

Monday, May 4, 2009

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

Bob Wiedmer, Road Foreman; Alba Higgins, Shop Foreman; Richard Griffith, G & R Custom Metals and Scott Rabbitt, Park Supervisor met to discuss the Road/Park shop building. Richard and Scott left the conversation.

Commissioner Afrank stated he had a call from LeRoy Tronstad stating the Webster Road had some bad spots. Discussion regarding having the walk and rolls placed on the 4 wheel drives or the 6 wheel drives. Discussion on the radios, Chuck Lee, DES/911 Supervisor, was going to try to get some for the new blades. Bob stated Chuck does not know if he is going to get them. Bob will come back after lunch and present his road report.

Bob left the materials sample report received from the MT DOT regarding the Nemitz gravel find. This report is filed in the office of the Fallon County Commission.

Marlin Maynard, M & M Safe and Sound Solutions met to review his safety assistance program with the Commission. Marlin assists employers with their Health and Safety programs. Commissioner Rieger stated they sometimes have issues with employees and the paper work involved with it. Marlin explained it is important to keep up the morale of the employees, as that is a big thing with regard to safety. The Commission will visit with Vera Abrams, Safety Supervisor and Alba Higgins, Shop Foreman, who is also very involved in the safety aspect, through the County Shop and will then contact Marlin.

Dale Butori, Weed Supervisor met to ask how the Commission would like to handle the applications the Weed Department receives for the summer hire. Commissioner Afrank stated they would like Dale to bring in the applications for those the Weed Board plans to hire. The Commission likes to be informed of the Department Head's preference(s) before anyone hires.

The Commission reviewed and approved the April, 2009 timesheets and payroll and withholding warrants in the amount of \$376,589.43 those warrants are filed in the Clerk and Recorder's office.

Noon Recess

Iven Felt, Cemetery Caretaker cancelled his appointment with the Commission.

Bob Wiedmer, Road Foreman met to present his road report. Commissioner Rieger stated they should check to see if Dan Buerkle has any scoria. Bob will check and see what the Buerkle's have.

Bob stated they have not gotten another quote from anyone else for the fence that will have to be moved when changing the approach at the County shop. Bob stated the Nemitz gravel analysis came back as 68% sand so will not work for the County Roads. Regarding the Tronstad call pertaining to the Webster Road, Bob stated the Webster Road has only been partially bladed as the rest was too wet. Bob discussed the roads they are going to try to abandon in Commissioner Ranum's District. The Commission discussed dust control. Bob stated the new blades started arriving last week. He has been having the blade hands help strip old and setup new blades. They are also getting the mulchers ready. Plan to blade roads and haul gravel in bad spots. The rest of the new blades will be arriving this week, one at a time. Will also be working on car gates this week.

J T Korkow, Field Representative for Denny Rehberg met to see if there was anything he could help the Commission with or take back to Denny to see what he could do for the County. J T took Mary Heller's place after she went to work with Denny in Washington, DC. The Commission stated they were thankful that Denny did not support changing of the wording of "Navigable Waters" to "Waters of the US".

Commissioner Afrank stated the EPA ruling on our lake has been held up since January, 2005 when they issued a cease and desist.

Drainage through the City of Baker-Corps of Engineers will not let us do anything until the Baker Lake issue is resolved. The County has been having cement forms built to be placed in the drainage area through the City of Baker to try to help the mosquito infestation and to better maintain the area by way of cleaning it out with a skid steer so the water can run freely.

The Upper Lake built in 1975 for the 100 year storm needs to be cleaned out also as it has been silting in.

J T asked how the COE has ownership over this. Commissioner Afrank stated they feel it enters into the Sandstone, O'Fallon Creek and then the Yellowstone.

FWP Boat Dock Grant-We have a grant for a boat dock over at the lake and they will not allow us to put the dock in the water, therefore we can not use our grant.

J T will wait to do anything until he hears from the Commission.

Chuck Lee, DES/911 Coordinator joined the group to discuss a grant submitted by many, including Fallon County. Chuck felt that the grant was given to someone that had a conflict of interest. This was the 2009 Homeland Security Grant. Chuck stated the grants did not get looked at or scored and was awarded to someone that had a conflict of interest. J T asked if the grant was already awarded. Chuck stated yes that it had been. J T stated he does not feel they would have any luck rescinding the funding but he will see what he can find out.

The group discussed the issue the military had regarding the airspace over various Counties.

Spence Huether, Road Technician met regarding easements. Don Wyrick told Spence he has no complaints about signing the easements, except the North Battleship Road. Spence stated Don told him he would stop in some time this week. Spence also spoke to the Himsl's and they stated they would sign the easement for the Anticline Road also, Spence will mail it today.

Debbie Wyrick, Deputy Clerk and Recorder brought in the Notice of Terrorism Insurance for the Airport to be signed by the Commission. Commissioner Ranum signed the necessary paperwork.

Janel, Victory Insurance spoke to Debbie and stated she would try to get us an Experience Rate Mod Factor and more accurate information for the County if the Commission wanted her to. The Commission stated they would like to have that information.

The Commission reviewed and approved April, 2009 claims in the amount of \$169,290.09 and they are filed in the Clerk and Recorder's office.

The Commission received a copy of the letter Mike Rinaldi, Sanitarian had received from MT FWP regarding the 2006 Motor Boat Facility Improvement Grant Fallon County had received to install a new boat ramp at Iron Horse Park. The letter states if the project is not complete by June 1, 2009, the grant will be withdrawn. The reason we are unable to fulfill the grant is due to the issues the EPA has with the Baker Lake, stemming from 2004.

The Commission received a letter from Encore Operating, LP stating Encore will be responsible for purchase, installation and maintenance of the numerous skimmer tees that are placed on culverts crossing any County road inside the boundaries of their producing units in Fallon County. Further explaining, the skimmers are an integral part of their required spill control plan and as such are a very necessary part of their daily operations. The letter was placed of record and is also filed in the Clerk and Recorder's office.

Recess

Tuesday, May 5, 2009

Reconvened at 10:00 AM with all present.

Ve Abrams, Safety Supervisor and Alba Higgins, Shop Foreman met to discuss the meeting the Commission had with Marlin Maynard, M & M Safe and Sound Solutions. The Commission suggested they take the information to their Safety Team Meeting. If

the Safety Team feels they are interested in his assistance, the Commission will pre approve having him proceed with the first phase of the program. The Safety Team meeting will be held on Monday the 11th of May at 4:00 PM. Vera stated she is going to purchase a one year subscription to Coastal Training if permission is granted by the Commission; this will be shared with the ENCORE safety supervisor. Permission granted by the Commission. Vera has ordered the hard hats and goggles and whatever is not used can go back for credit. The cost will be approximately \$1,100.00-\$1,200.00.

Mike Rinaldi, Sanitarian met to discuss the golf course irrigation.

The Commission received a copy of the Memorandum and Order Motion to Compel from the Clerk of District Court, Jeraldine Newell, regarding the TIFID case between Fallon County and the Department of Revenue.

Noon Recess

CLOSED-LEGAL

Jodee Pratt, Councilwoman for the City of Baker called and discussed the container site being open on Sundays. Jodee stated she is in favor of it being open on Sundays. The Commission stated they would discuss this further and get an answer by the time City of Baker Mayor Hornung meets this afternoon. Jodee explained G & G Garbage would like a letter from each the County and the City stating they would be interested in trying this and state a start and end date.

Mike Griffith, G & G Garbage Inc. was contacted regarding the container site remaining open on Sundays. Mike stated they do have a person that would be interested in working at the container site. Mike also stated they always have someone on call to bring more containers when needed, so that will not be an issue. The Commission will discuss further when the City comes in to meet with them. Commissioner Afrank asked if they could have them (G & G Garbage) keep track of where the garbage comes from, City or County. Mike stated that would not be an issue.

Pat Ehret, Wanda Pinnow, Dee Dee Geving and Don Buerkle, Fair Board met to discuss updates and hiring questions at the Fairgrounds. The Fair Board had 11 applicants and interviewed 9 of those applicants. They would like to hire 4 people instead of 3. Commissioner Ranum granted permission; Commissioner Afrank granted permission but stated they may not be able to do this again; Commissioner Rieger stated he was not happy about it. They stated they also hired a Grounds Manager.

Commissioner Ranum went with Bob Wiedmer, Road Foreman and Spencer Huether, Road Technician to check on roads they plan to abandon at the road hearing.

Dee Dee stated the paint is coming off the big barn; the Commission stated they need to have the painter come back and repaint again. Send him out to the County Shop also.

Commissioner Afrank asked if they had received their new ladder yet. Dee Dee stated yes they did.

Pat discussed the Carnival-Fun on the Run from Bismarck, ND would cost \$31,000.00 and would be there Thursday & Friday 5-10 PM; Saturday 1-5 PM and Sunday 1-7 PM. There would be 11 inflatables, the mechanical bull and the iron wall. Keller from Sioux Falls, SD would cost \$40,000.00 and they will man them at \$20.00 per hour for their men. Pat stated manning the rides will be necessary for everything but the mechanical bull and the iron wall. They will sell bracelets/different color each day. They will charge for every time the mechanical bull and the iron wall are used. They discussed needing to repair the barns, clean the stalls, paint, and yard work and set up the barn. Also discussed the round pen; they are looking at the cost of a permanent, stationary round pen.

Mike Rinaldi, Jr. and Mike Rinaldi, Sr., Tumblewood Development met to discuss various jobs for the County.

CLOSED-LEGAL

Clayton Hornung, Mayor-City of Baker and Mike Rinaldi, Sanitarian met to discuss the City lagoon discharge to the Golf Course. The group discussed the sewer line from

Fairway Acres to the City Sewer at the Golf Course. The group discussed the residents on the West side of North Baker Water Sewer now also want sewer. Mike stated Stanhope Addition may need to be annexed into the City at some point in time. Mike stated it may be a good idea to start requiring a construction permitting ordinance for the County.

The group discussed Jodee Pratt asking to have the container site open on Sundays also. Clayton stated he is not sure if he is in favor of it. Commissioner Afrank stated the Commission asked Griffith's to document where the garbage, etc comes from, whether it is City or County. This would probably run from May to October, on a trial basis; Commissioner Ranum wants to know how many people come on Saturdays and Sundays. Baker Lake Project-The Commission stated there are still no changes or resolutions on the lake. The Commission stated they can also not do any work on the creek channel because this project is being held up due to the Baker Lake. Clayton wants to write a letter to the Corp of Engineers regarding the need to get this project completed. Clayton was going to write the letter last year but did not get it finished so will complete it now. North Baker Water Sewer-they are waiting on the grant money for this. Highway 7 Road Construction project-The Commission has gotten no further word from the DOT. Doug Martin is the DOT contact person for this project. Commissioner Afrank stated Foothills Contracting from Webster, SD got the bid for this project. City Chip Seal Project-Clayton wondered if the County Road Crew could help; the Commission stated that should be workable and felt the City should contact Bob Wiedmer, Road Foreman regarding this matter.

UNOFFICIAL VOTED HEALTH FACILITY ELECTION RESULTS
FOR 545
AGAINST 385

The Commission made a motion to pay a special warrant in the amount of \$643.82 as this debt will keep accruing interest if not paid to the U.S.Dept. of Treasury. That warrant is filed in the Clerk and Recorder's office.

Recess

Wednesday, May 6, 2009

Reconvened at 10:00 AM with all present.

Pam Owens, Beautification Committee Member asked if the Commission would be willing to donate toward flowers, etc for the flower pots and other things they do for each holiday season throughout the community. The Commission did agree to donate \$300.00 to the Committee.

CLOSED-HIPAA/PERSONNEL

Commissioner Ranum stated Marvel Murphy phoned and stated the Fair Barn kitchen is not clean anymore and wants to know what she needs to do about it. The Commission made the decision she needs to take it to the Fair Board first.

Noon Recess

Todd Enders, Game Warden met to give the Commission an updated report. The group discussed the number of sick antelope; the coyotes have been eating them. Commissioner Rieger asked is it blue tongue. Todd stated no, that does not happen until fall. Todd feels there are so many ticks and the antelope are thick with them. Commissioner Ranum discussed the approach to his residence. Todd stated he will try to do something different with his snow fence first; if that does not work he will come and meet with the Commissioner's. Todd stated they placed four gill nets in the Baker Lake over night. They netted 22 Northern's, 9 bullheads and 1 perch. Todd stated they may need to have public comment to see what everyone would like to have placed back in the lake. It has not completely winter killed and Todd does not think they would start with new planting because they would have to kill the rest of the fish first. The Commission asked how South Sandstone survived the winter. Todd stated he is not sure, he has heard

people are not catching fish. Todd stated his thoughts are to keep some small windmills or one of our aerators going during the winter; would help prevent this from happening again. Commissioner Afrank feels this would help also, but worries about the snowmobiler's and the four wheel riders falling through the lake if they were to keep these going during the winter. Commissioner Rieger asked if they had taken fish from South Sandstone to the Baker Lake. Todd stated they do stock dams with the helicopters. The warm water fish come from the Fort Peck fish hatchery. The warm water donation stamp is a \$5.00 stamp and the proceeds are used to help the fish hatchery. Todd stated they will try to get in touch with the hatcheries division and get a press release out regarding what they plan to do. Commissioner Afrank asked if they could spend some extra money to put some larger fish in the lake. Todd stated they do stock with what they call catchable size fish. Commissioner Afrank asked if we could get some Pike; Todd will check on that. Commissioner Afrank asked where they can we get some windmills. Todd stated he is not sure; they have one at Maier Dam. Todd stated Pinnow's Dam (trout dam) winter killed last year also.

CLOSED-LEGAL

Mike Rinaldi, Sanitarian phoned the Commission to state Solar Bee will take care of the aerators next week.

Recess

Thursday, May 7, 2009

Reconvened at 10:00 AM with all present.

David Espeland, CEO at FMC and Selena Nelson, CFO at FMC met to present their monthly report and the monthly financial report for the Fallon Medical Complex. The group discussed the letter written to David and cc'd to the Commission. David will write a letter in reply to Betty Allerdings; David will explain the issues stated in the letter. Commissioner Rieger stated he feels the landscaping really needs to get completed. David stated they need to place the sidewalks first and there is a lot of shallow utilities and irrigation that needs to be contended with first. Commissioner Rieger stated it needs to be budgeted in FY2010. The Commission felt they needed to budget for the garages also. They need to get the fuel tank placed and get the paving completed also from one of the old projects. Sidewalk Issue (from last year's construction project)-David stated Hardy Construction does not want to replace the sidewalks. Stevenson Design would like to do a core sample on the sidewalks and parking lot and it would cost approximately \$950.00. The Commission stated they need to proceed as we need to find out who is responsible. The parking lot is breaking up; they have cracks that need to get repaired. Flooring in the basement of the new addition-\$5,159.00; permission granted to proceed with this project. PVI Energy Audit and upgrades; the Commission stated it is okay to have the work completed. PVII wondered who will be washing the windows for them. David stated they thought that the new windows were the type that rotated inward; David will find that information out first. If not, Janet Hanson, Head Housekeeping said she would do it on an annual basis only. Permission granted to bill the County for that. Commissioner Rieger stated he feels they need to get someone to do the landscaping, irrigation, etc.

CONFIDENTIAL-PERSONNEL

Noon Recess

Harold Jensen, Ken Griffith and Reinhard Barth, Museum Board met to update the Commission on Museum business. Commissioner Ranum stated the Chamber of Commerce wondered if there would be a cookie jar auction and pig roast again this year. Ken stated possibly, but we are not sure when. Ken stated Lora had asked them if she could get some summertime help. Commissioner Afrank asked why Lora feels she needs more personnel. Ken stated they need help cleaning; they are not capable to do a lot of that anymore. This would be a seasonal person that would work up to 40 hours per week. The Commission granted permission but they may not be able to do this every year. Ken

stated they would like to add on to the north of the big metal building; a two story building. Commissioner Afrank asked why they wanted more Museums. Ken stated they would like more room to set up displays and leave them for 6 months and then move them around. The Commission stated they will need to budget for it. Ken stated he felt they would like to extend the building 60 feet to the north. Ken stated they would like to do it on a time plan. The Commission stated they should get a quote and include it in their budget. Commissioner Afrank asked when they would start this project. Ken stated they are not sure.

Ken Griffith, G & G Garbage met to discuss the container site. The Commission stated they agreed to add Sunday's on a trial basis. The Commission asked if his worker would mind working on Sunday's. Ken stated no and they have one person on call on the weekends to move the containers so it would not be a problem.

NBWS-Ken stated he felt they may be able to bid by June 15th but they are still waiting on the funding.

Delbert Schweigert met to discuss road issues. Delbert discussed the road that goes to the scoria pit; the last time they worked in it, the County Road Crew knocked the corner post out. The Commission stated he should call Bob Wiedmer, Road Foreman about it.

CLOSED-LEGAL

Bob Wiedmer, Road Foreman met to discuss the need to place a new culvert on State Land in Section 36. The Commission also asked if the road crew had discussed a corner post that needed to be replaced on the Delbert Schweigert place. Bob stated no but he would have the crew fix the problem.

The Commission answered the letter written by the MT DOT regarding securing cold millings from the 322 Secondary Project. The Commission sent a letter stating they are definitely interested in securing all of the millings (7,300 cubic yards) for various public projects within Fallon County. Commissioner Afrank left a message with James Frank, Preconstruction Engineer for the MT DOT to find out what they plan to do with the Highway 7 millings and if Fallon County may also secure them.

Fallon County received \$11,620.00 from Fidelity Exploration E & P Co for well #2998, #2999 and extension line #2998 pipeline easement, damages, road payment and well site payments for Section 14-6-60.

The Commission received a copy of the letter written by Governor Brian Schweitzer to the US Department of Agriculture requesting a Natural Disaster Determination (NDD) be made by the US Secretary of Agriculture for Powder River, Carter and Fallon County Commission because of the request made to the Governor by the Counties named above.

The Commission received a letter from the Department of the Army Corps of Engineers regarding a joint application submitted on the behalf of Fallon County by Brosz Engineering, Inc for a Dept of the Army permit to remove an existing bridge and install a culvert on Anticline Road over Pennel Creek located in the W1/2NW1/4NE1/4 of Section 15-8-59. The Commission signed all necessary documentation concurring with all stipulations placed on the County regarding the placement of the culvert and mailed all back to the Corp. That information is filed in the office of the Fallon County Commission.

ROAD EASEMENTS SIGNED:

Lohof Cattle Company, Inc.-Farmstead in Sections 27-3-60; 34-3-60; 26-3-60 and 23-3-60.

REPORTS:

April, 2009 Treasurer's Cash Up report.

March, 2009 Treasurer Cash Summary Report-All funds have adequate cash.

January-March, 2009-County Extension Agent Report was received from Nico Cantalupo. The following is Nico's Quarterly Narrative Report:

- 1) Attended the MT Noxious Weed Trust Fund Hearings, defended the North Carter County Grant and received-\$20,545.00.
- 2) Attended the MT Noxious Weed Trust Fund Hearings and defended the Tri-County Grant and received \$8,926.00 for North Fallon County.
- 3) Wrote the Grant for the Fallon County Gun Range, they received \$5,000.00 from the National Rifle Association.
- 4) Currently writing another grant for the Fallon County Gun Range from the Montana Fish Wildlife and Parks.
- 5) Helped the Carter County Weed Board post, interview and hire a new Weed Supervisor.
- 6) Held the annual Camp Needmore Board meeting, at which it was decided to start a fund raising campaign for new stoves.
- 7) Attended both Counties Weed Board meetings.
- 8) Attended both Counties Conservation District meetings.
- 9) Been working with both counties Farm Service Agencies on the new farm bill.
- 10) Spent a bit of time helping producers both buy and sell hay.
- 11) Organized and held the Winter Ag Series both in Baker and Ekalaka.
- 12) Currently organizing Spray Day with both County Weed Supervisors, we have applied for both private and commercial applicator points to be awarded.
- 13) Was a presenter at Cow Capital Beef Days in Miles City, Multi-Generational Traits and how it affects farm and ranch partnerships was Nico's topic.
- 14) Was a presenter at the Montana State 4-H Livestock Leaders Forum, Bio-Security at County Fairs was Nico's topic.
- 15) Completed six radio programs
- 16) Took two weeks of vacation to move snow.
- 17) Helped Farmers Elevator receive 2 private applicator points for their winter customer program.
- 18) Helped Pluhr's Ag Applicator Service receive 2 private applicator points for their winter customer program.

REVENUES:

Baker Air Service-April Aviation Fuel-\$229.43
 Encore Operating, LP-\$2,434.97-Oil and Gas Royalties
 Distribution of Oil and Natural Gas Production statement for the 4th Quarter shows a 47% decrease in comparison to the 3rd Quarter statement.

JOURNALS:

Journal #620-Transfer from General-RSVP (county portion of grant) to RSVP Fund for FY09; Transfer from 911 Fund to General Fund for Dispatcher's services for FY09.

Adjourned.
 s/Deb Ranum, Chairperson

ATTEST:

s/Brenda J. Wood, Clerk and Recorder