

Monday, April 20, 2009

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

Bob Weidmer, Road Foreman met to present his weekly road report. Bob stated they went to look at the Nemitz gravel and discovered it is really sandy. They plan to send it in to the State to be tested. The group discussed the procedure for opening pits. Bob stated there is a car gate by the City Shop that will need to be replaced. Commissioner Afrank asked if Bob or someone could weld up a pipe at the race track. Bob stated they would get that repaired. Commissioner Rieger stated the car gate by Betsy Baxter is also bad. Bob discussed moving the gate at the shop to accommodate the possible new building; the DOT has been contacted and is going to have to change their storm drain. Bob stated they would like to purchase another walk and roll for District 3. The group discussed the Jeanette Dye Bridge width. More research will be completed on this bridge before any decisions will be made. Bob stated they had extra help at the shop so they took all the wings off the blades and started blading on Friday while there was still some moisture. Friday crew members fixed the culvert going into Fuzz Ehret's. The crew plans to work on car gates and culverts in various districts. If it gets too dry to blade they will haul gravel. Crew members are replacing the cargate on the South Ismay Road this morning.

CLOSED-LEGAL

Keith Brownfield and Janel Larson, Victory Insurance met to discuss their Workman's Compensation program. The Commission asked how many Counties they have at this time. Keith stated they now have Custer, Powder River and Sweet Grass Counties. Debbie Wyrick, Deputy Clerk and Recorder joined the discussion. The group discussed the difference between MACo's rates and Victory's rates last year was a \$17,000.00 difference with Victory's being the low. Commissioner Rieger explained if the County's get out of MACo and make the decision to go back, they will then need approval by the MACo board. The Commission also explained they are concerned about Victory's stability. Commissioner Afrank asked if they sell their claims to other companies. Keith stated we insure them and showed the Commission the names of companies they use to do so. Keith stated we are trying to create a competitive and stable environment. Keith stated the rates are based upon national loss costs. Keith stated Debbie provided a five (5) year report for Victory and Keith stated Fallon County has an excellent loss ratio Debbie asked if all claims would be handled out of the Miles City office. Keith stated yes and it will stay that way. Commissioner Afrank asked if you get a good loss ratio, do you pass it on to the customers or do you keep it? Keith stated by all means they pass it on to the customer. Keith stated the modification factor is based on loss and frequency. Debbie asked if they placed a cap on their mod factors. Janel stated they really do not have a cap. Debbie stated MACo has a mod factor cap of 1.25. Keith stated we do not control that but stated Fallon County is above average and are a good risk. Keith stated there is a terrorism factor that is paid which is not an option on the worker's compensation side but you can opt out of it on the GL side. Keith stated they are also associated with Crowley Law Firm of Billings, MT. The Commission stated they would review and discuss the quote and let them know as soon as possible what their decisions are.

Noon Recess

Commission reconvened at 1:00 PM with all present.

CLOSED-LEGAL

Dale Butori, Weed Supervisor met to state he would be placing the chemical in the lake this week.

Mike Rinaldi, Sanitarian was asked to discuss the situation regarding the dead fish in the Baker Lake. Mike stated several areas received small to extremely high amounts of winter kill this year. The water froze very deep and snow cover allowed no oxygen for

the fish this year. Sidewalks were discussed for Iron Horse Park. Commissioner Afrank felt they needed to stub the sewer line in first. The group further discussed the Baker Lake.

CLOSED-LEGAL

Mike Rinaldi, Sanitarian stopped and stated he talked to Clayton Hornung, Mayor-City of Baker about the Golf Course/Lagoon water use agreement. Mike stated Clayton told him if Fallon County will pay their operator to certify the discharge from the lagoon, they felt they could move forward. Mike stated the City wants to be compensated for the certification.

Bob Wiedmer, Road Foreman stopped and stated the Jeanette Dye Bridge is 20' long.

The Commission reviewed and approved the April, Mid-Month claims in the amount of \$331,472.34 and are filed in the Clerk and Recorder's office.

ROAD EASEMENTS:

Thomas L. Scott-Anticline Road in Section 26-9-58.

ROAD ABANDONMENT RESPONSE LETTERS:

The Commission received a letter from the DNRC regarding the Petition for Road Abandonment #17, Road #1-Section 16-8-60. The DNRC maintains this route provides the sole access route to a tract of State land, which provides for public recreation. They assert that Section 7-14-2615(3), MCA prohibits Fallon County from abandoning this County Road.

The Commission received a letter from BLM-Miles City, MT regarding the Petition for Road Abandonment #17 Road #1; Petitioned Road #37; Petition #51 Road #43; Petitioned Road #59; Petitioned Road #72. The BLM reviewed the public notice regarding the above mentioned petitioned roads being considered for abandonment in Fallon County. The Bureau of Land Management has no concerns with these roads being abandoned.

The Commission reviewed the letters and they will be submitted and read aloud at the public hearing to be held on May 18, 2009 at 7:00 PM in the Fallon County Courthouse Courtroom.

The Commission submitted a letter to the Members of the Senate Taxation Committee asking them please to NOT CONCUR on SR36. The reasons being as follows:

- 1) **Local DOR Offices**-Local Officials such as the Commissioners, Treasurer /Assessor and Clerk and Recorder are unable to obtain information from our Local DOR offices without getting approval from Helena beforehand. This information belongs to our Counties as well.
- 2) **TIFID's (Tax Increment Finance Industrial Districts)**-Not everyone is treated fairly or in the same manner. Why does a Court of Law have to determine the legality of the Department's decision?
- 3) **Omimex**-Counties were given information causing Counties to side with the Department of Revenue, when the information was in fact not truthful.

The Commission granted permission to have Interstate Engineering proceed with the report for the Baker Lake regarding the EPA and COE issues.

The Commission granted permission to New Harvest Energy-Glendive, MT to order equipment for three (3) new wind monitoring towers.

Permission granted by Commissioner's Ranum and Afrank to accept the quote from Rieger Fencing and Contracting, Inc. to install new fabric for the backstops at the baseball diamond at the County baseball complex. Commissioner Rieger recused himself from the vote.

The Clerk and Recorder's office has received several complaints regarding the new inspection forms for the County vehicles. The Commission made the decision to wait until they can be explained at a Safety Meeting before proceeding further with them.

Clayton Hornung, Mayor-City of Baker; Rod Morris, Councilman-City of Baker; Tim Barkley, Sheriff and Mike Rinaldi, Sanitarian met to further discuss the possible consolidation of the City/County Law Enforcement Agencies. The Commission first discussed the outside brick walls at the Chinese Restraunt. Clayton stated he will check with Sam Chan, owner, who now lives in Forsyth. Mike stated he feels the City needs to follow through and send the same letter again. Clayton stated they had come back, as scheduled at their last meeting with the Commission, to further discuss further findings regarding the consolidation of the Sheriff and City of Baker Police Law Enforcement Departments. After a very lengthy discussion, Commissioner Rieger stated he would like to wait one year. Tim asked the Commission if they would rather not pursue it at this time. Clayton asked if they would think about it because they (City) could bring citizens in and then the City would pursue it that way. Commissioner Rieger stated he does not think we want to do that.

Clayton stated we have the right to pursue that and it may bring petitions. Clayton has listened to the Commission regarding prior contracts with the City and the Commission will not get past that. Commissioner Rieger stated the County brought this up to the City once before and was shot down. Clayton stated yes, I remember when that happened. Rod stated he felt it was a good idea back then and would like to pursue it now that is why they brought it up again and researched this. No decision made at this time.

Lagoon Discharge-Clayton feels the City had to contact the DEQ and the City does not want the liability. Mike stated you have to accept the liability but you can be compensated for the liability. Mike will draw up a contract and see what happens. Mike will also talk to Don Hinman, City Works Director and will get back to both entities.

CLOSED-LEGAL

5:15PM

Beth Jensen, Trans Canada; Clayton Hornung, Mayor-City of Baker and Mike Rinaldi, Sanitarian met to discuss the Bison Pipeline Project. Beth stated it is moving forward they filed the application today. Bison project is the pipeline going through the lower corner of the County. This is a Natural Gas pipeline not Oil and is 6.39 miles long. Beth explained this will generate \$390,000.00 in extra property tax revenues. There will be four (4) foot of cover over the pipeline which is a foot more than required. They will acquire a temporary easement for the installation; if they have to come in and repair, that is a whole new ball game. Commissioner Rieger stated there probably will not be much of an impact as far as workers in our County. Mike asked what will you use for camps. Beth stated they will need assistance with the local infrastructure, because they would like to use local infrastructure. Mike stated he also does not feel it will impact us; Mike stated there are going to be 200 work camps set up but he does not think it will be something they will want to use. Carter County will have a little over 81 Miles; Powder River County only a few miles more than Fallon County. They will probably stay closer to the Carter County portion. Beth stated the Keystone XL Pipeline is going to be 67 miles long in Fallon County. Group discussed the pipeline will have coating inside and outside; 1500 lbs pressure with one compressor station in North Dakota. Beth explained this is considered class 9-personal property and will be taxed at 12% and will be centrally assessed. Beth explained it did not go to 3% like Omimex. Commissioner Rieger stated after this morning that went back to class 9 property because of their compressor station; Fidelity went to the 3% because they are gathering lines, they were 12%. Beth explained the Keystone XL will have no silent partners; the Pathfinder Project has gone away. The group had no further questions. Commissioner Ranum asked if Beth would update the local paper with the news. Clayton stated he would talk to the Editor. The group left the meeting.

Commissioner Afrank stated we need to make sure the City is involved in all City Airport Board meetings and emails. Vera Abrams, Airport Secretary was notified of this information.

Commissioner Ranum asked what the decision was regarding the dead fish in the Baker Lake. Commissioner Afrank stated the County could clean up the County property or get Community Service to do it. If we get a plan together, Scott could take care of it.

The Commission was asked by the Port Authority if they would be interested in selling the property directly west of the Hospital which once housed the Public Health Department. The Commission stated they were not interested in selling this property at this time.

Commissioner Ranum approved Encroachment Permit #505 for Fidelity Exploration and Production to bore a County Road in Section 35-8-59 to install a 3" steel natural gas pipeline. The fee of \$150.00 was collected also.

Adjourned.
s/Deb Ranum, Chairperson

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