IF NEEDED AND OR PUBLIC COMMENT:

The Commission signed the following road easements:

Michael Stark-Ash Creek Road East and Custer Camp Trail in Section 8-10-60; Snake Train in Section 21-10-60; Custer Camp Trail and Ollie Road in Section 32-10-60; Snake Trail and Custer Camp Trail in Sections 20-10-60 and 17-10-60; Ollie Road in Section 33-10-60 and Custer Camp Trail in Section 29-10-60.

Michael W. and Cynthia L. Stark-Ash Creek Road E. and Bridge Road in Section 10-10-60; Bridge Road and Snake Trail in Section 15-10-60.

Byron Wolenetz –Bergstrom Hill Spur in Section 33-5-59.

The Commission reviewed and approved the following Journal Voucher Entries:

Journal 285-Void WT #31918 for the County Vehicle Tax Credit for Oct, 2008-warrant prints automatically every month.

Journal 286-to adjust the fund expenditure deduction WT#31918 County Vehicle Tax Credit for Oct, 2008 that runs as a deduction automatically every month.

The Commission received the following Miscellaneous Revenues:

Sands Oil Company-October, 2008 Oil and Gas Royalties-\$111.10

Scott Rabbitt, Park Supervisor and Outside Building Maintenance assistant met to discuss placing designated parking spaces for those vehicles that park overnight in the parking lots. Permission granted to place signs in the parking lot for those vehicles. This will make it easier to plow snow, etc when needed.

Kit Anderson, Planner received a letter from the census bureau stating they did not get her census report. Kit stated she did the report and sent it off. She called the lady at the census bureau who told her she sent it in the wrong format. Kit will do the report over in the correct format.

Lynn and Doris Householder met regarding the last meeting he had with the Commission. Lynn would like to retract his statement regarding not getting his roads bladed. Jerry Maurice, former road employee had asked Doris last year if their road needed bladed and Doris said just touch up a couple of the soft spots. Jerry asked Lynn the year before that and he said it was not necessary except to bring the edges up on the road. Lynn stated there are portions of the road that need to be raised because the snow sifts in. Lynn asked if the auto gates need to be replaced; the County would pay. Commissioner Rieger stated this is in question because of the road law meeting attended; the access roads the landowner would pay and the County would install and then maintain. Lynn stated they were ready to sign the easements now as Log Cabin Ranch, LLC. The easements were signed, everyone thanked each other and the Householders left the meeting. The easements were signed by the Commission and are as follows:

Log Cabin Ranch, LLP-Farmstead in Sections 24-10-56 and 33-10-56; Westmore Road in Sections 23-10-56 and 14-10-56.

The Commission reviewed and approved the October 27, 2008 minutes.

Adjourn.

s/Deb Ranum, Chairperson

ATTEST:

s/Brenda J. Wood, Clerk and Recorder